

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v. CCS Corporation et al.*, 2011 Comp. Trib. 7
File No.: CT-2011-002
Registry Document No.: 62

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 for an Order pursuant to section 92 of the *Competition Act*;

AND IN THE MATTER OF the acquisition by CCS Corporation of Complete Environmental Inc.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

**CCS Corporation, Complete Environmental Inc.,
Babkirk Land Services Inc., Karen Louise Baker,
Ronald John Baker, Kenneth Scott Watson,
Randy John Wolsey, and Thomas Craig Wolsey**
(respondents)



Dates of hearing by conference call: 20110812, 20110815 and 20110816
Before Judicial Member: Simpson J. (Chairperson)
Date of Order: August 19, 2011
Order signed by: Madam Justice Sandra J. Simpson

**ORDER CREATING A REVISED SCHEDULING ORDER AND GRANTING IN PART
THE RELIEF REQUESTED BY THE COMMISSIONER IN HER MOTION FOR A
FURTHER AND BETTER AFFIDAVIT OF DOCUMENTS AND FOR ANSWERS TO
QUESTIONS RESULTING FROM AN EXAMINATION FOR DISCOVERY**

[1] FURTHER TO the application filed by the Commissioner of Competition (the “Commissioner”) pursuant to section 92 of the *Competition Act*, R.S.C. 1985, c. C-34, against the corporate respondents CCS Corporation, Complete Environmental Inc., and Babkirk Land Services Inc. (collectively, the “Corporate Respondents”), and Karen Louise Baker, Ronald John Baker, Kenneth Scott Watson, Randy John Wolsey and Thomas Craig;

[2] AND FURTHER TO the Tribunal’s case management teleconference of April 7, 2011, and the Tribunal’s Scheduling Order issued on May 2, 2011, which states that all answers to undertakings were to be provided by July 29, 2011;

[3] AND FURTHER TO a motion filed by the Commissioner against the Corporate Respondents for a further and better affidavit of documents and for answers to questions resulting from the examination for discovery of the Corporate Respondents’ representative;

[4] AND FURTHER TO the Commissioner’s Motion Record, the Corporate Respondents’ Motion Record and Memorandum of Fact and Law, and the Commissioner’s Reply;

[5] AND ON reading the material filed and hearing the submissions of counsel for all parties by teleconference on August 12, 15 and 16, 2011;

[6] AND FOR REASONS to follow;

THE TRIBUNAL ORDERS THAT:

[7] The Corporate Respondents are to provide answers to certain questions pursuant to the Tribunal’s rulings made during the teleconferences of August 12 and 15, 2011. The answers shall be provided to the Commissioner as follows:

- (a) Answers to questions 9, 45 and 76 are to be provided to the Commissioner by Friday, August 19, 2011;
- (b) The answers to the balance of the questions which were ordered answered are to be provided to the Commissioner on or before Friday, August 26, 2011.

[8] The Scheduling Order dated May 2, 2011, is amended as follows:

Friday, September 30, 2011

Production and service of Book of Authorities and witness statements to be relied upon by Commissioner

Commissioner to serve expert reports and provide them to the Tribunal on all matters but efficiencies

Friday, October 7, 2011	Corporate Respondents to serve expert reports, if any, on efficiencies and provide them to the Tribunal
Friday, October 21, 2011	Production and service of Book of Authorities and witness statements to be relied upon by the Respondents
	Respondents to serve expert reports and response, if any, to Commissioner's expert reports and provide them to the Tribunal
Friday, November 4, 2011	Commissioner may serve additional reply documents or new reply witness statements
	Commissioner to serve reply to Respondents' expert reports and response to the Corporate Respondents' report on efficiencies, if any, and provide them to the Tribunal
	Deadline for dividing up the hearing time
Tuesday, November 8, 2011	Deadline for the hearing of motions related to the hearing
	Deadline for providing documents to the Tribunal for use at the hearing (e.g. Briefs of Authorities, witness statements and Agreed Books of Documents)
The evidentiary portion of the hearing of this application shall commence on November 16, 2011, in Vancouver, British Columbia. The schedule shall be as follows:	
Wednesday, November 16, 2011- Friday, November 18, 2011	First week of hearing (3 days)
Tuesday, November 22, 2011 Friday, November 25, 2011	Second week of hearing (4 days)
Tuesday, November 29, 2011 Friday, December 2, 2011	Third week of hearing (4 days)

The Tribunal will hear oral argument on Tuesday, December 13 and Wednesday, December 14, 2011, in Ottawa.

[9] There shall be no further examination for discovery except with leave of the Tribunal.

[10] The Commissioner and the Corporate Respondents are hereby relieved from their obligation to file public versions of their motion material.

[11] The Corporate Respondents shall forthwith pay to the Commissioner costs fixed in the amount of \$12,000.

DATED at Ottawa, this 19th day of August, 2011.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

APPEARANCES:

For the applicant:

The Commissioner of Competition

Nikiforos Iatrou

Jonathan Hood

For the respondents:

CCS Corporation, Complete Environmental Inc. and
Babkirk Land Services Inc.

Crawford Smith

Justin Necpal

Karen Louise Baker, Ronald John Baker,
Kenneth Scott Watson, Randy John Wolsey and
Thomas Craig Wolsey

J. Kevin Wright

Morgan Burris