



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc.*, 2009 Comp. Trib. 15

File No.: CT-2008-004

Registry Document No.: 562

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 1, 2009

Order signed by: Justice Edmond P. Blanchard

**ORDER REGARDING DISCLOSURE BY THE APPLICANT IN THE CONTEMPT  
PROCEEDING**

[1] **FURTHER TO** Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited's (the "Applicant") Motion for a Show Cause Order, filed on November 4, 2008, and Groupe Westco Inc.'s ("Westco") Motion for an Order or Direction regarding the Tribunal's Interim Supply Order, filed on November 6, 2008;

[2] **AND FURTHER TO** the Competition Tribunal Order of February 26, 2009 allowing the Applicant's Motion for a Show Cause Order as against the Respondent Westco only;

[3] **AND FURTHER TO** the Order Relating to Matters Considered at the Case Management Conference of July 13, 2009, with respect to the Contempt Proceeding directing the Respondent Westco to file objections regarding the Applicant's disclosure;

[4] **AND FURTHER TO** the letter dated July 31, 2009, from counsel for the Respondent Westco setting out a number of requests following their review of the Applicant's disclosure of documents;

[5] **AND UPON** reviewing the submissions filed by the Applicant and the Respondent Westco with regards to the Applicant's disclosure;

[6] **AND UPON** determining that the Respondent Westco has failed, at this time, to establish a basis for further disclosure or clarification of witness statements;

**THE TRIBUNAL ORDERS THAT:**

[7] The Respondent Westco's request for an order requiring the Applicant to produce additional documents and to clarify the witness statement of Yves Landry is denied.

[8] The Respondent Westco will not be foreclosed from raising additional disclosure issues should it later become apparent that relevant documents were not disclosed.

DATED at Ottawa, this 1<sup>st</sup> 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  
Geoffrey Conrad  
Martha Healey  
Alexandre Bourbonnais  
Denis Gascon