



Reference: *Commissioner of Competition v. Saskatchewan Wheat Pool Inc. et al.*, 2007 Comp. Trib. 12
File No.: CT2005009
Registry Document No.: 0121

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

AND IN THE MATTER OF an application by the Commissioner of Competition for an Order pursuant to section 92 of the *Competition Act*;

AND IN THE MATTER OF a joint venture between Saskatchewan Wheat Pool Inc. and James Richardson International Limited in respect of port terminal grain handling in the Port of Vancouver.

B E T W E E N :

Commissioner of Competition
(applicant)

and

Saskatchewan Wheat Pool Inc.
James Richardson International Limited
6362681 Canada Ltd. and 6362699 Canada Ltd.
(respondents)

and

Canadian Pacific Railway Company
Canadian National Railway Company
Canadian Wheat Board and
Vancouver Port Authority
(intervenors)



Decided on the basis of the written record
Presiding Judicial Member: Simpson J. (Chairperson)
Date of Order: April 30, 2007
Order signed by: Madam Justice S. Simpson

SCHEDULING ORDER

[1] FURTHER TO the application filed by the Commissioner of Competition (the “Commissioner”) pursuant to section 92 of the *Competition Act*, R.S.C. 1985, c. C-34, for an order dissolving a grain handling joint venture between the Respondents at the Port of Vancouver;

[2] AND FURTHER TO the new proposed schedules filed by the Commissioner and the Respondents for the disposition of the section 92 application and their written submissions;

[3] AND FURTHER TO the Tribunal’s proposed schedule set out in the Tribunal’s Notice to Counsel of April 12, 2007;

[4] AND WHEREAS the Commissioner, the Respondents and the Intervenors have all indicated that they are willing to accept the Tribunal’s proposed schedule;

THE TRIBUNAL ORDERS THAT:

[5] The hearing of this application shall commence on Tuesday, January 15, 2008, in Vancouver, British Columbia.

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

On or before Friday, May 4, 2007	Service of parties’ supplementary affidavits of documents along with copies of any supplementary documents
On or before Friday, May 11, 2007	Service of intervenors’ supplementary affidavits of documents along with copies of any supplementary documents
Thursday, May 24, 2007	Hearing of motions re affidavits (if any)
Monday, June 4- Friday Sept. 7, 2007	Oral discoveries of parties and intervenors
On or before Friday, September 21, 2007	Fulfilling of all undertakings
Wednesday, October 3, 2007	Hearing of motions re discoveries (if any)
On or before Friday, October 26, 2007	Service of will-say statements by the parties (names of witnesses are to be included)
On or before Friday, November 2, 2007	Service of will-say statements by the intervenors (names of witnesses are to be included)
On or before Friday, November 9, 2007	Service of expert reports, if any, of the Commissioner and the Canadian Wheat Board

On or before Friday, November 23, 2007	Service of expert reports, if any, of the Respondents, Vancouver Port Authority, Canadian Pacific Railway Company and Canadian National Railway Company
On or before Friday, November 30, 2007	Service of reply expert reports, if any, by the Commissioner and the Canadian Wheat Board
On or before Friday, December 7, 2007	Filing of all expert reports with the Tribunal except any which have been identified as the subject of a motion
Thursday, December 13, 2007	Deadline for hearing of all motions
Friday, December 14, 2007	Case management conference to deal with matters such as agreed statement of facts, joint document books, joint authorities, witness panels and the division of the total hearing time between each party and each intervenor for the purposes of a chess clock proceeding.

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

Tuesday, January 15, 2008 – Friday, January 18, 2008	First week of hearing (4 days)
Monday, January 21, 2008 – Friday, January 25, 2008	Second week of hearing (5 days)
Monday, January 28, 2008 – Wednesday, January 30, 2008	Third week of hearing (3 days)
Monday, February 4, 2008 – Friday, February 8, 2008	Fourth week of hearing (5 days)
Monday, February 11, 2008 – Friday, February 15, 2008	Fifth week of hearing (5 days)
Monday, February 18, 2008 – Friday, February 22, 2008	No sittings

Monday, February 25, 2008 –
Friday, February 29, 2008

Sixth week of hearing (5 days)

DATED at Ottawa, this 30th day of April, 2007.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

COUNSEL:

For the applicant:

Commissioner of Competition

Jonathan Chaplan
Andrew Lenz

For the respondents:

Saskatchewan Wheat Pool Inc.
6362681 Canada Ltd. and
6362699 Canada Ltd.

Peter Bergbusch

James Richardson International Limited

Robert Russell
Adam Fanaki

For the intervenors:

Canadian Pacific Railway

Marc Shannon

Canadian National Railway

Darin J. Hannaford

Canadian Wheat Board

Donald B. Houston

Vancouver Port Authority

H. David Edinger