



Reference: *Nadeau Poultry Farm Limited v. Groupe Westco Inc. et al.*, 2008 Comp. Trib. 6
File No.: CT-2008-003
Registry Document No.: 0024

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 103.1 granting leave to make application under 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: April 17, 2008
Order signed by: Justice Edmond P. Blanchard

ORDER ALLOWING THE APPLICANT TO SERVE AND FILE A REPLY

[1] **FURTHER TO** a notice of application filed by Nadeau Ferme Avicole Limitée/ Nadeau Poultry Farm Limited (the “Applicant”) on March 17, 2008, for an order pursuant to section 103.1 of the *Competition Act*, R.S.C. 1985, c. C-34, as amended (the “Act”), granting leave to make an application under section 75 of the Act;

[2] **AND FURTHER TO** the responses filed by the Respondents on April 10, 2008;

[3] **AND FURTHER TO** the Applicant’s letter of April 16, 2008, in which the Applicant seeks leave to file a reply affidavit and legal submissions and requests that there be an oral hearing for the application for leave filed pursuant to section 103.1 of the Act;

[4] **AND UPON** recognizing that the new Competition Tribunal Rules about to be promulgated provide for a right of reply but not a reply affidavit (see Rule 120);

[5] **AND WHEREAS** leave applications are to be dealt with summarily (*Symbol Technologies Canada ULC v. Barcode Systems Inc.*, 2004 FCA 339);

THE TRIBUNAL ORDERS THAT:

[6] The Applicant shall serve and file with proof of service a reply not exceeding 15 pages in length on or before Friday, April 25, 2008. The reply shall be limited to written legal submissions.

[7] The Applicant’s request for an oral hearing is denied. The Application for leave shall be decided on the basis of the written record.

DATED at Ottawa, this 17th day of April 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
Geoffrey Conrad
Éric C. Lefebvre
Alexandre Bourbonnais

Groupe Dynaco, Coopérative Agroalimentaire

Paul Routhier
Paul Michaud
Louis Masson

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

Pierre Beaudoin
Valérie Belle-Isle