



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc. et al.*, 2008 Comp. Trib. 13
File No.: CT-2008-004
Registry Document No.: 0042

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: Blanchard J.
Date of Order: June 11, 2008
Order signed by: Justice Edmond P. Blanchard

SCHEDULING 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 Competition Tribunal Order of May 12, 2008, affording the parties the opportunity to provide the Tribunal with a timetable working back from the agreed start date of November 17, 2008, for the hearing of the Application;

[3] **AND FURTHER TO** correspondence on behalf of the parties informing the Tribunal that the parties have failed to reach an agreement on a timetable and that they disagree, in particular, on the dates for the 1) exchange of affidavits of documents, 2) examinations for discovery, and 3) filing of preliminary motions;

[4] **AND WHEREAS** counsel have sought the Tribunal’s intervention to resolve the dispute;

[5] **AND UPON BEING SATISFIED**, given the agreed start of the hearing in this matter and the parties’ inability to agree to a schedule, that a schedule for pre-hearing procedures should now be set;

[6] **AND UPON TAKING** into consideration the respective submissions of the parties on the setting of a timetable including the length of time required by the parties for the examinations for discovery, and the holiday plans of counsel as set out in counsel’s correspondence;

THE TRIBUNAL ORDERS THAT:

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

On or before Thursday, June 26, 2008	Service and filing of Response
On or before Thursday, July 10, 2008	Service and filing of Reply
On or before Wednesday, July 16, 2008	Service of affidavits of documents by all parties
Monday, July 21 to Tuesday, July 22, 2008	Examination for discovery of the Applicant (2 days maximum)
Wednesday, July 23, to Friday, July 25, 2008	Commencement of examination for discovery of the Respondents (5 days maximum)

Tuesday, August 19, to Wednesday, August 20, 2008	Applicant completes examination for discovery of the Respondents
On or before Friday, August 29, 2008	Exchange material fulfilling undertakings given during all examinations for discovery
Wednesday, September 3, 2008	Deadline for filing preliminary motions including constitutional issues and questions arising from discovery and answers to undertakings.
Friday, September 5, 2008	Case management conference to schedule preliminary motions, if any, and to deal with other matters such as agreed statement of facts, joint book of agreed documents, books of authorities, witness panels, and the division of the total hearing time between the parties for the purposes of a chess clock proceeding.
Wednesday, September 24, 2008	Applicant serves Applicant's list of documents, witness statements, and expert reports on Respondents.
Wednesday, October 1, 2008	Applicant to provide Tribunal with Applicant's expert reports and witness statements. Respondents to provide Applicant and Tribunal with an indication of any concerns or objections regarding the admissibility of the Applicant's statements and reports, in whole or in part.
Monday, October 20, 2008	Respondents serve Respondents' lists of documents, witness statements, and expert reports on the Applicant.
Monday, October 27, 2008	Respondents to provide the Tribunal with the Respondents' witness statements and expert reports. Applicant to provide Respondents and Tribunal with an indication of any concerns or objections regarding the admissibility of the Respondents' statements and reports, in whole or in part.

Monday, October 27, 2008

Applicant serves Applicant's reply documents, reply witness statements, and expert reply reports on Respondents, if any.

Wednesday, October 29, 2008

Applicant to provide the Tribunal with the Applicant's expert reply reports and reply witness statements, if any.

Respondents to provide the Tribunal and the Applicant with an indication of any concerns or objections regarding the admissibility of the Applicant's reply documents, in whole or in part.

Deadline for the filing of motions, if any, in respect to witness statements and expert reports.

Each side to file a witness schedule showing the order in which the witnesses will be called.

Thursday afternoon, November 6, 2008

Pre-hearing case management conference to deal with any outstanding matters

[8] The schedule for this hearing shall be as follows:

Monday, November 17 -
Friday, November 21, 2008

First week of hearing (5 days)

Monday, November 24 -
Friday, November 28, 2008

Second week of hearing (5 days)

Tuesday, December 2 -
Wednesday, December 3, 2008

Final representations (2 days)

DATED at Ottawa, this 11th day of June, 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

Groupe Dynaco, Coopérative Agroalimentaire

Paul Routier
Paul Michaud
Louis Masson

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

Pierre Beaudoin
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