

Competition Tribunal



Tribunal de la Concurrence

Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc.*, 2009 Comp. Trib. 09

File No.: CT-2008-004

Registry Document No.: 499

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)

Date of Conference call: 20090713

Presiding Judicial Member: Blanchard J.

Date of Order: July 14, 2009

Order signed by: Justice Edmond P. Blanchard



**ORDER RELATING TO MATTERS CONSIDERED AT THE CASE MANAGEMENT
CONFERENCE OF JULY 13, 2009 WITH RESPECT TO 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 Competition Tribunal Order of June 4, 2009, affording the parties the opportunity to provide submissions to the Tribunal indicating the nature of any pre-hearing procedures contemplated and to provide their availability to the Tribunal for the contempt hearing;

[4] **AND FURTHER TO** the discussion with counsel for the Applicant and Westco during the conference call of July 13, 2009;

THE TRIBUNAL ORDERS THAT :

[5] The schedule for pre-hearing procedures shall be as follows:

On or before Friday, July 17, 2009

The Applicant, after having completed its review of its witness statements, shall advise Westco of the level of confidentiality to be accorded to those documents and whether the documents or parts thereof can be disclosed to Westco's representatives. If necessary, the parties shall file a consent order with respect to the disclosure of such documents.

On or before Monday, July 27, 2009

The Applicant shall file a copy of the documents over which solicitor-client privilege has been claimed and shall serve and file submissions on the issue of privilege.

On or before Friday, July 31, 2009

Westco shall have completed its review of the Applicant's disclosure documents and shall serve and file objections, if any, on issues relating to the Applicant's disclosure, including the admissibility of the witness statement of Dr. Rachel Ouckama or parts thereof.

On or before Tuesday, August 4, 2009

Westco shall serve and file responding submissions on the issue of privilege

On or before Friday, August 7, 2009

The Applicant shall serve and file its reply submissions, if any, on the issue of privilege

On or before Monday, September 14, 2009

The Applicant shall advise Westco of the language in which its witnesses prefer to be cross-examined

On or before Friday, October 2, 2009

The parties shall serve and file their respective briefs of authorities

[6] The Applicant has seven days after receiving Westco's notice of the name, area of expertise and qualification of any expert Westco intends to call, to serve and file any objections with respect to the notice.

[7] The contempt hearing shall commence on Monday, October 5, 2009, in the Hearing Room of the Competition Tribunal, with the testimony of Mr. Yves Landry and will be adjourned once Mr. Landry is excused (but no later than Tuesday, October 6, 2009, at 4:30 p.m.). The remainder of the hearing shall take place from Tuesday, October 13, 2009, and continue until Tuesday, October 20, 2009, if necessary.

DATED at Ottawa, this 14th day of July, 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
Myriah Graves
Ron Folkes

For the respondent

Groupe Westco Inc.

Éric C. Lefebvre
Martha Healey
Alexandre Bourbonnais
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