



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc. et al.*, 2009 Comp. Trib. 1  
 File No.: CT-2008-004  
 Registry Document No.: 0379

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 (the “Contempt Motion”);

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 (the “Interpretation Motion”).

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.  
 Date of Order: January 8, 2009  
 Order signed by: Madam Justice Sandra J. Simpson (Chairperson)

**ORDER DATED JANUARY 8, 2009 REGARDING MATTERS ARISING FROM  
 CROSS-EXAMINATIONS IN THE CONTEMPT AND INTERPRETATION MOTIONS**

[1] FURTHER TO the Competition Tribunal Order of May 12, 2008, granting Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited (the “Applicant”) leave to make an application under section 75 of the *Competition Act*, R.S.C. 1985, c. C-34, as amended (the “Act”);

[2] AND FURTHER TO the Applicant’s 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 (collectively, the “Motions”);

[3] AND FURTHER TO the Competition Tribunal Scheduling Order of November 28, 2008, setting out a timetable for the disposition of the Motions including a deadline for the completion of cross-examinations on the affidavits filed in support of the Motions;

[4] AND FURTHER TO motions filed by the Applicant and the Respondent Groupe Westco Inc. (collectively, the “Moving Parties”) on January 7, 2009, regarding refusals to answer questions arising from the cross-examinations on the affidavits filed for the Motions (collectively, the “January Motions”);

[5] AND WHEREAS the January Motions must be dealt with in a timely manner because memoranda of fact and law for the Motions are to be served and filed on January 19 and January 26, 2009;

[6] AND WHEREAS Justice Blanchard is engaged in other matters including the disposition of the main application filed by the Applicant;

[7] AND WHEREAS the Notices of Motion for the January Motions have been filed by both the Applicant and the Respondent Groupe Westco Inc. in English;

[8] AND WHEREAS the January Motions shall therefore be dealt with by the Chairperson of the Competition Tribunal in English;

[9] AND WHEREAS both Moving Parties have already prepared, in their records for the January Motions, a table in a format similar to that set out in Schedule A to this order with the first four columns filled out;

**THE TRIBUNAL ORDERS THAT:**

[10] The responding parties in the January Motions shall complete a responding table by completing the fifth column of the table and shall serve and file the completed table electronically on or before 5 p.m., Friday, January 9, 2009;

[11] The Moving Parties in the January Motions shall complete the table by completing the sixth column and serve and file the completed table electronically on or before noon, Monday, January 12, 2009;

[12] On Tuesday, January 13, 2009, at 2 p.m., a conference call will be held to hear submissions on the January Motions;

[13] The conference call scheduled on Justice Blanchard's Order of November 28, 2008, to be held on Monday, January 12, 2009, is hereby cancelled.

DATED at Ottawa, this 8<sup>th</sup> day of January, 2009.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

**COUNSEL:**

For the applicant

Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited

Leah Price  
Joshua Freeman

For the respondents

Groupe Westco Inc.

Denis Gascon  
Éric C. Lefebvre  
Martha Healey  
Alexandre Bourbonnais  
Geoffrey Conrad

Groupe Dynaco, Coopérative Agroalimentaire

Paul Routhier  
Paul Michaud  
Louis Masson  
Olivier Tousignant

Volailles Acadia S.E.C. and Volailles Acadia Inc./Acadia Poultry Inc.

Pierre Beaudoin  
Valérie Belle-Isle

**[14] Schedule A**

<p><b>1. Identify the question page and number</b></p> <p>(moving party)</p>	<p><b>2. Specific wording of question</b></p> <p>(moving party)</p>	<p><b>3. Set out the objection as formulated by opposing counsel or the answer ultimately provided</b></p> <p>(moving party)</p>	<p><b>4. Concisely set out the reason(s) why the question should be answered or why the answer is insufficient (with reference, if any, to case law and/or legislation)</b></p> <p>(moving party)</p>	<p><b>5. Concisely set out the reason(s) why the question should not be answered or why the answer is sufficient (with reference, if any, to case law and/or legislation)</b></p> <p>(responding party)</p>	<p><b>6. Reply to reasons provided by responding party and indicate status of issue (pursue the matter or abandon the matter given reasons provided by responding party)</b></p> <p>(moving party)</p>

<p><b>1. Identifier le numéro de la question et la page</b></p> <p>(partie requérante)</p>	<p><b>2. Reproduire la formulation exacte de la question</b></p> <p>(partie requérante)</p>	<p><b>3. Reproduire l'objection telle que formulée par le procureur de la partie adverse ou la réponse fournie.</b></p> <p>(partie requérante)</p>	<p><b>4. Énoncer de façon concise les raisons pour lesquelles une réponse est requise ou pour lesquelles la réponse fournie est insuffisante (avec un renvoi à la jurisprudence ou la législation, le cas échéant)</b></p> <p>(partie requérante)</p>	<p><b>5. Énoncer de façon concise les raisons pour lesquelles une réponse n'est pas requise ou pour lesquelles la réponse fournie est suffisante (avec un renvoi à la jurisprudence ou la législation, le cas échéant)</b></p> <p>(partie intimée)</p>	<p><b>6. Répondre aux soumissions de la partie intimée et indiquer si on désire poursuivre la question ou si la question est abandonnée compte tenu de la raison fournie par la partie intimée</b></p> <p>(partie requérante)</p>