



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc. et al.*, 2008 Comp. Trib. 24
File No.: CT-2008-004
Registry Document No.: 0221

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)



Decided on the basis of the written record.
Presiding Judicial Member: Sandra J. Simpson
Date of Order: October 10, 2008
Order signed by: Madam Justice Sandra J. Simpson

**ORDER DATED OCTOBER 10, 2008 REGARDING MATTERS ARISING FROM
EXAMINATIONS FOR DISCOVERY**

[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 motions filed by the Applicant and the Respondent Groupe Westco Inc. regarding refusals to answer questions and outstanding undertakings arising from the examinations for discovery;

[3] **AND FURTHER TO** the completed tables filed by the Applicant and the Respondents pursuant to the Tribunal’s Order of September 5, 2008, setting out the position of each party with respect to the refusals and outstanding undertakings;

[4] **AND FURTHER TO** the Tribunal’s Order of September 22, 2008 directing the parties to answer certain refusals and outstanding undertakings;

[5] **AND FURTHER TO** a letter filed by the Respondent Group Westco Inc. on October 1, 2008, in which it sought a direction from the Tribunal for clarification with regards to several answers provided by the Applicant;

[6] **AND FURTHER TO** the Tribunal’s Order of October 2, 2008 directing the Applicant to submit material for review by the Tribunal and directing both the Applicant and the Respondent Group Westco Inc. to file submissions;

[7] **AND UPON** reviewing the material submitted by the Applicant;

[8] **AND UPON** reviewing submissions filed by the Applicant and Respondent Group Westco Inc. and the pleadings and earlier orders and submissions with which I was already familiar;

[9] **AND UPON** determining that, because this matter is scheduled for hearing on November 17, 2008, I should deal with this matter pursuant to subsection 4(2) of the *Competition Tribunal Act*, R.S.C. 1985, c. 19 (2nd supp.), as amended, given Justice Blanchard’s absence from the country;

THE TRIBUNAL ORDERS THAT:

[10] The Applicant shall provide to the Respondent Group Westco Inc:

[i] point 2 on page 3 of the October 24, 2007 meeting minutes;

[ii] points 4, 6 and 7 on page 2, point 8 on page 3 and point 11 on page 4 of the December 20, 2007 meeting minutes;

[iii] the last 3 lines of the Director’s Meeting Agenda dated April 16, 2008;

- [iv] the last 6 lines of page 2 of the April 16, 2008 meeting minutes;
- [v] all e-mails provided in Schedule B of the Applicant's written submissions dated October 6, 2008.

DATED at Ottawa, this 10th day of October, 2008.

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
Andrea McCrae

For the respondents

Groupe Westco Inc.

Éric C. Lefebvre
Alexandre Bourbonnais

Groupe Dynaco, Coopérative Agroalimentaire

Olivier Tousignant

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

Pierre Beaudoin
Valérie Belle-Isle