

Competition Tribunal



Tribunal de la Concurrence

Reference: *London Drugs Limited v. Parfums Givenchy Canada Ltd.*, 2007 Comp. Trib. 10
File No.: CT-2007-002
Registry Document No.: 0020

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER OF an application by London Drugs Limited for an order pursuant to section 103.1 of the *Competition Act* for leave to make an application under section 75 of the *Competition Act*.

B E T W E E N :

London Drugs Limited
(applicant)

and

Parfums Givenchy Canada Ltd.
(respondent)



Date of conference call: 20070424
Presiding Judicial Member: Simpson J. (Chair)
Date of Order: April 25, 2007
Order signed by: Madam Justice S. Simpson

**ORDER DEALING WITH DISCOVERY AND SETTING THE HEARING DATE FOR
THE LEAVE APPLICATION**

[1] WHEREAS London Drugs Limited has applied under section 103.1 of the *Competition Act* for leave to commence an application for a supply order based on the Respondent's refusal to supply Givenchy products;

[2] AND UPON the Respondent's request for further disclosure, following discovery, on the following questions:

(A) Is it correct that the H.Y. Louie Group of companies, of which London Drugs Limited is part, also includes:

IGA Grocery Stores
MarketPlace Stores
Cash and Carry Stores
TLD Information Technology
London Air Services, and
Sonora Resort.

(B) Provide the total revenues for the cosmetics and beauty department of London Drugs Limited for each of the calendar years 2005 and 2006.

(C) Provide the exact percentage that Givenchy products represent of the total revenues for the cosmetics and beauty department of London Drugs Limited for each of the calendar years 2005 and 2006.

[3] AND UPON the Tribunal determining that London Drugs is the sole applicant and a private, stand alone company and that other businesses owned by the owners of London Drugs have no relevance to the matter in this proceeding;

[4] AND UPON the Tribunal determining that the answers to questions (B) and (C) are not germane to the leave application given that percentages have been provided which are sufficient for the purposes of the leave application.

THE TRIBUNAL ORDERS THAT:

[5] The motion for further disclosure following discovery is dismissed.

[6] The date of the hearing of the leave application is set for Wednesday, May 16th, 2007, at 10 a.m., in the hearing room of the Competition Tribunal in Ottawa.

DATED at Ottawa, this 25th day of April, 2007

SIGNED on behalf of the Tribunal by the Chairperson of the Tribunal.

(s) Sandra J. Simpson

APPEARANCES:

For the applicant:

London Drugs Limited

Daniel Bennett
Christopher Wilson
Gwendoline Allison

For the respondent:

Parfums Givenchy Canada Ltd.

Donald Affleck
Jennifer Cantwell