



Reference: *The Commissioner of Competition v. Air Canada*, 2012 Comp. Trib. 22

File No.: CT-2011-004

Registry Document No.: 149

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

AND IN THE MATTER OF the proposed transborder joint venture between Air Canada and United Continental Holdings, Inc.;

AND IN THE MATTER OF the “Marketing Cooperation Agreement” between Air Canada and United Air Lines, Inc.;

AND IN THE MATTER OF the “Alliance Expansion Agreement” between Air Canada and United Air Lines, Inc.;

AND IN THE MATTER OF the “Air Canada/Continental Alliance Agreement” between Air Canada and Continental Airlines Inc.;

AND IN THE MATTER OF an Application by the Commissioner of Competition for one or more Orders pursuant to sections 90.1 and 92 of the *Competition Act*;

B E T W E E N:

**The Commissioner of Competition**  
(applicant)

and

**Air Canada, United Continental Holdings, Inc.,  
United Air Lines, Inc., and Continental Airlines Inc.**  
(respondents)

and

**WestJet (an Alberta Partnership)**  
(intervenor)

Date of hearing: 20120907

Before Judicial Member: Rennie J. (Chairperson)

Date of order: September 14, 2012

Order signed by: Mr. Justice D. Rennie (Chairperson)

**AMENDED SCHEDULING ORDER**



[1] FURTHER to the Scheduling Order of March 6, 2012;

[2] AND FURTHER to the discussion with counsel for the Commissioner and the Respondents on September 7, 2012, and the Tribunal Direction issued that same day;

**THE TRIBUNAL ORDERS THAT:**

[3] The Scheduling Order is amended as follows:

Wednesday, September 19, 2012	Applicant and Intervenor to serve documents relied upon and witness statements
	Applicant to serve and file expert reports, if any, on all matters
	Subject to determination of Intervenor's ability to file expert evidence, Intervenor to serve and file expert reports, if any
Thursday, September 27, 2012	Applicant to serve list of documents proposed to be admitted without further proof
Friday, October 19, 2012	Respondents to serve documents relied upon and witness statements
	Respondents to serve and file expert reports, if any, in response to the Applicant's and Intervenor's expert reports
Monday, October 22, 2012	Deadline for delivering any Requests for Admissions
Friday, November 2, 2012	Deadline for the filing of motions related to evidence except evidence to be filed on November 2, 2012
	Applicant and Intervenor may serve list of reply documents and witness statements
	Applicant and Intervenor to serve and file any reply expert reports

Monday, November 5, 2012

Deadline for responding to any Requests for Admissions

Deadline to provide documents to the Tribunal for use at the hearing (e.g., Briefs of Authorities, witness statements and Agreed Books of Documents)

Deadline for dividing up the hearing time

Deadline for the filing of any motions for Summary Disposition and/or any motions related to the evidence filed on November 2, 2012

[4] The hearing of the Application will commence at 10:00 am on Tuesday, November 13, 2012, in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa, Ontario. The schedule for the hearing shall be as follows:

Tuesday, November 13, 2012 –  
Friday, November 16, 2012

First week of hearing (4 days)

Monday, November 19, 2012 –  
Thursday, November 22, 2012

Second week of hearing (4 days)

Monday, November 26, 2012 –  
Thursday, November 29, 2012

Third week of hearing (4 days)

Monday, December 3, 2012 –  
Thursday, December 6, 2012

Fourth week of hearing (4 days)

Monday, December 10, 2012 –  
Thursday, December 13, 2012

Fifth week of hearing (4 days)

Monday, January 21, 2013 –  
Thursday, January 24, 2013

Argument (4 days)

DATED at Montreal, this 14th day of September, 2012.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Donald J. Rennie

APPEARANCES:

For the Applicant:

The Commissioner of Competition

Jonathan Hood  
Nicholas Cartel

For the Respondents:

Air Canada

Eliot N. Kolers  
Mark E. Walli  
James Wilson

United Continental, Inc., United Air Lines, Inc., Continental Airlines, Inc.

Randall Hofley