



Reference: *Commissioner of Competition v. Sears Canada Inc.*, 2005 Comp. Trib. 6
File no.: CT2002004
Registry document no.: 0163

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

AND IN THE MATTER OF an inquiry pursuant to subparagraph 10(1)(b)(ii) of the *Competition Act* relating to certain marketing practices of Sears Canada Inc.;

AND IN THE MATTER OF an application by the Commissioner of Competition for an order pursuant to section 74.01 of the *Competition Act*.

B E T W E E N :

The Commissioner of Competition
(applicant)

and

Sears Canada Inc.
(respondent)



Decided on the basis of the written record: February 18, 2005
Member: Dawson J. (presiding)
Date of order: February 18, 2005
Order signed by: Madam Justice Eleanor R. Dawson

SCHEDULING ORDER REGARDING MARCH 29, 2005 HEARING

[1] **FURTHER TO** the Scheduling Order Regarding Hearing Relating to Subsections 74.01(3) and (5) of the *Competition Act* and with Respect to Submission on Costs dated February 7, 2005;

[2] **AND FURTHER TO** the submissions of counsel for the parties regarding dates for serving and filing submissions regarding the amount of an administrative monetary penalty;

[3] **AND FURTHER TO** the submissions of counsel for the parties regarding dates for serving and filing additional authorities for the March 29, 2005 hearing;

[4] **AND FURTHER TO** the submissions by counsel for the Commissioner of Competition (the "Commissioner") regarding the preparation of a bill of costs and supporting material;

[5] **AND FURTHER TO** the consent of counsel for the parties as to the schedule;

THE TRIBUNAL ORDERS THAT:

[8] The Respondent ("Sears") shall serve and file submissions and any additional authorities regarding the amount of an administrative monetary penalty by March 17, 2005.

[7] The Commissioner shall serve and file reply submissions and any additional authorities regarding the amount of an administrative monetary penalty by March 24, 2005.

[8] The Commissioner shall provide her bill of costs and supporting material to Sears by 17:00 on Wednesday February 23, 2005.

[9] Sears shall respond to the Commissioner's bill of costs advising as to which, if any, items are disputed by 17:00 on Wednesday March 23, 2005.

DATED at Ottawa, this 18th day of February, 2005.

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

(s) Eleanor R. Dawson

COUNSEL:

For the applicant:

The Commissioner of Competition

Leslie Milton

For the respondent:

Sears Canada Inc.

William W. McNamara

Martha A. Healey