

Competition Tribunal



Tribunal de la Concurrence

Reference: *Commissioner of Competition v. Canada Pipe Company*, 2004 Comp. Trib. 3
File no.: CT2002006
Registry document no.: 0047

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

AND IN THE MATTER OF an application by the Commissioner of Competition pursuant to sections 79 and 77 of the *Competition Act*;

AND IN THE MATTER OF certain practices by Canada Pipe Company Ltd. through its Bibby Ste-Croix Division.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Canada Pipe Company Ltd.
(respondent)

Dates of pre-hearing conference call: 20040127 and 20040129
Member: Blanchard J. (presiding)
Date of Order: 20040204
Order signed by: Blanchard J.



ORDER REGARDING SCHEDULING

[1] FURTHER TO the application by the Commissioner of Competition (the “Commissioner”) pursuant to sections 79 and 77 of the Competition Act, R.S.C. 1985, c. C-34 (the “Act”);

[2] AND FURTHER TO the direction to counsel dated November 26, 2003, concerning scheduling for a February 16, 2004, commencement date for the hearing of this matter;

[3] AND FURTHER TO the hearing of the respondent’s motion for examination of persons and documents and scheduling issues of December 9, 2003;

[4] AND FURTHER TO the Reasons and Order Regarding Respondent’s Motion for Examination of Persons and Documents Pursuant to Paragraph 21(2)(d.1) of the Competition Tribunal Rules and Regarding Scheduling Issues, dated January 23, 2004 (Commissioner of Competition v. Canada Pipe Company, 2004 Comp. Trib. 2);

[5] AND FURTHER TO the pre-hearing conference of January 27 and 29, 2004;

[6] AND FURTHER TO the direction to counsel dated January 30, 2004, concerning scheduling for a March 1, 2004, commencement date for the hearing of this matter;

[7] AND ON CONSIDERING the responses received from counsel dated February 2, 2004;

THE TRIBUNAL ORDERS THAT:

[8] The hearing of the Commissioner’s application shall commence on March 1, 2004, at 9:30 a.m. at the Competition Tribunal, Thomas D’Arcy McGee Building, Suite 600, 90 Sparks Street, Ottawa, Ontario.

[9] Counsel for the applicant shall serve and file a witness list, containing names and addresses only, by January 30, 2004.

[10] Counsel for the respondent shall serve and file a witness list, containing names and addresses only, by February 9, 2004.

[11] Expert reports shall be served and filed by February 20, 2004.

[12] A joint brief of documents shall be submitted by February 23, 2004.

[13] The lay witness schedules, including the order and expected duration of the testimony, cross-examination and re-examination of lay witnesses, shall be served and filed by February 23, 2004.

[14] A brief of authorities shall be filed by February 25, 2004.

[15] A pre-hearing conference, if necessary, shall take place on February 26, 2004.

[16] Expert rebuttal reports shall be served and filed by February 27, 2004.

[17] The parties will each have one full day for opening submissions, which shall be completed by the end of the day March 2, 2004.

[18] The dates for the filing of the written closing and reply arguments will be set by the Tribunal after the close of evidence.

[19] The dates for oral argument will be set by the Tribunal after the closing and reply arguments have been filed.

[20] The issue of the expert witnesses testifying as a panel pursuant to section 48.1 of the Competition Tribunal Rules, SOR/94-290, as amended, will be reviewed following further submissions of the parties at the commencement of the hearing on March 1, 2004.

DATED at Halifax, this 4th day of February, 2004.

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

(s) Edmond P. Blanchard

APPEARANCES:

For the applicant:

The Commissioner of Competition

John A. Campion
Graham Law
Donald J. Rennie

For the respondent:

Canada Pipe Company Ltd.

Kent E. Thomson
James Doris
George N. Addy