



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc. et al.*, 2008 Comp. Trib. 30
File No.: CT-2008-004
Registry Document No.: 0329

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*.

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: 20081106
Presiding Judicial Member: Blanchard J.
Date of Order: November 7, 2008
Order signed by: Justice Edmond P. Blanchard

**ORDER RELATING TO MATTERS CONSIDERED AT THE HEARING
MANAGEMENT CONFERENCE OF NOVEMBER 6, 2008**

[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;

[2] **AND FURTHER TO** the discussion with counsel for the Applicant and the Respondents during the hearing management conference of November 6, 2008, in which counsel for the Applicant and counsel for the Respondents agreed to divide the total hearing time (based on a 4 ½ hour sitting day) equally between the Applicant and the Respondents;

[3] **AND FURTHER TO** the discussion with counsel for the Applicant and the Respondents during the hearing management conference of November 6, 2008;

THE TRIBUNAL ORDERS THAT:

[4] The Applicant will have a total of 27 hours (12 sitting days x 4.5 hours = 54 hours; 54/2 = 27 hours) in which to present its evidence and submissions.

[5] The Respondents will have collectively 27 hours to present their evidence and submissions. Counsel for the Respondents are to confirm their agreement on or before Thursday, November 13, 2008, on how this time is to be apportioned between the Respondents.

[6] The Applicant’s request for a direction allowing its lay witnesses to testify in panels is denied. The Tribunal finds that allowing the Applicant’s lay witnesses to provide evidence in panel form will not expedite the hearing of this matter given the objections made by counsel for Groupe Westco Inc. (“Westco”).

[7] The Applicant shall serve and file with proof of service on or before Wednesday, November 12, 2008, a list showing the order in which its witnesses will be called.

[8] The parties shall attempt to agree on a timetable for the disposition of the Applicant’s Motion for a Show Cause Order, filed on November 4, 2008, and Westco’s Motion for an Order or Direction regarding the Tribunal’s Interim Supply Order, filed on November 6, 2008. The agreed timetable shall be filed on or before Friday, November 21, 2008

[9] If the parties cannot agree on a timetable, each party shall serve and file with proof of service a proposed timetable on or before Friday, November 21, 2008.

DATED at Ottawa, this 7th day of November, 2008.

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
Andrea McCrae
Joshua Freeman

For the respondents

Groupe Westco Inc.

Éric C. Lefebvre
Martha Healey

Groupe Dynaco, Coopérative Agroalimentaire

Olivier Tousignant

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

Valérie Belle-Isle