



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc.*, 2010 Comp. Trib. 3  
File No.: CT-2008-004  
Registry Document No.: 0617

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

AND IN THE MATTER of an Application by Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited for an Order pursuant to section 75 of the *Competition Act*;

AND IN THE MATTER of an Application by Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited for an Interim Order pursuant to section 104 of the *Competition Act*;

AND IN THE MATTER of a Motion by Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited for a Show Cause Order;

AND IN THE MATTER of a Motion by the Respondent Groupe Westco Inc. for an Order or Direction regarding the Tribunal's Interim Supply Order;

B E T W E E N:

**Nadeau Ferme Avicole Limitée/  
Nadeau Poultry Farm Limited**  
(applicant)

and

**Groupe Westco Inc. and Groupe Dynaco,  
Coopérative Agroalimentaire, and Volailles  
Acadia S.E.C. and Volailles Acadia Inc./  
Acadia Poultry Inc.**  
(respondents)



Decided on the basis of the written record.  
Before Judicial Member: Blanchard J.  
Date of Order: February 19, 2010  
Order signed by: Justice Edmond P. Blanchard

**ORDER REFUSING WESTCO'S REQUEST TO ADJOURN THE SENTENCING  
HEARING PENDING THE DETERMINATION OF ITS APPEAL FROM THE  
TRIBUNAL'S CONTEMPT ORDER**

[1] **FURTHER TO** a letter filed by the Respondent Groupe Westco Inc. on February 10, 2010, in which it requests that the sentencing hearing be adjourned pending the determination of its appeal from the Tribunal's Contempt Order dated January 22, 2010;

[2] **AND FURTHER TO** a letter filed by the Applicant Nadeau Poultry Farm Limited on February 16, 2010, in which it opposes Westco's request for an adjournment;

[3] **AND FURTHER TO** the letter filed by Groupe Westco Inc. on February 17, 2010, in reply to the Applicant's letter;

[4] **AND WHEREAS** the Tribunal agrees with the Applicant's position that the sentencing hearing should not be delayed;

[5] **AND WHEREAS** subsection 9(2) of the *Competition Tribunal Act*, R.S.C. 1985, c. 19 (2nd Suppl.), couched in imperative language, provides that all proceedings before the Tribunal shall be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit;

[6] **AND UPON** noting that as a general rule in criminal law, the imposition of a sentence should not be postponed pending the determination of an appeal from the conviction (see e.g. E.G. Ewaschuk, *Criminal Pleadings & Practice in Canada*, looseleaf (Aurora: Canada Law Book, 1987) at p. 18-137);

[7] **AND WHEREAS** Groupe Westco Inc. has not provided convincing reasons justifying the departure from the usual rule;

**THE TRIBUNAL ORDERS THAT:**

[8] Westco's request for an adjournment of the sentencing hearing is refused;

[9] Given the availability of counsel, the sentencing hearing will be held, starting at 9:30 a.m., on Thursday, April 29, 2010, and Friday, April 30, 2010, in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa.

[10] The Applicant and the Respondent Groupe Westco Inc. shall serve and file written submissions on sentence in accordance with paragraph 94 of the Tribunal's Reasons for Order and Contempt Order dated January 22, 2010;

[11] The Tribunal Registry shall contact counsel for both parties to set a date for a case management conference. A direction shall issue thereafter regarding the case management conference.

DATED at Ottawa, this 19th day of February, 2010.

SIGNED on behalf of the Tribunal by Justice Blanchard.

(s) Edmond P. Blanchard

**COUNSEL:**

For the applicant

Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited

Leah Price

Ron Folkes

Andrea Marsland

For the respondent

Groupe Westco Inc.

Éric C. Lefebvre

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