



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc.*, 2009 Comp. Trib. 16

File No.: CT-2008-004

Registry Document No.: 577

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;

AND IN THE MATTER of the Show Cause Hearing of Groupe Westco Inc.

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.

Presiding Judicial Member: Blanchard J.

Date of Order: September 23, 2009

Order signed by: Justice Edmond P. Blanchard

RE-AMENDED SCHEDULING ORDER

[1] **FURTHER TO** paragraph 7 of the Order Relating to Matters Considered at the Case Management Conference of July 13, 2009 with Respect to the Contempt Proceeding (the “Order”), scheduling the contempt hearing for October 5, 6, 13-16 and 19-20, 2009 (if necessary);

[2] **AND FURTHER TO** paragraph 5 of the Order directing the parties to file and serve their respective briefs of authorities for the contempt hearing on or before Friday, October 2, 2009;

[3] **AND FURTHER TO** the letter dated July 17, 2009, from counsel for the Applicant requesting that the Tribunal vary paragraph 7 of the Order or, in the alternative, grant an adjournment, to any time in November on the basis that counsel’s inability to participate in the contempt hearing would result in significant hardship to the Applicant;

[4] **AND FURTHER TO** the Amended Scheduling Order of July 21, 2009, which modified the hearing dates to November 2-6 and 16, 2009 (if necessary);

[5] **AND FURTHER TO** the letter dated September 22, 2009, from counsel for the Applicant requesting that the Tribunal provide the appropriate clarification and direction with regards to the date on which the parties shall serve and file their respective briefs of authorities for the contempt hearing;

[6] **AND WHEREAS** the Tribunal is satisfied that compelling reasons exist for varying paragraph 5 of the Order pursuant to Rule 139 of the *Competition Tribunal Rules*, SOR/2008-141;

THE TRIBUNAL ORDERS THAT:

[7] The Tribunal’s Order is amended so that the parties shall serve and file their respective briefs of authorities on or before Friday, October 30, 2009.

DATED at Ottawa, this 23rd day of September, 2009.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Edmond P. Blanchard

COUNSEL:

For the applicant

Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited

Leah Price
Joshua Freeman
Ron Folkes

For the respondent

Groupe Westco Inc.

Éric C. Lefebvre
Martha Healey
Alexandre Bourbonnais
Denis Gascon