

Competition Tribunal



Tribunal de la Concurrence

Reference: *Quinlan's of Huntsville Inc. v. Fred Deeley Imports Ltd.*, 2004 Comp. Trib. 19  
File no.: CT2004009  
Registry Document no.: 0023a

IN THE MATTER OF a motion for leave to file a supplementary affidavit of Jim Quinlan dated September 8, 2004.

B E T W E E N :

**Quinlan's of Huntsville Inc.**  
(applicant)

and

**Fred Deeley Imports Ltd.**  
(respondent)



Member: Simpson J. (Chairperson)  
Date of Order: September 10, 2004  
Order signed by: Simpson J.

**ORDER ON MOTION FOR LEAVE TO FILE SUPPLEMENTARY AFFIDAVIT OF  
JIM QUINLAN DATED SEPTEMBER 8, 2004**

## **ORDER**

[1] **UPON** the applicant's motion for leave to file a Supplementary Affidavit of Jim Quinlan dated September 8, 2004 and for an Interim Order requiring the respondent to supply Harley-Davidson products;

[2] **AND UPON** reading the material filed and hearing the submissions of counsel for both parties on the motion for leave by teleconference on September 8, 2004;

[3] **AND UPON** concluding, for the reasons issued this day, that leave should be granted.

### **NOW THEREFORE THIS TRIBUNAL ORDERS THAT:**

1. The motion for an Interim Order is adjourned *sine die*.
2. The motion for leave is granted and the Supplementary Affidavit is to be unsealed and filed.
3. Leave is given to counsel for Fred Deeley Imports Ltd. (FDI) to cross-examine Jim Quinlan on the Supplementary Affidavit. This is to occur as soon as possible on a date and at a place which is convenient for both parties.
4. FDI is to have its costs of this motion and its cross-examination. These costs are hereby fixed at \$1,500. and are payable forthwith.

DATED at Ottawa, this 9<sup>th</sup> day of September, 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