



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc.*, 2009 Comp. Trib. 14  
File No.: CT-2008-004  
Registry Document No.: 539

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: August 13, 2009  
Order signed by: Justice Edmond P. Blanchard

**ORDER REGARDING THE DISCLOSURE OF DOCUMENTS OVER WHICH THE  
APPLICANT HAS CLAIMED SOLICITOR-CLIENT PRIVILEGE**

[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 Applicant to submit documents over which it has claimed solicitor-client privilege to the Tribunal for review;

[4] **AND UPON** reviewing the alleged solicitor-client privileged documents filed by the Applicant and the submissions with regards thereto filed by the Applicant and the Respondent Westco;

[5] **AND UPON** being satisfied that all documents submitted by the Applicant to the Tribunal for review consist of solicitor-client privileged communications;

[6] **AND UPON** being satisfied that none of the solicitor-client privileged documents or contents therein are likely to raise a reasonable doubt about the Respondent Westco's guilt;

**THE TRIBUNAL ORDERS THAT:**

[7] All documents over which the Applicant has claimed solicitor-client privilege shall not be disclosed to the Respondent Westco.

DATED at Ottawa, this 13<sup>th</sup> day of August, 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