



Reference: *The Commissioner of Competition v. Visa Canada Corporation and MasterCard International Incorporated*, 2011 Comp. Trib. 18
File No.: CT-2010-10
Registry Document No.: 104

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 Commissioner of Competition pursuant to section 76 of the *Competition Act*;

AND IN THE MATTER OF certain agreements or arrangements implemented or enforced by Visa Canada Corporation and MasterCard International Incorporated.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Visa Canada Corporation
MasterCard International Incorporated
(respondents)

and

The Toronto-Dominion Bank
The Canadian Bankers Association
(intervenors)

Date of hearing: 20111004
Before Judicial Member: Simpson J. (Chairperson)
Date of Order: October 7, 2011
Order signed by: Madam Justice Sandra J. Simpson



ORDER REGARDING THE PRODUCTION OF DOCUMENT BY MASTERCARD INTERNATIONAL INCORPORATED

[1] FURTHER to the motion filed by the Commissioner of Competition (the "Commissioner") on September 19, 2011, regarding, among other things, the affidavit of documents served by MasterCard International Incorporated ("MasterCard");

[2] AND UPON being advised that the only outstanding issue between the Commissioner and MasterCard in connection with the Commissioner's motion as against MasterCard relates to the production by MasterCard of the documents listed in Schedule "4" to its affidavit of documents (the "Schedule '4' Documents");

[3] AND UPON hearing the submissions of counsel for the Commissioner and of counsel for MasterCard;

[4] AN UPON being advised that MasterCard does not oppose the issuance of an Order directing MasterCard to produce the Schedule "4" Documents, subject to any valid privilege claims, forthwith upon the issuance by the Tribunal of a confidentiality order on consent in the within Application;

[5] AND WHEREAS the Tribunal issued a confidentiality order on consent in the within Application on October 5, 2011;

THE TRIBUNAL ORDERS THAT:

[6] MasterCard shall forthwith produce to the Commissioner the Schedule "4" Documents, subject to any valid privilege claims.

DATED at Ottawa, this 7th day of October, 2011.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

APPEARANCES:

For the applicant:

The Commissioner of Competition

Adam Fanaki

Davit Akman (Davies Ward Phillips & Vineberg LLP)

For the respondents:

MasterCard International Incorporated

Brett Harrisson (McMillan LLP)

Visa Canada Corporation

(not in attendance) (Blake, Cassels & Graydon LLP)

For the intervenors:

Canadian Bankers Association

(not in attendance) (Osler, Hoskin & Harcourt LLP)

Toronto-Dominion Bank

F. Paul Morrison

Christine Lonsdale (McCarthy Tétrault LLP)