

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Used Car Dealers Association of Ontario v. Insurance Bureau of Canada*,
2013 Comp. Trib. 1
File No.: CT-2011-008
Registry Document No.: 76

IN THE MATTER of the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER of an Application by the Used Car Dealers Association of Ontario for
an Order pursuant to section 75 of the *Competition Act*;

B E T W E E N:

Used Car Dealers Association of Ontario
(applicant)

and

Insurance Bureau of Canada
(respondent)



Decided on the basis of the written record
Before Judicial Member: Rennie J. (Chairperson)
Date of Order: January 10, 2013
Order signed by: Justice Donald J. Rennie

RE-AMENDED SCHEDULING ORDER

[1] FURTHER TO an application by the Used Car Dealers Association of Ontario (the “UCDA”) for an Order pursuant to section 103.1 of the *Competition Act*, R.S.C. 1985, c. C-34, (the “Act”), granting leave to make an application under sections 75 and 76 of the Act;

[2] AND FURTHER TO the Tribunal’s decision granting the UCDA leave to make an application under section 75 of the Act;

[3] AND FURTHER TO the Re-Amended Scheduling Order issued on October 5, 2012 (the “Scheduling Order”);

[4] AND FURTHER TO the proposed revised scheduling order submitted by the parties on December 17, 2012;

THE TRIBUNAL ORDERS THAT:

[5] The Scheduling Order is amended as follows:

Thursday, January 31, 2013	Service of affidavits of documents
Week of March 11, 2013	Examinations for discovery (schedule to be agreed between counsel)
Friday, April 12, 2013	Deadline for fulfilling answers to discovery undertakings
Friday, May 3, 2013	Deadline for filing motions, if any, (dealing with questions arising from productions, discovery and answers to undertakings)
Friday, May 10, 2013	Deadline for filing responding motion materials
Tuesday, May 21, 2013	Deadline for filing memoranda of fact and law
Not later than Friday, May 31, 2013	Motions to be heard in Toronto, if necessary
Not later than Friday, June 7, 2013	Case management conference or teleconference to deal with other matters such as an agreed statement of facts, a joint book of agreed documents, books of authorities and witness panels
Friday, June 21, 2013	Applicant serves list of documents, witness statements and expert reports and provides them to the Tribunal

Friday, July 19, 2013	Respondent serves list of documents, witness statements and expert reports, if any, and provides them to the Tribunal
Monday, August 5, 2013	Applicant serves reply witness statements and expert reports. Both parties file witness schedules and divide up the chess clock time
Friday, August 16, 2013	Deadline for filing motions, if any, (dealing with witness statements and expert reports)
Friday, August 23, 2013	Deadline for filing responding motion materials
Friday, August 30, 2013	Deadline for filing memoranda of fact and law
Not later than Friday, September 6, 2013	Motions in Toronto re witness statements and expert reports, if necessary

[6] The hearing of the application will commence at 10:00 am on Monday, September 23, 2013, in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa, Ontario. The exact hearing dates will be fixed at a later date.

[7] The hearing will be electronic (see Tribunal's Practice Direction regarding Electronic Hearings dated March 2011) and will proceed using chess clock timing.

DATED at Ottawa, this 10th day of January, 2013.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Donald J. Rennie

COUNSEL:

For the applicant:

Used Car Dealers Association of Ontario

Neil A. Campbell
Casey W. Halladay

For the respondent:

Insurance Bureau of Canada

Graham Reynolds
Geoffrey Grove