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| COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE | |
| FILED / PRODUIT | |
| June 19, 2009 | |
| Jos LaRose for / pour REGISTRAR / REGISTRAIRE | |
| OTTAWA, ONT | # 476 |

File No.: CT-2008-004
Registry Document No.: 476.....

COMPETITION TRIBUNAL

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 the Show Cause Hearing of Groupe Westco Inc.

BETWEEN:

**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

**WITNESS STATEMENT OF
DENISE BOUCHER**

DENISE BOUCHER, of the Town of Fort Kent, in the State of Maine, **WILL SAY** as follows:

1. Denise Boucher is the Office Manager for the Applicant, Nadeau Poultry Farm Limited ("**Nadeau**"). She is also responsible for assembling financial data, and is familiar with the records and operations of the Nadeau processing plant located in St-François, New Brunswick. As such, she has knowledge of the matters set out herein.
2. She will provide the testimony set out in her affidavit sworn December 11, 2008, and the cross-examination thereon.
3. She will provide additional and updated testimony as set out below.
4. At her cross-examination held December 22, 2008, Denise Boucher provided a document which was marked as "Exhibit C" to the cross-examination of Thomas Soucy, which was also held on that day. The purpose of this document was to organize data taken from a number of different sources and to present it in a format which made the data more easily accessible to the parties and the Competition Tribunal. This data covered the quota periods A-79 through A-88 (first five weeks of period only). It included the quota allocations for each of these quota periods, the actual numbers of chickens supplied by each of the Respondents to Nadeau during those periods, and the deficiencies in supply for periods A-87 and A-88, based on the obligation of the Respondents pursuant to the Interim Supply Order. Attached hereto as **Schedule "A"** is a copy of Exhibit C to the cross-examination of Thomas Soucy.
5. Attached hereto as **Schedule "B"** is an updated version of the abovementioned document, which now provides summary information pertaining only to Groupe Westco Inc. ("**Westco**"), and covers quota period A-86 through to and including A-91 (first six weeks only).
6. Attached hereto as **Schedule "C"** are the documents which underlie the summary provided in the Schedule B document described above. For each of periods A-86 through A-91, Ms. Boucher has provided the breakdown of the quota allocations held/controlled by each of the Respondents, the total allocation for all of the Respondents together, the weekly deliveries to Nadeau from the Respondents together, and a breakdown of the volume of chicken received from each of the Respondents.

7. Attached hereto as **Schedule "D"** are copies of the quota allocations for each of periods A-86 through A-91, which were distributed by the Chicken Farmers of New Brunswick. These quota allocation figures were transposed into the documents contained in both Schedule A and Schedule B hereto.
8. Attached as **Schedule "E"** are summaries derived from Nadeau data, that show that Acadia, although shipping mixed gender flocks, continued to ship some flocks to Nadeau in periods A-87 through to and including A-91 (first six weeks only) with average weights of _____ or less and many flocks averaging 2.0 kg. or less.
9. Attached as **Schedule "F"** are two files that show, by month and by year, the number of chickens received by Nadeau from Westco that weighed on average _____ or less.
10. Attached as **Schedule "G"** is a file that demonstrates that since the commencement of period A-87, only two flocks shipped by Westco to Nadeau have had a weight of _____ or less, and none have weighed _____ or less.

SCHEDULE A

Pursuant to the Confidentiality Order dated June 26, 2008, Schedule "A" only appears in the Confidential Level A Version of the Witness Statement of Denise Boucher.

SCHEDULE B

Pursuant to the Confidentiality Order dated June 26, 2008, Schedule "B" only appears in the Confidential Level A Version of the Witness Statement of Denise Boucher.

SCHEDULE C

Pursuant to the Confidentiality Order dated June 26, 2008, Schedule "C" only appears in the Confidential Level A Version of the Witness Statement of Denise Boucher.

SCHEDULE D

Pursuant to the Confidentiality Order dated June 26, 2008, Schedule "D" only appears in the Confidential Level A Version of the Witness Statement of Denise Boucher.

SCHEDULE E

Pursuant to the Confidentiality Order dated June 26, 2008, Schedule "E" only appears in the Confidential Level A Version of the Witness Statement of Denise Boucher.

SCHEDULE F

Pursuant to the Confidentiality Order dated June 26, 2008, Schedule "F" only appears in the Confidential Level A Version of the Witness Statement of Denise Boucher.

SCHEDULE G

Pursuant to the Confidentiality Order dated June 26, 2008, Schedule "G" only appears in the Confidential Level A Version of the Witness Statement of Denise Boucher.