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Montréal, July 2, 2009

Honourable Justice Blanchard
Competition Tribunal
Thomas D'Arcy McGee Building
#600-90 Sparks Street
Ottawa, ON K1P 5B4

Competition Tribunal Tribunal de la concurrence	
FILED / PRODUIT July 2, 2009 CT- 2008-004	
Chantal Fortin for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT.	# 0484

Dear Mr. Justice Blanchard:

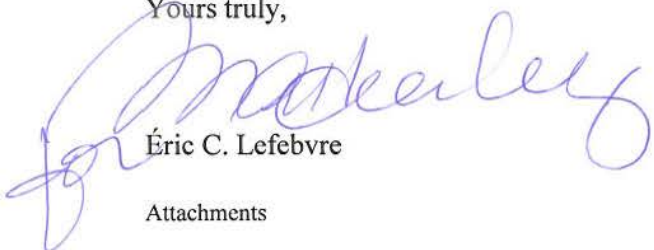
**RE: Nadeau Poultry Farm Limited ("Nadeau") v. Groupe Westco Inc. ("Westco") et al.
Tribunal File No. CT-2008-004 – Contempt Proceedings**

We are in receipt of Mr. Freeman's letter of even date and are writing to correct the record.

The cover e-mails for the documents actually received from Mr. Freeman's office on the contempt proceeding are attached. No other e-mails relevant to the contempt proceeding were received (likely on account of size). We find it contrary to all known rules of procedure that although counsel to Nadeau has no confirmation of delivery, Mr. Freeman simply asserts the documents were received on June 19, 2009 on the basis that counsel to Nadeau claims to have properly sent them. To be clear, the full set of documents was only received by CD. We are in the process of reviewing the new documents including the witness statement of Dr. Ouckama who, we now understand, is being produced as a lay (and not an expert) witness.

In all other respects, including the inappropriateness of Westco being compelled to produce its evidence, if any, in advance of the hearing, we rely upon our representations as filed with the Tribunal on June 29, 2009.

Yours truly,



Eric C. Lefebvre

Attachments

Healey, Martha A.

From: Petrie, Jessica [jpetrie@foglers.com] on behalf of Freeman, Joshua R. [jfreeman@foglers.com]
Sent: June 19, 2009 4:48 PM
To: Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 1
Attachments: Letter to Westco Counsel (Jun 19 2009).PDF

Dear Counsel:

Attached please find a letter from Joshua Freeman regarding the service of documents pursuant to the Order Regarding Disclosure by the Applicant in the Contempt Proceeding dated June 4th, 2009. Attached to the emails which follow will be the items enumerated therein.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

Fogler, Rubinoff LLP
Barristers and Solicitors
95 Wellington Street West
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Toronto, Ontario
M5J 2Z9

☎ (416) 864-9700 Ext. #243
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To: Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 2
Attachments: List of Witnesses.PDF; Denise Boucher Witness Statement (Level A).pdf; Denise Boucher Witness Statement (Public).pdf

Please see attached.

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To: Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 4
Attachments: List of Relevant Documents.pdf

Please see attached.

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Healey, Martha A.

From: Petrie, Jessica [jpetrie@foglers.com] on behalf of Freeman, Joshua R. [jfreeman@foglers.com]
Sent: June 19, 2009 4:49 PM
To: Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 5
Attachments: Tab 15 of Document List.pdf; Tab 38 of Document List.pdf; Tab 40 of Document List.pdf; Tab 51 of Document List.pdf

Please see attached.

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Healey, Martha A.

From: Petrie, Jessica [jpetrie@foglers.com] on behalf of Freeman, Joshua R. [jfreeman@foglers.com]
Sent: June 19, 2009 4:52 PM
To: Filing_Depot@ct-tc.gc.ca; jos.larose@ct-tc.gc.ca
Cc: Price, Leah; Freeman, Joshua R.; Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Subject: Nadeau - Westco - CT-2008-004 - Filing of Documents 1
Attachments: Competition Tribunal (June 19 2009).pdf

Dear Sirs:

Attached please find a letter from Joshua Freeman regarding the filing of documents pursuant to the Order Regarding Disclosure by the Applicant in the Contempt Proceeding dated June 4th, 2009 and regarding the production of witness statements of experts. Attached to the emails which follow will be the items enumerated therein.

If you experience any transmission problems please contact the undersigned immediately

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Healey, Martha A.

From: Petrie, Jessica [jpetrie@foglers.com] on behalf of Freeman, Joshua R. [jfreeman@foglers.com]
Sent: June 19, 2009 4:56 PM
To: Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 6

Dear Counsel:

Due to transmission errors caused by the size of certain items enumerated in the List of Relevant Documents which the Applicant has attempted to produce we will re-send these documents in smaller parts shortly.

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Healey, Martha A.

From: Petrie, Jessica [jpetrie@foglers.com] on behalf of Freeman, Joshua R. [jfreeman@foglers.com]
Sent: June 19, 2009 5:16 PM
To: Filing_Depot@ct-tc.gc.ca; jos.larose@ct-tc.gc.ca
Cc: Price, Leah; Freeman, Joshua R.; Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Subject: Nadeau - Westco - CT-2008-004 - Filing/Service of Documents 14
Attachments: A87-7.pdf; A87-8.pdf

Please see attached part 4 of the documentation listed as Document 4 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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Healey, Martha A.

From: Petrie, Jessica [jpetrie@foglers.com] on behalf of Freeman, Joshua R. [jfreeman@foglers.com]
Sent: June 19, 2009 5:20 PM
To: Filing_Depot@ct-tc.gc.ca; jos.larose@ct-tc.gc.ca
Cc: Price, Leah; Freeman, Joshua R.; Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Subject: Nadeau - Westco - CT-2008-004 - Filing/Service of Documents 17
Attachments: A88-5.pdf; A88-6.pdf

Please see attached part 3 of the documentation listed as Document 5 to the List of Relevant Documents.

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Healey, Martha A.

From: Petrie, Jessica [jpetrie@foglers.com] on behalf of Freeman, Joshua R. [jfreeman@foglers.com]
Sent: June 19, 2009 5:31 PM
To: Filing_Depot@ct-tc.gc.ca; jos.larose@ct-tc.gc.ca
Cc: Price, Leah; Freeman, Joshua R.; Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Subject: Nadeau - Westco - CT-2008-004 - Filing/Service of Documents 25
Attachments: A90-5.pdf; A90-6.pdf

Please see attached part 3 of the documentation listed as Document 7 to the List of Relevant Documents.

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Healey, Martha A.

From: Petrie, Jessica [jpetrie@foglers.com] on behalf of Freeman, Joshua R. [jfreeman@foglers.com]
Sent: June 19, 2009 5:39 PM
To: Bourbonnais, Alexandre; Gascon, Denis; Lefebvre, Eric; Conrad, Geoffrey; Healey, Martha A.
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 30

Dear Counsel:

We now confirm that all documents have successfully been sent. We apologize for any inconvenience you may have experienced as a result of the delay in service caused by the transmission errors.

Jessica Petrie
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