



Reference: *United Grain Growers Limited v. The Commissioner of Competition* 2005 Comp. Trib. 30
File No. CT-2002-001
Registry Document No.: 0140

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)



Date of Hearing: October 3rd, 2005
Presiding Judicial Member: Simpson J. (Chairperson)
Date of Order: October 14, 2005
Order signed by: Madam Justice Sandra J. Simpson

CONSENT SCHEDULING ORDER IN SECTION 106 APPLICATION

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

[2] **WHEREAS** the Applicant filed a motion for an extension of time of the Initial Sale Period on August 12, 2005; and

[3] **WHEREAS** the Applicant stated in a letter dated September 21, 2005, that if the motion for an extension of time were denied, the Applicant would be ready to proceed on the Main Application starting November 21, 2005; and

[4] **WHEREAS** the Tribunal was prepared to accommodate that date; and

[5] **UPON** hearing the submissions of counsel for both parties on October 3rd, 2005, in the Tribunal's hearing room in Ottawa; and

[6] **UPON** the parties settling the motion for an extension of time and the schedule for the exchange of documents, including expert reports, for the purposes of the hearing of the Main Application, the schedule for the hearing is set as follows:

CONSENT SCHEDULING ORDER

[7] The Commissioner consents to an extension of time of the Initial Sale Period until the Main Application is disposed of. The hearing for the Main Application will proceed as follows:

[i] The hearing of the Main Application will commence in Ottawa, in the Tribunal's hearing room, on Monday March 27th, 2006 and will conclude on or before Friday, April 21st, 2006;

[ii] The Commissioner's Response shall be served and filed on or before Monday, October 24th, 2005;

[iii] The Commissioner's Disclosure Statement shall be served on or before Wednesday, November 9, 2005;

[iv] The Applicant's Reply shall be served and filed on or before Wednesday, November 9, 2005;

[v] The Applicant's Expert Affidavit shall be served on or before Friday, December 9th, 2005;

[vi] The Commissioner's Expert Affidavit shall be served on or before Friday, January 13th, 2006;

[vii] The Expert Rebuttal Affidavits shall be served on or before Friday, January 27th, 2006;

[viii] The Expert and Rebuttal Affidavits shall be filed on or before Friday, February 27th, 2006.

DATED at Ottawa, this 14th day of October, 2005.

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

(s) Sandra J. Simpson

APPEARANCES:

For the Applicants:

Mr. Kent Thomson
Mr. Christopher D. Margison

For the Commissioner:

Mr. John Syme
Mr. Jonathan Chaplan