

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Used Car Dealers Association of Ontario v. Insurance Bureau of Canada*,
2012 Comp. Trib. 24
File No.: CT-2011-008
Registry Document No.: 72

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: October 5, 2012
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 Amended Scheduling Order issued on July 10, 2012 (the “Scheduling Order”);

[4] AND FURTHER TO the proposed revised scheduling order submitted by the parties on September 28, 2012;

THE TRIBUNAL ORDERS THAT:

[5] The Scheduling Order is amended as follows:

Wednesday, December 19, 2012	Service of affidavits of documents
Week of January 28, 2013	Examinations for discovery (schedule to be agreed between counsel)
Friday, February 22, 2013	Deadline for fulfilling answers to discovery undertakings
Friday, March 15, 2013	Deadline for filing motions, if any, (dealing with questions arising from productions, discovery and answers to undertakings)
Friday, March 22, 2013	Deadline for filing responding motion materials
Tuesday, April 2, 2013	Deadline for filing memoranda of fact and law
Not later than Friday, April 12, 2013	Motions to be heard in Toronto, if necessary
Not later than Friday, April 19, 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, May 3, 2013	Applicant serves list of documents, witness statements and expert reports and provides them to the Tribunal
Friday, May 31, 2013	Respondent serves list of documents, witness statements and expert reports, if any, and provides them to the Tribunal
Monday, June 17, 2013	Applicant serves reply witness statements and expert reports. Both parties file witness schedules and divide up the chess clock time
Friday, June 28, 2013	Deadline for filing motions, if any, (dealing with witness statements and expert reports)
Friday, July 5, 2013	Deadline for filing responding motion materials
Tuesday, July 16, 2013	Deadline for filing memoranda of fact and law
Not later than Friday, July 19, 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 Tuesday, July 30, 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 5th day of October, 2012.

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