



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc. et al.*, 2008 Comp. Trib. 21  
File No.: CT-2008-004  
Registry Document No.: 0113

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: 20080905  
Presiding Judicial Member: Blanchard J.  
Date of Order: September 5, 2008  
Order signed by: Justice Edmond P. Blanchard

**ORDER RELATING TO MATTERS CONSIDERED AT THE CONFERENCE CALL OF  
SEPTEMBER 5, 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 (the “Act”);

[2] **AND FURTHER TO** the motions filed by the Applicant and the Respondent Groupe Westco Inc. (collectively, the “Moving Parties”) regarding refusals to answer questions and outstanding undertakings arising from the examinations for discovery;

[3] **AND FURTHER TO** the discussion with counsel for the Applicant and the Respondents during the teleconference of September 5, 2008, in which counsel agreed to complete and exchange tables to provide more information about the position of each party with respect to the refusals and outstanding undertakings;

[4] **AND FURTHER TO** the discussion with counsel for the Applicant and the Respondents during the teleconference of September 5, 2008;

**THE TRIBUNAL ORDERS THAT:**

[5] The Moving Parties shall prepare a table in a format similar to that set out in Schedule A of this order with the first four columns filled out. They shall serve and file the completed table electronically on or before Wednesday, September 10, 2008. The Applicant shall prepare three separate tables; each table relating to the examination for discovery of one of the three Respondents.

[6] The responding parties shall complete a responding table by completing the fifth column and shall serve and file the completed table electronically on or before Friday, September 12, 2008.

[7] The Moving Parties shall complete the table by completing the sixth column and serve and file the completed table electronically on Monday, September 15, 2008.

[8] In the case of refusals, each Moving Party is to group the questions by topic. The Moving Party shall make specific reference to the pleadings when the refusal is based on relevance. In the case of unanswered undertakings, each Moving Party is to group the undertakings by topic.

[9] The afternoon of Monday, September 22, 2008, is reserved for a hearing, if necessary, of the motions.

[10] The parties shall file any statement of agreed facts on or before Wednesday, October 29, 2008.

[11] The parties shall file a joint book of authorities on Monday, November 17, 2008. Each party may file a supplemental book of authorities on a date to be determined during the hearing of the section 75 application.

**[12]** The parties shall advise the Tribunal on or before November 6, 2008, of the division of the total hearing time between the parties for the purposes of the chess clock proceeding, as discussed at today's teleconference.

**[13]** The hearing of the section 75 application shall be a paper hearing.

DATED at Ottawa, this 5<sup>th</sup> day of September, 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

For the respondents

Groupe Westco Inc.

Denis Gascon  
Éric C. Lefebvre  
Martha Healey  
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

**[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>