



Reference: *United Grain Growers Limited v. The Commissioner of Competition*, 2005 Comp. Trib. 46

File No.: CT-2002-001

Registry Document No.: 0150

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

AND IN THE MATTER OF the acquisition by United Grain Growers Limited of Agricore Cooperative Ltd., a company engaged in the grain handling business;

AND IN THE MATTER OF an application by United Grain Growers Limited under section 106 of the *Competition Act*.

B E T W E E N:

United Grain Growers Limited
(applicant)

and

The Commissioner of Competition
(respondent)

and

Canadian Wheat Board
(intervenor)

and

Mission Terminal Inc.
(intervenor)



Decided on the written record.

Presiding Judicial Member: Lemieux J.

Date of Order: December 8, 2005

Order signed by: Mr. Justice François Lemieux

ORDER AMENDING SCHEDULING ORDER DATED OCTOBER 14, 2005

[1] **WHEREAS** a section 106 application (the "Main Application") was commenced on August 11, 2005 by United Grain Growers Limited (the "Applicant") for a rescission of the consent agreement between the Commissioner of Competition (the "Commissioner") and the Applicant registered with the Competition Tribunal (the "Tribunal") on October 17, 2002 (the "Consent Agreement"); and

[2] **WHEREAS** the Tribunal issued a consent scheduling order on October 14, 2005 (the "Consent Scheduling Order") for the hearing of the Main Application; and

[3] **WHEREAS** the Tribunal granted intervenor status to the Canadian Wheat Board and Mission Terminal Inc. on November 4, 2005; and

[4] **WHEREAS** the Applicant, the Commissioner and the Intervenors, in a letter dated December 2, 2005 have proposed some modifications to the Consent Scheduling Order; and

[5] **WHEREAS** such modifications comply with Rules 47 and 48 of the *Competition Tribunal Rules*, preserve the March 27, 2006 start date for the hearing of the Main Application, and ensure that the Parties and the Intervenors have sufficient time to prepare their expert and rebuttal affidavits;

NOW, THEREFORE, THE TRIBUNAL ORDERS:

[6] The Consent Scheduling Order dated October 14, 2005 is amended as to the dates of the filing of expert and rebuttal affidavits, including expert affidavits, if any, submitted by the Intervenors, as follows:

[i] The Applicant's Expert Affidavits shall be served on or before Friday, December 23, 2005;

[ii] The Commissioner's Expert Affidavits shall be served on or before Friday, January 27, 2006;

[iii] The Intervenors' Expert Affidavits, if any, shall be served on or before Friday, February 10, 2006;

- [iv]** The Expert Rebuttal Affidavits shall be served on or before Friday, February 24, 2006;
- [v]** The Expert and Rebuttal Affidavits shall be filed on or before Friday, February 24, 2006.

DATED at Ottawa, this 8th day of December 2005.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) François Lemieux

COUNSEL:

For the applicant:

United Grain Growers Limited

Davit D. Akman

For the respondent:

The Commissioner of Competition

John Syme

For the intervenors:

Canadian Wheat Board

Randal Hughes

Mission Terminal Inc.

William Hourigan