

Competition Tribunal



Tribunal de la Concurrence

Citation: *Quinlan's of Huntsville Inc. v. Fred Deeley Imports Ltd.*, 2004 Comp. Trib. 29
File no.: CT-2004009
Registry Document no.: 0027a

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

AND IN THE MATTER OF applications by Quinlan's of Huntsville Inc. ("Quinlan") for an order pursuant to section 103.1 of the *Competition Act*, R.S.C. 1985, c. C-34 (the "Act"), granting leave to bring an application under section 75 of the Act and for an interim order pursuant to subsection 104(1) of the Act;

B E T W E E N :

Quinlan's of Huntsville Inc.
(applicant)

and

Fred Deeley Imports Ltd.
(respondent)

Date of teleconference call: October 21, 2004
Presiding Member: Simpson J. (Chairperson)
Date of Order: November 3, 2004



INTERIM ORDER FOR RELIEF

Order

[1] **UPON** the application of the Applicant (“Quinlan’s of Huntsville Inc.”) for an interim supply order pursuant to sections 75 and 104 of the *Competition Act*, R.S.C. 1985, c. C-34 (the “Act”);

[2] **AND UPON** reading the material filed by both parties;

[3] **AND UPON** hearing the submissions of counsel for both parties by teleconference on Thursday, October 21, 2004;

[4] **AND UPON** determining, for the reasons issued this day, that an order should be made;

NOW THEREFORE THIS TRIBUNAL ORDERS THAT:

[5] Until the Tribunal makes a decision on the merits of the application under section 75 of the Act:

- (i) the Respondent (“Fred Deeley Imports Ltd.”) is to supply the Applicant with all the non-seasonal General Merchandise and Parts it may order (the “Supply”); and
- (ii) the Supply is to be governed by the terms of the Retailer Agreement between the parties dated June 9, 1999 which is hereby reinstated as amended by the Tribunal to delete:
 - paragraphs B1 and 4
 - paragraphs C1, 2 and 4
 - paragraph D(3)(I)
 - paragraph F3
 - paragraph J
 - paragraph I(1)(iv) and (ix)
 - schedule A
 - schedule B

[6] As success was divided, there will be no order as to costs.

DATED at Ottawa, this 3rd day of November, 2004.

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

(s) Sandra J. Simpson

REPRESENTATIVES

For the applicant:

Quinlan's of Huntsville Inc.

Robert Rueter
Andy Chan

For the respondent:

Fred Deeley Imports Ltd.

R. Seumas M. Woods
Christopher Hersh
Matthew Horner