



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc. et al.*, 2008 Comp. Trib. 10
File No.: CT-2008-004
Registry Document No.: 0017

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: 20080522
Presiding Judicial Member: Blanchard J.
Date of Order: May 22, 2008
Order signed by: Justice Edmond P. Blanchard

**ORDER RELATING TO MATTERS CONSIDERED AT THE CONFERENCE CALL OF
MAY 22, 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 Applicant’s Notice of Application pursuant to section 104 of the Act for an interim order requiring the Respondents to continue to deal with the Applicant and to supply it with live chickens on the usual trade terms, in the volumes previously supplied, pending the hearing of the main Application;

[3] **AND FURTHER TO** the discussion with counsel for the Applicant and the Respondents during the teleconference of May 22, 2008, in which all parties agreed that these proceedings will proceed under the new *Competition Tribunal Rules*, SOR/2008-141;

[4] **AND FURTHER TO** the discussion with counsel for the Applicant and the Respondents during the teleconference of May 22, 2008;

THE TRIBUNAL ORDERS THAT:

[5] The hearing of the section 104 Application will be held on Monday, June 23, 2008, commencing at 9 a.m., in the Hearing Room of the Competition Tribunal at 600 - 90 Sparks Street, Ottawa, Ontario.

[6] The schedule for the procedures leading up to the section 104 hearing shall be as follows:

Thursday, May 29, 2008	Respondents shall serve and file with proof of service any responding affidavits
Monday, June 9, 2008	Applicant shall serve and file with proof of service any reply affidavits
Thursday, June 12 - Friday, June 13, 2008	Cross-Examinations on affidavits
Monday, June 16, 2008 (noon)	Respondents shall serve and file with proof of service final written representations
Thursday, June 19, 2008 (noon)	Applicant shall serve and file with proof of service any reply written representations

[7] The parties are to file on or before Friday, May 30, 2008, an agreed timetable for the disposition of the section 75 Application. The timetable shall be based on a two-week hearing commencing on Monday, November 17, 2008, in Ottawa, and on the understanding that all documents should be served and provided to the Tribunal on or before Monday, October 27, 2008.

[8] If the parties cannot agree on a timetable, each party shall serve on the other parties a proposed timetable and file it with proof of service on or before May 30, 2008.

DATED at Ottawa, this 22nd day of May, 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 Michaud
Louis Masson

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

Valérie Belle-Isle