

Competition Tribunal



Tribunal de la Concurrence

Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc. et al.*, 2008 Comp. Trib. 32
File No.: CT-2008-004
Registry Document No.: 0345

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*;

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: Blanchard J.
Date of Order: November 28, 2008
Order signed by: Justice Edmond P. Blanchard

**SCHEDULING ORDER FOR PRE-HEARING PROCEDURES RELATING TO THE
APPLICANT'S MOTION FOR SHOW CAUSE ORDER AND THE RESPONDENT'S
MOTION FOR AN ORDER OR DIRECTION REGARDING THE TRIBUNAL'S
INTERIM SUPPLY ORDER**

[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 (the “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 Order of November 7, 2008, affording the parties the opportunity to provide the Tribunal with an agreed timetable for the disposition of the Motions on or before November 21, 2008;

[4] **AND WHEREAS** the Tribunal advised the parties that the Motions shall be heard together;

[5] **AND WHEREAS** the parties filed on November 25, 2008, an agreed timetable for the disposition of the Motions;

THE TRIBUNAL ORDERS THAT:

[6] The schedule for pre-hearing procedures shall be as follows:

On or before Monday, December 15, 2008	Each party shall serve and file responding materials, if any
On or before Tuesday, December 23, 2008	Parties to complete cross-examinations on the affidavits, if any
On or before Wednesday, January 7, 2009	Deadline for filing of motions with respect to the cross-examinations, if any
Monday, January 12, 2009	Case management conference to address any issues arising from the cross-examinations, if required
On or before Monday, January 19, 2009	Moving parties to serve and file memoranda of fact and law
On or before Monday, January 26, 2009	Responding parties to serve and file memoranda of fact and law

[7] The date for the hearing of the Motions shall be subsequently set by the Tribunal.

DATED at Ottawa, this 28th 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 R. Freeman

For the respondents

Groupe Westco Inc.

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

Groupe Dynaco, Coopérative Agroalimentaire

Paul Routier
Paul Michaud
Louis Masson
Olivier Tousignant

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

Pierre Beaudoin
Valérie Belle-Isle