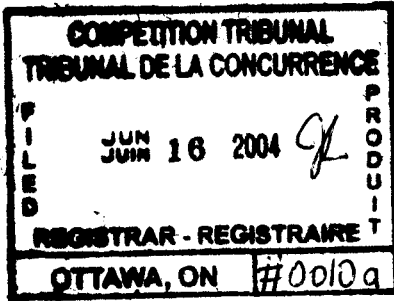


BETWEEN:

ALLAN MORGAN AND SONS LTD.

Applicant



- and -

LA-Z-BOY CANADA LIMITED

Respondent

NOTICE OF MOTION

The Respondent will make a motion to the Tribunal at a date and time to be set by the Registrar of the Competition Tribunal at 660 – 90 rue Sparks Street, Ottawa, Ontario K1P 5B4.

THE MOTION IS FOR:

- (a) Leave to bring this motion on short notice, if necessary,
- (b) An Order staying the Order of the Honourable Justice Lemieux dated February 5, 2004,
- (c) An Order staying the Application identified by file no. CT 2003-009 pending the outcome of the Appeal of the Order of Justice Lemieux, dated February 5, 2004,
- (c) An Order granting the Respondent its costs of this motion, and
- (d) Such further and other relief as this Tribunal deems just.

THE GROUNDS FOR THE MOTION ARE:


- (a) The Order of the Honourable Mr. Justice Lemieux dated February 5th, 2004 grants leave to the Applicant to bring an Application under section 75 of the *Competition Act*.
- (b) On March 3rd, 2004, the Respondent filed a Notice of Appeal of the Order of Justice Lemieux granting leave on the grounds that Justice Lemieux failed to consider whether the practice in question could form the basis of an Order under section 75 of the *Competition Act*.
- (c) The Notice of Appeal raises a serious issue to be tried before the Federal Court of Appeal.
- (d) The Respondent will suffer irreparable harm if this proceeding is not stayed.
- (e) The Respondent will suffer greater harm if the Order to stay this proceeding is not granted then the Applicant would suffer should the stay be granted.
- (f) The issues raised in this Application will become moot depending on the outcome of the Appeal.
- (g) Such further and other grounds as counsel may advise and this Tribunal may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of this motion:

- (a) The Affidavit of Crista L. Rea sworn the 14th day of June, 2004, and

- (b) Such further and other documentary evidence as counsel may advise and this Tribunal permit.

Dated: June 15, 2004.



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