



**Fogler,  
Rubinoff  
LLP**

Fogler, Rubinoff LLP Barristers & Solicitors  
95 Wellington Street West  
Suite 1200, Toronto-Dominion Centre  
Toronto, ON M5J 2Z9  
Tel: 416.864.9700 Fax: 416.941.8852  
www.foglerrubinoff.com

April 16, 2008

Reply To: Andrea D. McCrae  
Direct Dial: 416.365.3703  
E-mail: amccrae@foglerrubinoff.com  
Our File No. 07/5264

**VIA E-MAIL**

Registrar of the Competition Tribunal  
Thomas D'Arcy McGee Building  
#600- 90 Sparks Street  
Ottawa, Ontario  
K1P 5B4

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE  <b>FILED / PRODUIT</b>  April 16, 2008  Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 0023

Dear Sirs:

**Re: Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited  
CT-2008-003**

We are the solicitors for Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited with respect to your File No. CT-2008-003.

We are in receipt of the responding materials delivered by the Respondents, Groupe Westco Inc., Groupe Dynaco, Coopérative Agroalimentaire, Volailles Acadia S.E.C, and Volailles Acadia Inc./Acadia Poultry Inc.

We are writing to respectfully request leave to file reply materials. These would include a short reply affidavit, and brief legal submissions. The legal submissions would deal, among other things, with the test under s.103.1 of the Competition Act enunciated by the Federal Court of Appeal in *Barcode Systems Inc. v. Symbol Technologies Canada ULC* (2004), 34 C.P.R. (4<sup>th</sup>) 481 ("*Barcode*"). *Barcode* is referred to and relied upon by the Respondent, Groupe Westco Inc. We respectfully submit that this case is of sufficient importance such that the Applicant's position on it should be before the Tribunal.

Subject to the Tribunal's discretion, we propose to deliver our reply materials by Friday, April 25, 2008.

In addition, we also request that there be an oral hearing of the application for leave under s. 103.1.

We repeat our request that any hearings in this matter be conducted in English.

We thank you in advance for your consideration of our requests, and look forward to hearing from you in connection therewith.

Yours truly,

**FOGLER, RUBINOFF LLP**

Andrea D. McCrae

ADM/jp

cc *Fogler, Rubinoff LLP (attention: Leah Price)*  
*Lavery, DeBilley (attention: Valerie Belle-Isle)*  
*Ogilvy Renault LLP (attention: Eric C. Lefebvre)*  
*Joli-Coeur, Lacasse, Geoffrion, Jette, St-Pierre s.e.n.c.r.l. (attention: Paul Routhier)*