

Tribunal File No.: CT-2002-004

THE COMPETITION TRIBUNAL

IN THE MATTER OF THE *COMPETITION ACT*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER OF an inquiry pursuant to subsection 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 74.10 of the *Competition Act*;

AND IN THE MATTER OF Sears Canada Inc.'s opposition to the Application and Sears Canada Inc.'s request for certain relief from the Competition Tribunal;

B E T W E E N:

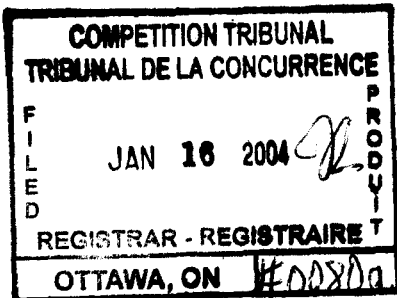
THE COMMISSIONER OF COMPETITION

Applicant

- and -

SEARS CANADA INC.

Respondent



AFFIDAVIT OF MICHAEL J. TREBILCOCK

(sworn September 22, 2003)

I, MICHAEL J. TREBILCOCK, of the City of Toronto, in the Province of Ontario,
SWEAR THAT:

1. I am Director of the Law and Economics Programme, Professor of Law and cross-appointed to the Department of Economics at the University of Toronto. I have written extensively on competition policy, trade and economic regulation during my career. In 1999, the Social Sciences and Humanities Research Council of Canada awarded me the 1998 Molson Prize for contributions to the social

sciences in Canada. Also in 1999, McGill University bestowed upon me an Honorary Doctorate of Laws degree. I also received an Honorary Doctorate of Laws degree from the Law Society of Upper Canada this year. For the past 20 years I have consulted widely to government and the private sector on matters of competition policy and economic and social regulation. My qualifications are set out in my curriculum vitae which is attached hereto as Exhibit "A".

A. SCOPE OF RETAINER

2. I have been asked by counsel to Sears Canada Inc. ("Sears") to address certain economic issues in respect of the claims made by the Commissioner of Competition ("Commissioner") that Sears failed to comply with the requirements of section 74.01(3) of the *Competition Act* with respect to its promotion of the supply of five models of automotive tires sold in 1999.

B. BACKGROUND

3. The five models of automotive tires of relevance (hereafter referred to as the "subject tires") are:
 - a) The RoadHandler T Plus (manufactured by Michelin);
 - b) The BF Goodrich Plus (manufactured by BF Goodrich);
 - c) The Weatherwise (manufactured by Michelin);
 - d) The Response RST Touring 2000 (manufactured by Cooper); and,
 - e) The Silverguard Ultra IV (manufactured by Bridgestone).
4. Each of the five tires were manufactured for exclusive sale by Sears during the relevant period.¹ The Silverguard Ultra IV tires displayed the Sears' brand name only.² The RoadHandler T Plus and Weatherwise tires displayed Sears and

¹ *Responding Statement of Grounds and Material Facts of Sears Canada Inc.*, (hereinafter the "Sears Response"), at paragraph 68.

² Sears Response at paragraph 68.

Michelin brand names.³ The BF Goodrich tire was a national brand tire, which displayed the Sears and BF Goodrich brand names.⁴ The Response RST Touring 2000 tires displayed only the Sears brand name.⁵

5. The particular economic issues that counsel for Sears have asked me to address are:
- a) Did Sears' regular prices make economic sense in that they were comparable to the regular prices for tires that were offered by Sears' competitors?
 - b) Were Sears' sales of the subject tires at regular prices indicative of *genuine* prices?
 - c) Were consumers harmed in any economically significant way by the manner in which Sears advertised its tire sale prices?
6. These questions go to the Commissioner's allegations at paragraph 5b)-d) and paragraph 79d) and e) of his *Notice of Application*. In particular, at paragraph 5, the "Commissioner states that Sears did not offer certain tires at its regular prices in good faith in that...
- b) Sears' regular prices for those tires were not comparable to, and in fact were much higher than the regular prices for tires that were offered by Sears' competitors, which tires Sears had identified as being competitive offerings;
 - c) Sears' regular prices on those tires were not reasonable in light of the competitive forces that Sears itself had identified in the relevant market; and
 - d) Sears' regular prices for those tires did not make rational economic sense given the nature of the tire market."

³ Sears Response at paragraph 68.

⁴ Sears Response at paragraph 69.

⁵ Sears Response at paragraph 70.

At paragraph 79, the Commissioner states that

- “d) in any event, Sears knew or ought to have known that the vast majority of tires are purchased in multiples of two or more, and that as such, its Regular Prices were only relevant for approximately 6% of the market; and
- e) Sears knew or ought to have known that it was failing to generate substantial sales at the Regular Prices for the Tires, yet failed to take action to change either the Regular Prices for the Tires or to stop using those Regular Prices as a reference price for promotional purposes. Instead, Sears advertisements towards the end of 1999 continued to rely heavily on alleged savings off the Regular Price to entice consumers and drive sales.”

7. In preparing this affidavit, I have reviewed the following: the Commissioner’s Notice of Application; Sears’ Responding Statement of Grounds and Material Facts; the documents referenced in the Disclosure Statements of the Respondent and Applicant; the Affidavit of Dr. Kenneth Deal; information provided to me by individuals at Sears as referenced herein; and, related articles and scholarly materials also referenced herein.
8. In preparing this affidavit, I have also requested exhibits from the affidavits of Jim King and William Merkley. As of the date of swearing the affidavit, I have not yet received this material, which I believe will support my opinion that Sears has numerous competitors in the tire market. I am advised by counsel for Sears and believe that production of the requested material is the subject of a pending motion before this Honourable Tribunal. I reserve the right to serve a supplemental affidavit in the event that these documents are ordered to be produced.
9. In summary, it is my opinion that:

- a) The information available on regular prices in 1999 indicates that Sears' regular prices were similar to or less than the regular prices of some of its competitors for comparable tires. At least some of Sears' regular prices were also similar to or less than manufacturers' suggested retail prices for comparable tires. Such observations are not consistent with a claim that Sears' regular prices did not make economic sense;
- b) Sears' regular prices were genuine in that approximately 21% of all its tire sales took place at regular prices; and,
- c) Consumers were not harmed in any economically significant way by the manner in which Sears advertised its tire sales since it is unlikely that consumers would have made alternative tire purchase decisions absent the alleged deception. The available evidence indicates that Sears had the lowest tire sale prices for comparable tires of the same size, and that consumers were satisfied with their Sears tire purchases. Moreover, the available information indicates that consumers are primarily concerned with final transaction price rather than advertised savings.

10. The remainder of this report is organized as follows:

- Section C addresses the market and competitive conditions within which Sears sold the subject tires in 1999, and Sears' regular prices in relation to those of its competitors;
- Section D addresses whether Sears' regular prices were genuine by examining the sales that Sears made at regular prices;
- Section E addresses the question of consumer harm by discussing certain economic principles of relevance in considering ordinary price claims and by examining the factors of importance in driving consumers' purchase decisions; and,
- Section F concludes.

C. WERE SEARS' REGULAR PRICES COMPARABLE TO THOSE OF ITS COMPETITORS?

11. To understand whether Sears' regular prices were comparable to those of its competitors requires a market assessment. In this section, I consider the relevant product and geographic market for the sale of the subject tires and identify the set of competitors with whom to compare Sears' prices. I then compare Sears' regular prices to some of the prices charged by Sears' competitors, as well as to manufacturers' suggested retail prices.

Relevant Product Market

12. Automotive tires are sold as both brand name and private label products, with manufacturers attempting to differentiate their brands from those of their rivals across a spectrum of characteristics. Such differentiation can make it difficult to draw a line to identify those products "within" the line that compete against each other versus those products "outside" the line that do not. Furthermore, even if such a line could be drawn, differentiation means that products "within" the line may compete with each other to varying degrees, depending upon how closely substitutable the marginal consumer finds these products.
13. In the case of tires, there are several distinguishing physical characteristics including tire size, tread wear, speed, traction and temperature ratings. In addition to these physical characteristics, there are other distinguishing features of tires and retailers such as price, warranty, and service. For example, in a document prepared in 1999 for an internal presentation, Sears noted Canadian Tire's strengths in tire sales to be a good assortment of lines and locations and its weaknesses to be poor product knowledge and warranty. Sears noted specialized tire stores' strengths in knowledgeable sales staff and in a large assortment of product, but, as with Canadian Tire, characterized by a poor warranty.⁶

⁶ Sears *Automotive Review Spring '99*, (x-ref. to Competition Bureau's Disclosure Statement #16).

Many Tire Brands On Offer:

14. In order to meet a diverse set of consumer needs, tire manufacturers produce a wide spectrum of quality tires in a range of prices.⁷ In turn, tire retailers may carry a large number and variety of tires.
15. For any particular vehicle, there are typically a large number of tire choices available. For example, in the November 1999 *Consumer Reports*, six brands of all-season tires for sport utility vehicles were tested, including BF Goodrich, Cooper, Dunlop, Goodyear, Michelin and Yokohama.⁸ Similarly, the *Toronto Star* tested five all-season tire models for family cars. The brands included Goodyear Integrity, Yokohama Avid TC320, Uniroyal Tiger Paw Aquagrip, Pirelli P400 Touring and Bridgestone BT70s.⁹ In another *Toronto Star* article, six brands of tires were tested for the Honda Civic LX sedan, Canada's best-selling car during 1998 – 2002, including the Dunlop SP Sport A2, Goodyear Eagle HP, Pirelli P4000 Super Touring, Yokohama Avid H4, BF Goodrich Touring T/A HR4 and Bridgestone Turanza LS-H.¹⁰ In all of these tests, the various brands were considered relatively close substitutes for each other, albeit each had particular strengths and weaknesses.
16. Even a single manufacturer may produce tires that are relatively close substitutes for each other. In affidavits produced in response to section 11 orders obtained by the Commissioner, Bridgestone and Michelin indicated which of their respective brands would be the closest substitutes to the models of tires sold exclusively to Sears during the relevant period. In the case of Bridgestone, the tires most comparable to Sears' Silverguard Ultra IV are Gillette Concept S/R, Peerless

⁷ "Tire Choice Important", article by Tom Hnatiw in the *Calgary Sun*, October 21, 2002 (a true copy of this article is attached as Exhibit "B").

⁸ "All-season tires for SUVs" *Consumer Reports*, November 1999 (a true copy of this article is attached as Exhibit "C").

⁹ "Mainstream Tires on a Roll", article by John Mahler, *Toronto Star*, December 13, 1998 (a true copy of this article is attached as Exhibit "D").

¹⁰ "Everyday tire test", article by John Mahler, *Toronto Star*, May 4, 2002 (a true copy of this article is attached as Exhibit "E").

Sprint G/T /S/R, and Seiberling Tires Falcon Sport S/R.¹¹ Michelin considers its Rainforce MX4 and MX4 series to be the closest substitutes for the Michelin Weatherwise tires sold to Sears, and its Michelin X One tires to be the closest substitute for its RoadHandler T-Plus tires sold to Sears. The criteria used to determine the closest substitutes include physical attributes, brand identity and pricing.¹²

17. Thus, for any vehicle a consumer can choose from a relatively large number of tire brands.
18. In terms of the brands most frequently purchased by Canadian consumers, Table 1 provides a listing of the brands noted in consumer research by DesRosiers Automotive Consultants for the Rubber Association of Canada released in August 1996. For the 1,700 respondents, Goodyear and Michelin tires were purchased most frequently at 16.4% and 15.6% respectively, followed by Canadian Tire's Motomaster brand at 12.8%. Sears is ranked eighth with 2.8% of respondents purchasing Sears' branded tires.

¹¹ Exhibit "B" of the Affidavit of Jim King sworn April 24, 2001 (x-ref. to Sears Disclosure Statement #127).

¹² Production of Records and Responses by Michelin North America (Canada) Inc., Appendix B, responses to questions 2.1 and 2.2 (x-ref. Sears Disclosure Statement #123).

Table 1: Tires Purchased by Brand¹³

Brand	% Total
Goodyear	16.4%
Michelin	15.6%
Motomaster	12.8%
Bridgestone	4.6%
BF Goodrich	4.5%
Firestone	3.6%
Pirelli	3.0%
Sears	2.8%
Yokohama	2.8%
Uniroyal	2.7%
Toyo	2.1%
Dunlop	2.0%
Wal-Mart	1.0%
Other*	11.3%

*Other includes "Misc. Other" (2.3%) and the following brands (each less than 1%): Autopart, Cooper, General, Hankook, Atlas, No-Name/Generic, President, Sumitomo, Dayton, Kelly, Nokia, Armstrong, Marshall, Cavalier, Kumho, Petro-Canada, Triumph, Big-O, Continental, Electra, Hercules, Kleber, Riken, Irving, and Star. In addition, "Don't know" response constituted 15.7% of total, while "No Answer" comprised 0.2%. [Note: the total slightly exceeds 100% due to rounding]

Consumers' Tire Retailer Selection:

19. DesRosiers' Tire Market Study also indicates where consumers buy tires. Respondents purchased their tires most frequently at tire stores (35%), followed by aftermarket service and repair channels like service stations (22%), Canadian Tire (16%), department stores (11%), new car dealerships (6%) and warehouse clubs (4%). Sears would fit within the department store category.
20. Echoing the DesRosiers' findings, Toronto-based tire dealers regarded Canadian Tire as their main competition in the mass tire market, with Costco and Wal-Mart

¹³ DesRosiers Automotive Consultants, Tire Market Study #634, at 38-40 (x-ref. to Sears Disclosure Statement #131).

establishing themselves and auto service chains such as Midas Muffler and Speedy Muffler also starting to carry tires around 1999.¹⁴

21. In addition, around this time auto dealers were noted as promoting tire sales more frequently, increasing the competition that traditional tire dealers faced.¹⁵ For example, Dueck Chevrolet, Cadillac, Oldsmobile Ltd. in Vancouver had a tire department with annual tire sales of about \$1 million around 1999 and was the largest Michelin/Uniroyal outlet in western Canada, according to its tire department manager.¹⁶ As part of their sales efforts, auto dealers were noted as advertising tires more aggressively than they had done previously. For example, General Motors heavily advertised Uniroyal brands in the Winnipeg market “like a Goodyear campaign” with advertisements appearing on television, radio and in the newspaper.¹⁷
22. A review of newspaper tire advertisements in September 1999 also indicates that the following retailers, ranging from mass merchandisers (e.g. Wal-Mart), to independent tire retailers (e.g. Tiremag), to auto dealers (e.g. Alberta Chrysler, Dodge & Jeep) were actively promoting their tire sales (see Table 2).¹⁸

¹⁴ “Toronto: one competitive tire town”, article by Miles Moore, *Tire Business*, January 17, 2000 (a true copy of this article is attached as Exhibit “F”).

¹⁵ Don Frisby, owner of Frisby Tire Co. Ltd. in Ottawa and past president of the Ontario Tire Dealers Association made this comment in the article “Canadian car dealers selling more tires more aggressively” by Chris Collins, *Tire Business*, January 17, 2000 (a true copy of this article is attached as Exhibit “G”).

¹⁶ “Canadian car dealers selling more tires more aggressively”, article by Chris Collins, *Tire Business*, January 17, 2000 (see Exhibit “G”).

¹⁷ “Canadian car dealers selling more tires more aggressively”, article by Chris Collins, *Tire Business*, January 17, 2000, (see Exhibit “G”).

¹⁸ Based on a review of tire advertisements in the *Calgary Herald*, *The Ottawa Citizen*, and *The Toronto Sun* during the month of September 1999 (true copies of these advertisements are attached as Exhibit “H”).

Table 2: Retailers Advertising in September 1999

Calgary Herald	Ottawa Citizen	Toronto Sun
Alberta Chrysler Blaskin & Lane Dodge & Jeep GM Goodwrench Harper's Tire Sears Wal-Mart	GM Goodwrench Sears Wal-Mart	GM Goodwrench Goodyear Tire Centre Performance Tread Shop (Bramalea) Albion 5 Bay Tire & Auto Centre (Etobicoke) Ontario Auto Market & Tires (Kitchener) Triple Service Automotive & Tire Centre (Mississauga) National Tire Sales & Service (North York) Second Time Around Tire Sales (Oshawa) Trans Canada Nissan (Peterborough) Discount Tire City (Richmond Hill) Richmond Hill Tire (Richmond Hill) Weston Tire & Auto Centre (Weston) Viking Tire Sales (Weston) Tirecraft Tiremag Tireworks Inc. Tylos Tires Inc.

23. In sum, Sears faced competition for the sale of the five subject tires from independent tire retailers, service stations, auto dealers, Canadian Tire, and mass merchandisers like Wal-Mart and Costco, with each retailer offering alternative substitute brands to the five subject tires.

Relevant Geographic Market

24. As with many other consumer products, tire retailers compete in local areas. Consumers' willingness to travel to purchase tires is likely to be limited to areas such as census metropolitan areas as opposed to being province-wide, region-wide or national. For example, I would not expect enough tire consumers in Ottawa to consider purchasing replacement tires from retailers in Toronto for

competitive conditions in Toronto to influence significantly tire retailers' pricing practices in Ottawa.¹⁹

25. A local market for tires is consistent with the Competition Bureau's position on local markets for many other consumer products and services. For example, the Competition Bureau in the case of *Trilogy Retail Enterprises L.P., Chapters Inc. and Indigo Books & Music Inc.*, which involved "big-box" and "traditional" book retailing, took the position that Canada's largest cities were single geographic markets. Thus, Montreal, Toronto and Vancouver were identified as antitrust markets. It was further noted that Brampton, Burlington and Toronto "are all part of the Greater Toronto Area retail market".²⁰ This was similarly the case in the proposed CIBC/TD and Royal Bank/Bank of Montreal mergers.^{21 22}
26. As well, public statements by tire dealers on competitive conditions within their industry refer to local markets. For example, Toronto is compared to Los Angeles and Miami in terms of competitiveness.²³

¹⁹ Prices in Ottawa and Toronto may be similar nonetheless if each market is competitive. Competitive conditions will drive prices towards marginal cost. Where marginal costs are similar across retailers in the two markets, prices will be similar in turn.

²⁰ *Commissioner of Competition v. Trilogy Retail Enterprises L.P., Chapters Inc. and Indigo Books & Music Inc.* (2001) Competition Tribunal CT-2001/003, Statement of Grounds and Material Facts at paragraphs 45 and 47, and Consent Order Impact Statement at paragraph 10 (true copies of these documents are attached as Exhibit "I").

²¹ The Competition Bureau identified 112 local markets in urban areas with populations of 10,000 to 100,000, using the integrated economic areas identified by Statistics Canada as census agglomerations ("CA"), and 25 urban areas of more than 100,000 people, identified by Statistics Canada as census metropolitan areas ("CMA"). Letter from Konrad von Finckenstein, Commissioner of Competition, to John Cleghorn and Matthew Barrett, December 11, 1998 at 7, and letter from Konrad von Finckenstein to A.L. Flood and A. Charles Baillie, December 11, 1998 at 7 (true copies of these letters are attached as Exhibit "J").

²² The Competition Tribunal, in its decision in the matter of the acquisition by Imperial Oil Limited of the shares of Texaco Canada Inc., also recognized the concept of interlocking geographic areas spanning a city to create a larger geographic market. *The Director of Investigation and Research v. Imperial Oil Limited*, Competition Tribunal, CT – 89/3, at 22-23 (a true copy of this decision is attached as Exhibit "K").

²³ "Toronto: one competitive tire town", article by Miles Moore, *Tire Business*, January 17, 2000, (see Exhibit "F").

27. Within any particular local market, consumers may purchase tires from any number of retailers, as noted above. Using Ottawa-Carleton, Calgary and the Greater Toronto Area as examples, Exhibit "L" (a true copy of this is attached) provides a list of tire retailers as obtained from Yellow Pages online.²⁴ Consumers may choose from some 45 retailers in the Ottawa-Carleton area, several of which have multiple outlets. In the case of Toronto and Calgary, consumers have available some 56 retailers in each city.²⁵ ²⁶ In addition to these retailers, mass merchandiser Costco also sells tires in all three of these regions.
28. Sears does not price its tires differently by geographic market. Instead, it has a national pricing policy. However, a national pricing policy does not imply, in and of itself, a national geographic market. Markets are more appropriately delineated by considering the alternatives available to consumers, or by adopting a demand-side perspective. Taking Ottawa as our example, consumers within Ottawa may choose to purchase their tires from many local retailers, including but not limited to retailers with outlets across Canada.
29. Whatever the scope of the geographic market, it is not the case that consumers in any particular location in 1999 were limited to shopping for tires only at national retailers.

Sears' Pricing Practices

30. Given the large number of market participants, I would expect tires to be competitively priced. Sears' small share of national tires sales also indicates that Sears' prices are likely to be competitive. Ideally, a verification of this would involve reference to competing tire retailers within a particular geographic market

²⁴ It should be noted that Yellow Pages online does not provide an exhaustive list of retailers. For example, Bramalea Tire, a Toronto tire retailer, is not contained in the online service (see www.bramaleatire.com, a true copy of this reference is attached as Exhibit "M").

²⁵ www.yellowpages.ca.

²⁶ I have no reason to believe that the figures would have been substantially different in 1999, although some retailers may not have been in operation in 1999, while others may have exited the market since 1999.

for the geographic markets in which Sears sells tires. There is, however, not a great deal of information available on retailers' regular selling prices in 1999. This is due in part to the fact that other retailers advertised sale prices only (i.e. their advertisements make no reference to regular prices). The information that is available (as set out in greater detail below) suggests that Sears' regular prices were comparable to those of its competitors.

31. In making comparisons between Sears regular prices and those of its competitors, the comparison should include Sears' regular "2 for" price, also known as the multiple regular price. Sears' multiple regular prices were unadvertised, volume-based ordinary prices offered to customers who wished to purchase simultaneously two or more units of the same size of the same tire.²⁷ The multiple regular price was essentially a volume discount for a "bundled" product. Since this volume discount was unadvertised, was available on all multiple purchases of regularly priced tires, and was available at all times throughout the year, it is not a sale price. That such multiple regular prices constitute regular prices is further confirmed by the fact, as noted by the Commissioner in his Notice of Application, that approximately 94% of tires sold in Canada are purchased in multiples of two or more.²⁸ This purchasing pattern is reasonable since, for handling balance, "[i]deally, identical tires with the same size, ply rating, tread design, speed rating and tread depth should be on the vehicle... As a compromise, at least the tires on the same axle should be the same in size, ply rating, speed rating, tread design, etc."²⁹
32. Consumers appear to realize and expect that they would pay a lower price per tire if they were purchasing more than one tire. In a survey of consumers who had

²⁷ Sears Response at paragraph 63.

²⁸ *Notice of Application*, at paragraph 37.

²⁹ Affidavit of Jim King, April 24, 2001, at paragraph 6(d).

purchased tires from Sears in 1999, 72% indicated that they thought they would pay a lower price per tire when buying more than one.³⁰

33. Moreover, Sears was also not the only retailer that priced its tires this way. During September of the relevant period, GM Goodwrench advertised lower sale prices for its tires when consumers purchased two.³¹
34. The information available on regular tire prices, albeit limited, indicates that in some instances Sears' regular prices were lower compared to those of its competitors for comparable tires.
35. Tire comparisons made by the *Toronto Star* in late 1998 provide pricing in the Greater Toronto Area for five tire brands – Integrity (Goodyear), Yokohama Avid TC320, Tiger Paw Aquagrip (Uniroyal), Bridgestone BT70s, and Pirelli P400 Touring.³² I am informed by Harry McKenna, Sears Retail Marketing Manager Automotive, and believe that the BT70s, P400 Touring and the Avid TC320 are all comparable to Sears' Weatherwise tire, the Integrity is comparable to the Sears' BF Goodrich Plus tire, and the Tiger Paw Aquagrip is comparable to Sears' Silverguard Ultra IV tire. As summarized in Table 3, Sears' regular single and multiple prices for the BF Goodrich Plus are less than Tiremag's regular tire price for the Integrity. In the case of the Weatherwise, both Sears' regular single and multiple prices were greater than the regular prices of comparable tires. In the case of the Silverguard, the Silverguard regular single price was greater than that of its comparable, but the multiple regular price was less.

³⁰ Affidavit of Dr. Kenneth R. Deal, sworn September 19, 2003 (hereinafter "Affidavit of Dr. Kenneth R. Deal"), at paragraph 34. The study findings are based on telephone interviews conducted with a random sample of 601 Sears customers between August 27 and September 2, 2003. Data were collected using a Computer Assisted Telephone Interviewing (CATI) system (Affidavit of Dr. Kenneth R. Deal, at paragraph 14).

³¹ See, for example, "The GM Goodwrench One-Two Tire Sale", advertisement, *Calgary Herald*, September 22, 1999, at A15, and "The GM Goodwrench Truck Tire Sale", advertisement, *Calgary Herald*, September 20, 1999, at A10 (see Exhibit "H").

³² "Mainstream Tires on a Roll", article by John Mahler, *Toronto Star*, December 13, 1998, (see Exhibit "D").

Table 3: Comparison of Retailer Regular Prices, Tire Size P205/70 - 15³³

Retailer/Tire	Regular Single/Multiple Price
Comparable Tires #1	
Sears - BF Goodrich Plus	\$90.99/\$74.99
Tiremag - Integrity	\$110
Comparable Tires #2	
Sears - Weatherwise (Michelin)	\$181.99/\$114.99
Tiremag – Bridgestone BT70s	\$110
Sam’s Garage – Pirelli P400 Touring	\$98
Tiremag – Yokohama Avid TC320	\$99
Comparable Tires #3	
Sears - Silverguard Ultra IV	\$133.99/\$87.99
Tiremag – Tiger Paw Aquagrip	\$105

36. In comparing the subject tires with comparable brand name tires (as identified to me by Harry McKenna and which information I believe), Sears’ regular single price was anywhere between 24.2% greater than the manufacturer’s suggested retail price to 43.7% less, depending on the tire in question. With respect to Sears’ regular multiple price, these prices were always less than the manufacturer’s suggested retail prices, by anywhere from 54.7% less to 20.2% less, depending on the tire and the comparable. Attached hereto as Exhibit “N” is a full listing of these price differentials.
37. The *Toronto Star* article also suggests that discounting off the manufacturers’ suggested retail prices was common practice in tire retailing. The retailers referred to in the *Toronto Star* article discounted off manufacturers’ suggested retail prices by about 30-35%.
38. The large variation in prices across comparable tires demonstrates the extent to which even tires that are identified as relatively close substitutes are

³³ Sears’ prices were obtained from “Competitive Profile”, x-ref. to Sears Disclosure Statement number 27. The regular prices for Tiremag and Sam’s Garage were obtained from “Mainstream Tires on a Roll”, article by John Mahler, *Toronto Star*, December 13, 1998, (see Exhibit “D”).

differentiated. However, even with product differentiation, the large number of Sears' regular tire prices, both single and multiple, that are less than or similar to suggested retail prices is not consistent with a hypothesis that Sears' regular prices do not make economic sense. Such a hypothesis would require not only that manufacturers' suggested retail prices not make economic sense but also, in a number of instances, that prices well below these suggested list prices not make economic sense.

39. In sum, the available information is not consistent with a finding that Sears' regular prices did not make economic sense.

40. It remains the case, however, that Canadian Tire's regular everyday prices for tires that are held by the Commissioner to be comparable to the five Sears tires in question – i.e. Canadian Tire Motomaster AW+, Motomaster Touring LXR, Michelin Rainforce MX4, and Michelin X One³⁴ – were consistently lower than Sears' regular single and multiple prices. In making these comparisons, it is important to note three things:
 - a) As noted above in comparing manufacturers' suggested retail prices to actual retail prices, tires are differentiated products, meaning that even if a particular set of tires are found to be comparable based on the characteristics of the tires in question, they are not identical products. Consequently, one would not expect retailers to price differentiated products exactly the same;
 - b) Canadian Tire and Sears followed different pricing strategies in the retail market. Canadian Tire positioned itself as having "Every Day Low Prices", while Sears had higher regular prices and "off-price" sales;³⁵ and,
 - c) The Canadian Tire tires and those of Sears differ in the retail offerings included in the sale of the tire. Sears included in the price of its tires more "add-ons". A comparison of the add-ons included with the Sears' tire retail

³⁴ The Commissioner bases these comparables on a Sears document entitled "Competitive Profiles" (*Notice of Application*, at paragraph 48).

³⁵ Sears Response at paragraphs 86 and 89.

sales versus those add-ons, which I am advised by Harry McKenna, and believe were provided by Canadian Tire is summarized in Table 4. Table 5 specifies the add-ons available on each of the subject Sears' tires.

Table 4: A Comparison of Sears and Canadian Tire Add-ons Included in Their Respective Tire Sales

Add-On	Sears	Canadian Tire
Mileage wear-out warranty	<ul style="list-style-type: none"> - Product guaranteed not to wear out within warranted mileage. - Sears credits the customer toward the purchase of a new tire by an amount representing the difference between the warranted mileage and the mileage achieved³⁶ 	<ul style="list-style-type: none"> - Wear-out rating only - No warranty
Road hazard warranty	<ul style="list-style-type: none"> - If a tire fails as a result of an accidental road hazard, tire repaired or replaced (based on a percentage of the original kilometre wear-out warranty)³⁷ 	<ul style="list-style-type: none"> - If a tire fails as a result of an accidental road hazard, tire replaced (based on a percentage of the remaining tread depth)
24-hour roadside assistance	<ul style="list-style-type: none"> - Customer provided "1-800" number to call if experiencing tire-related problem on the road³⁸ 	<ul style="list-style-type: none"> - No
Tire rotation	<ul style="list-style-type: none"> - Free tire rotation each 10,000 km³⁹ 	<ul style="list-style-type: none"> - Free tire rotation (distance uncertain)
Customer loyalty program	<ul style="list-style-type: none"> - Sears Club points 	<ul style="list-style-type: none"> - No
Deferred payment plan	<ul style="list-style-type: none"> - 6-12 month deferral, depending on offer - equal payment plan over 6-24 months 	<ul style="list-style-type: none"> - 90 day deferral of service payment, not for tires
Free puncture repair	<ul style="list-style-type: none"> - Yes⁴⁰ 	<ul style="list-style-type: none"> - Yes
Free installation	<ul style="list-style-type: none"> - Yes, not including valve - Balancing not included 	<ul style="list-style-type: none"> - Yes, including valve - Balancing not included
Satisfaction guaranteed or money refunded	<ul style="list-style-type: none"> - Yes 	<ul style="list-style-type: none"> - No

³⁶ *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 65.

³⁷ *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 69.

³⁸ *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 71.

³⁹ *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 75.

⁴⁰ *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 76.

Table 5: Add-ons Included on Sears Tires

Add-on	RoadHandler T Plus	BF Goodrich Plus	Weatherwise	Response RST Touring 2000	Silverguard Ultra IV
Mileage wear-out warranty ⁴¹	6 years	90,000 km	120,000 km	120,000 km	110,000 km
Road hazard warranty ⁴²	Yes	Yes	Yes	Yes	Yes
24-hour roadside assistance ⁴³	Yes	No	Yes	No	No
Tire rotation ⁴⁴	Yes	Yes	Yes	Yes	Yes
Sears Club	Yes	Yes	Yes	Yes	Yes
Deferred payment plan	Yes, when offered	Yes, when offered	Yes, when offered	Yes, when offered	Yes, when offered
Free puncture repair ⁴⁵	Yes	Yes	Yes	Yes	Yes
Free installation	Yes	Yes	Yes	Yes	Yes
Satisfaction guaranteed or money refunded	Yes	Yes	Yes	Yes	Yes

41. Consumers value the additional features of the Sears tire offerings. Support for this is contained in the survey responses of Sears' customers who purchased tires in 1999. When asked about the importance of various Sears "add-ons", over 50% of respondents indicated that the following features as very important to their tire purchase decision: mileage wear-out warranty; road hazard warranty; free

⁴¹ *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 66.

⁴² *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 69.

⁴³ *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 73.

⁴⁴ *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 75.

⁴⁵ *Affidavit of William F. McMahon*, February 1, 2001, (x-ref. Competition Bureau Disclosure Statement #53), at paragraph 76.

installation; and, Satisfaction Guaranteed or Money Refunded Policy. Sears' reputation for standing behind its merchandise was also highly valued by respondents, with 69% rating it as very important. Other features were also rated highly (see Table 6). As noted above in Table 5, a number of these features are not duplicated by Canadian Tire.

Table 6: Features Valued by Consumers Who Purchased Tires from Sears in 1999⁴⁶

	Percentage of Respondents Rating Feature as "Very Important"
Mileage wear-out warranty	50%
Road hazard warranty	51%
Free Installation	57%
Satisfaction Guaranteed or Money Refunded Policy	64%
Roadside assistance warranty	36%
Free tire rotation	43%
Free puncture repair	46%

42. Given the value that consumers appear to place on the features included in Sears' tire offerings, many of which are not offered by Canadian Tire, it is not unreasonable that consumers would be willing to pay more for an otherwise comparable tire.

D. WERE SEARS' SALES AT REGULAR PRICES INDICATIVE OF GENUINE PRICES?

43. To understand whether Sears' regular prices were genuine, as opposed to phantom prices, in that the tires were offered for sale at regular prices in good faith, I examine the sales that Sears actually made at regular prices.

⁴⁶ Affidavit of Dr. Kenneth R. Deal, at paragraph 33.

44. If Sears' regular prices were disingenuous, in that they were merely a ploy to inflate the savings said to be available to consumers, I would expect Sears to have sold very few tires at regular prices in light of the many competitive alternatives available to consumers. As elaborated upon above, Sears is one of many tire retailers available to consumers. Sears estimates its total market share in Canada in respect to the sale of tires during 1999 to be only 5%.⁴⁷ If Sears were to set its regular prices in excess of competitive market prices, it should sell very few tires at regular prices.
45. Between January 1, 1999 and December 31, 1999, Sears sold about [REDACTED] units of the subject tires in total, of which more than [REDACTED] units were sold at regular prices.⁴⁸ Thus, about 21% of the subject tires sold by Sears during 1999 were at regular prices. Examining regular prices for single tire sales separately, I am informed by Bonnie Drever, a Business Analyst at Sears, and believe that a total of [REDACTED] tires were sold as singles of which [REDACTED] or 31.8% were sold at regular single tire prices. Attached hereto as Exhibit "O" is a copy of the material provided to me by Bonnie Drever.
46. Sears sales at the regular prices for single tires are consistent with genuine prices given that:
- a) A substantial percentage (31.8%) of single tire sales, that is, excluding "bundled" sales, were sold at those prices; and,
 - b) They were offered in a retail environment where many competing tire sellers offering national brand tires, which according to the DesRosiers Tire Market Study represented 59% of all tires purchased, frequently discounted off the manufacturers' suggested retail price by 30-35%.

⁴⁷ *Affidavit of William F. McMahon* (sworn February 1, 2001) (x-ref. Competition Bureau Disclosure Statement #53) at paragraph 136.

⁴⁸ Sears Response at paragraph 143.

E. WERE CONSUMERS MISLED IN AN ECONOMICALLY SIGNIFICANT WAY BY SEARS' SAVINGS CLAIMS?

47. The alleged deception in this case is that Sears exaggerated the bargain available to consumers by referring to a regular price that was not offered as often as the Commissioner believes it should have been. The Commissioner also claims that the savings were always less than the advertised amount as a consequence of the regular price not being offered in good faith and as often as it should have been.
48. In order for this alleged deception to affect consumers, their purchase decisions would have to have been influenced by the magnitude of the claimed savings and the claimed savings' limited availability, as opposed to the final price compared to the final prices of competing retailers. In order for consumers to have been harmed by the alleged misrepresentations, consumers would have had to have purchased Sears' tires when they otherwise would have purchased competitors' tires, by virtue of being induced to reduce or eliminate their efforts to search for the best tire prices as a result of Sears' advertised savings.
49. I first examine whether consumers relied unduly on the savings claimed in Sears' advertisements or whether they would have likely relied primarily on the final selling price. Next I examine the harm, if any, incurred by consumers purchasing Sears' tires assuming for the moment that the claim regarding savings was misleading. Lastly, I examine the harm, if any, to Sears' competitors assuming for the moment that the claimed savings were misleading.

Were Tire Purchasers Likely to Have Been Influenced Unduly by Sears' Advertised Savings Claim?

50. Economic theory informs us that false claims with respect to a characteristic of a good are more common in respect of "experience" or "credence" qualities of a good rather than "search" qualities.⁴⁹ A search quality is one that can be verified

⁴⁹ This discussion is drawn from Carlton, Dennis W. and Jeffrey M. Perloff (1990) *Modern Industrial Organization*, second edition (New York: Harper Collins College Publishers) at 616-617, (a true copy of an excerpt from this book is attached as Exhibit "P").

by the consumer prior to the purchase, while an experience or credence quality is one that can only be verified by the consumer by experiencing the good after purchase or simply taken on faith. For example, the taste of a food or drink product is an experience quality but the price of the food or drink is a search quality. Similarly, the longevity of a tire tread is largely an experience quality,⁵⁰ whereas the price of a tire is a search quality.

51. A false claim about an attribute that can be easily verified prior to purchase is not likely to have any impact on consumers' purchasing patterns since consumers will just ignore the claim and not purchase the good.⁵¹ From an economic efficiency perspective, we want consumers to have correct information about goods in order that they allocate their purchases in a way that maximizes their *ex post* realized utility thereby leading to an efficient allocation of goods and activities.
52. Given this, would consumer welfare and resource efficiency be improved if, for any tire sales item, Sears' regular price prevailed for a longer period of time? To answer this question, I examine the importance of:
- (i) Advertised savings as opposed to final transaction prices in determining consumers' choice of tires;
 - (ii) Price as a factor in consumers' choice of tires; and,
 - (iii) Sears' position as a retailer within the tire marketplace.

(i) Importance of Advertised Savings versus Final Transaction Price:

53. Consumers appear to be primarily concerned with the final transaction price rather than advertised savings when making their tire decisions. Of surveyed

⁵⁰ Consumers might be able to gain insight on the longevity of the tread through consumer reports and the like.

⁵¹ In a competitive market, it is not necessary that all consumers carry out extensive searches in order for a false claim to have minimal impact. If a sufficient number of consumers carry out such searches, the retailer making the false claim will not be able to make sufficient sales of its product in order to warrant having made the false claim. The false claim would thus be dropped.

Sears' tire purchasers, 63% indicated that they would compare prices across stores even when they see ads that indicate reduced tire prices.⁵²

54. Similarly, this survey found that 57% of consumers who had purchased tires from Sears in 1999 compared prices across a variety of different retailers.⁵³ Moreover, consumers determined the prices at different stores in a variety of ways, including means that did not rely on advertisements. Of those who compared prices, 34% looked at newspaper ads, 34% visited the stores, 26% phoned various stores, and 28% looked at flyers.⁵⁴ Almost as many respondents relied on means other than advertisements to determine prices (61%)⁵⁵ as those who relied on advertisements (70%).^{56 57}
55. In keeping with the above finding, the DesRosiers Tire Study found that 86% of the 1,700 respondents did not read any consumer information, including advertisements, brochures and flyers.⁵⁸ Even among the minority (221 respondents) who read consumer information prior to their brand decision, only 18% (40 respondents) read advertisements for tires.⁵⁹ These 40 respondents represent only 2% of the 1,700 sample.
56. Consequently, while there may be some value in referring to savings in advertisements, other evidence suggests that this is insufficient to drive most

⁵² Affidavit of Dr. Kenneth R. Deal, at paragraph 31.

⁵³ Affidavit of Dr. Kenneth R. Deal, at paragraph 25.

⁵⁴ Affidavit of Dr. Kenneth R. Deal, at paragraph 27.

⁵⁵ This consists of respondents who visited or phoned various stores, and consumers who relied on word-of-mouth.

⁵⁶ This consists of respondents who looked at newspaper ads, flyers, listened to radio ads, watched TV ads, looked at catalogues, and the Internet.

⁵⁷ 5% of respondents could not recall or refused to answer how they determined prices at different stores, and 2% of respondents relied on some unspecified means.

⁵⁸ Competition Bureau's Disclosure Statement #93 Tire Market Study – Consumer Retail Survey – The Rubber Association of Canada – August 1996: (x.ref to Sears Disclosure Statement #131) at NCBJ 61S.

⁵⁹ Competition Bureau's Disclosure Statement #93 Tire Market Study – Consumer Retail Survey – The Rubber Association of Canada – August 1996: (x.ref to Sears Disclosure Statement #131) at NCBJ 62S.

consumers' purchasing decisions. As a result, it is not evident that consumers' purchasing behaviour would have been any different had Sears' regular price been available more frequently.

(ii) Importance of Price in Determining Consumers' Tire Choice:

57. While price is important to consumers, consumers' choice of tire is not driven solely by price. The DesRosiers Tire Study identifies several characteristics of importance to consumers when choosing among brands of automotive tires.⁶⁰ When respondents were asked why they chose the brand they did, price was cited most frequently, followed by quality, previous experience with the brand (or it matched the other tires on the car), durability (or expected tread life), and improved traction.⁶¹ However, when respondents were asked to rank the importance of ten different factors in determining the brand they chose, quality issues ranked far ahead of price.⁶² Best wear, long life and dependability was the highest ranked category scoring 4.4 out of 5, followed closely by traction and value offered by the brand, each scoring 4.3 out of 5. Warranty was ranked next at a 4.1 scoring, followed by reputation of the manufacturer scoring 4.0. Less important to consumers were availability at lowest price (3.5), manufacturing technology (3.3), brand names (3.1), recommendations by friends (2.4) and the make of the tire on vehicle (2.3).
58. In other customer research, a J.D. Power and Associates Canadian Replacement Tire and Retailer Customer Satisfaction Study based on responses from more than 4,200 vehicle owners who purchased replacement tires for their passenger cars, vans, trucks and sport-utility vehicles, found that the service customers receive at

⁶⁰ See Competition Bureau's Disclosure Statement #93 Tire Market Study – Consumer Retail Survey – The Rubber Association of Canada – August 1996: (x.ref to Sears Disclosure Statement #131). The total sample for the survey is 1700 responses across the country.

⁶¹ Competition Bureau's Disclosure Statement #93 Tire Market Study – Consumer Retail Survey – The Rubber Association of Canada – August 1996: (x.ref to Sears Disclosure Statement #131) at NCBJ 41S.

⁶² Competition Bureau's Disclosure Statement #93 Tire Market Study – Consumer Retail Survey – The Rubber Association of Canada – August 1996: (x.ref to Sears Disclosure Statement #131) at NCBJ 41S and NCBJ 41-42S.

a tire retailer is highly important to their overall satisfaction, comprising 73% of overall customer satisfaction, far outweighing factors such as competitive price and selection.⁶³ Independent tire dealers were found to offer the best customer service, followed by stores owned by tire companies and tire chain outlets. Canadian Tire, Costco and Wal-Mart all finished at or below the industry average in terms of overall satisfaction with tire retailers.⁶⁴

59. Again, I find that consumers make their choice of tire based on a number of factors, of which price is an important but not the sole factor. In combination with the fact that advertised savings are not the dominant factor in determining consumers' final tire selection choice, there is little to suggest that any economically meaningful number of consumers would have made different tire purchase decisions had Sears' regular price been offered for longer periods of time.

(iii) Importance of Sears within the Retail Tire Market:

60. As noted above, Sears is a small player in the retail market for tires. It represented only 5% of tire sales in Canada in 1999. In light of this, 95% of Canadian tire consumers in 1999 were completely unaffected by Sears' advertising behaviour – had Sears' regular prices been available more often than they were, this would not have affected the behaviour of consumers shopping elsewhere other than at Sears.

Were Consumers Harmed by the Allegedly False Claim Regarding Savings and the Allegedly Insubstantial Period of Time Tires Were Sold at Regular Prices?

61. Consumers who purchased their tires at Sears would only have been harmed by Sears' allegedly false claim regarding the size of savings and the allegedly

⁶³ "Michelin, Yokohama tops in J.D. Power Canadian study", *Tire Business*, February 18, 2002 (a true copy of this article is attached as Exhibit "Q").

⁶⁴ J.D. Power and Associates Reports, News Release, *Michelin and Yokohama Brands Rank Highest as Replacement Tires in Canadian Customer Satisfaction*, January 17, 2002 (a true copy of this article is attached as Exhibit "R").

insubstantial period of time tires were sold at regular prices if they would have made different purchase decisions absent these alleged misrepresentations. I find it unlikely that Sears' consumers' tire purchases would have differed substantially absent these alleged misrepresentations. I base this finding on a review of a sample of retailers' tire advertisements during September 1999.⁶⁵ Based on the advertised prices of comparable tires, the sample allowed for direct comparisons between the prices of Sears' and competitors' tires of the same size in twelve instances.⁶⁶ In all twelve instances, Sears' sale prices were lower than its competitors' sale prices for comparable tires of the same size. These results are summarized in Table 7.

⁶⁵ As noted above, this sample is based on all tire advertisements appearing the *Calgary Herald*, the *Ottawa Citizen*, and the *Toronto Sun* during September 1999 (see Exhibit "H").

⁶⁶ Sears' advertised sales prices in one city are also the prices that would have prevailed in other cities given Sears' national sales policy (see *Notice of Application* at paragraph 41).

Table 7: Comparison of Advertised Tire Sale Prices as Advertised in the *Calgary Herald*, the *Ottawa Citizen*, and the *Toronto Sun*, September 1-30, 1999

Tire Size	Sears – Michelin Superguard 60 (#61000 Series)	Sears – Bridgestone Silverguard Touring (#62000 Series)	Blaskin & Lane – Firestone FR410	GM Goodwrench – Uniroyal Tiger Paw ASC	Goodyear – Goodyear Invicta GS
P155/80R13		\$39.49	\$44.40		
P175/70R13		\$46.99	\$51.81		
P185/70R14		\$53.99	\$62.24		
P185/75R14	\$49.99	\$51.99	\$59.57	\$64.95	\$113.80
P195/75R14		\$54.49	\$62.24		
P205/70R14		\$59.49	\$68.12		
P205/70R15	\$59.99	\$65.49			\$126.25
P205/75R15		\$60.49	\$70.45		
P235/75R15		\$69.49	\$81.05		
	Sears – Michelin Weatherwise	Goodyear – Goodyear Regatta			
P185/70R14	\$89.99	\$97.65			

62. In keeping with the above findings, in a survey of consumers who purchased tires from Sears in 1999, 78%⁶⁷ indicated that they felt that they had received good value for their money, and 89% were at least somewhat satisfied with their tire purchase (70% were very satisfied and 19% were somewhat satisfied).⁶⁸ Moreover, 84% would probably or definitely consider buying tires again from Sears.⁶⁹

63. Given that the available information indicates that Sears' advertised tire prices were lower than those of its competitors and that a large majority of surveyed Sears' tire customers were satisfied with their purchases, I do not believe an

⁶⁷ Affidavit of Dr. Kenneth R. Deal, at paragraph 36.

⁶⁸ Affidavit of Dr. Kenneth R. Deal, at paragraph 38.

⁶⁹ Affidavit of Dr. Kenneth R. Deal, at paragraph 39.

economically meaningful number of consumers would have made different tire choices such that they would have been better off had Sears' advertised in a manner that would satisfy the Commissioner. Indeed, fewer consumers may have had the benefit of Sears' sale prices.

Were Sears' Competitors Harmed by the Allegedly False Claim Regarding Savings and the Allegedly Insubstantial Period of Time Tires Were Sold at Regular Prices?

64. Sears' competitors would have only been harmed by Sears' alleged misrepresentations if consumers would have made their tire purchases elsewhere absent the alleged misrepresentations. As I note above, consumers who purchased their tires from Sears would have been unlikely to have altered their purchase decisions absent the alleged misrepresentations. Based on the available sample, Sears' sale prices were always the lowest sale prices available to consumers.

F. CONCLUSION

65. I was asked to address the following issues:

- a) Did Sears' regular prices make economic sense in that they were comparable to the regular prices for tires that were offered by Sears' competitors?
- b) Were Sears' sales of the subject tires at regular prices indicative of *genuine* prices?
- c) Were consumers harmed in any economically significant way by the manner in which Sears advertised its tire sale prices?

66. I find in response to these questions that:

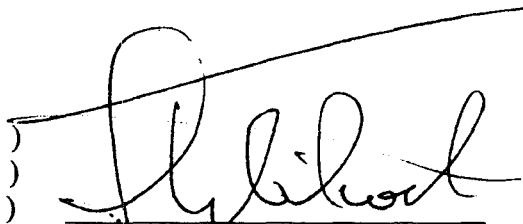
- a) The information available on regular prices in 1999 indicates that Sears' regular prices were similar to or less than the regular prices of some of its competitors for comparable tires. Also, at least some of Sears' regular prices were similar to or less than manufacturers' suggested retail prices

for comparable tires. Such observations are not consistent with a claim that Sears' regular prices did not make economic sense;

- b) Sears' regular prices were genuine in that approximately 21% of all its tire sales took place at regular prices; and,
- c) Consumers were not harmed in any economically significant way by the manner in which Sears advertised its tire sales since it is unlikely that consumers would have made alternative tire purchase decisions absent the alleged deception. The available evidence indicates that Sears had the lowest tire sale prices for comparable tires of the same size, and that consumers were satisfied with their Sears tire purchases. Moreover, the available information indicates that consumers are primarily concerned with the final transaction price rather than advertised savings.

67. I swear this affidavit in support of Sears' Response to the Commissioners' Application in this matter and for no other or improper purpose.

SWORN BEFORE ME in the City of Toronto,)
in the Province of Ontario, this 22 day of)
September, 2003.)



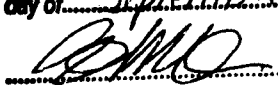
Michael J. Trebilcock



**ERIN LOUISE MILLER, a
Commissioner, etc., Province of Ontario,
while a student-at-law.
Expires May 8, 2006.**

MICHAEL J. TREBILCOCK—*Professor of Law and Economics, University of
Toronto*

LL.M. University of Adelaide, Australia
LL.B. University of Canterbury, New Zealand

This is Exhibit A referred to in the
affidavit of Michael Trebilcock
sworn before me, this 22
day of September 2003.

A COMMISSIONER FOR TAKING AFFIDAVITS

ACADEMIC POSITIONS

1997 and 1999 Global Law Professor, NYU Law School
1996 Visiting Professor, University of Virginia Law School
1972–present Professor of Law, University of Toronto
1988–present Chairman, International Business and Trade Law Programme, University
of Toronto Law
1976–present Director, Law and Economics Programme, University of Toronto Law
School
1/1985–6/1985 Visiting Professor, Yale Law School
1976 Fellow, Law and Economics, University of Chicago Law School
1972–present Professor of Law, University of Toronto Law School
1970–1972 Associate Professor of Law, McGill Law School
1969–1970 Visiting Professor of Law, McGill Law School
1967 Senior Lecturer, University of Adelaide
1964 Lecturer in Law, University of Adelaide
1963 Tutor, Law School, University of Adelaide
Graduate Supervision: 30 LL.M.'s since 1969 and 13 Ph.D.'s
Graduate Courses Taught: Alternative Approaches to Legal Scholarship; The Public Policy-
Making Process; International Trade Regulation
LL.B. Courses Taught: Commercial Law, Corporate Law, Contract Law, Competition Law,
Government Regulation, Social Security Law, Economic Analysis of
Law, International Trade Regulation, The Limits of Freedom of
Contract, Debtor-Creditor Law, Consumer Protection Law



MICHAEL J. TREBILCOCK—Page 2

University Law School Committees: Admissions Committee, Curriculum Committee, Graduate Committee, Hiring Committee

RESEARCH GRANTS

PROGRAMME GRANTS

- Olin Grant to Law and Economics Programme (1989)
- Connaught Grant to Legal Theory and Public Policy Programme (1985)
- Connaught Seed Grant to Law and Economics Programme (1976–1980)
- Donner Foundation Grant to Law and Economics Programme

JOINT PROJECT GRANTS

- *Tort Reform Project*, American Law Institute (1990)
- *Medical Malpractice*, Federal-Provincial Health Care Task Force (1988)
- *Adjusting to Trade*, Economic Council of Canada (1988)
- *The Political Economy of Economic Adjustment*, Macdonald Royal Commission (1985)
- *The Political Economy of Business Bailouts*, Ontario Economic Council (1984)
- *The Choice of Governing Instrument*, Economic Council of Canada (1980)
- *Federalism and the Canadian Economic Union*, Ontario Economic Council and Canada-US Law Institute (1980)
- *Crown Corporations in Canada*, Ontario Economics Council (1978)

PROFESSIONAL AFFILIATIONS AND HONORS

- Secretary-Treasurer, American Law & Economics Associates (2000)
- Research Director, Ontario Electricity Market Design Committee (1998)
- Research Director, Ontario legal Aid reform Task Force (1997)
- Director, Centre for the Study of State and Market (1995–)
- Director, Law & Economics Programme, University of Toronto (1976–)



MICHAEL J. TREBILCOCK—Page 3

- Recipient of Molson Prize from the Canada Council for contributions to the Social Services and Humanities (1999)
- Elected Foreign Fellow of the American Academy of Arts and Services (1999)
- Awarded an Honorary Doctorate in Law, McGill University (1999)
- Recipient, Joint Award of the Canadian Law Teachers Association and Law Reform Commission of Canada for outstanding contributions to legal research and law reform (1990)
- Appointed a University Professor, University of Toronto (1990)
- Lay Member, Canadian Competition Tribunal (1987–1989)
- Elected Fellow, Royal Society of Canada (1987)
- Recipient, Walter Owen Prize for best English legal text in Canada, for *The Common Law of Restraint of Trade* (1986–1988)
- Member, Research Board, University of Toronto (1986–1988)
- Recipient, University of Toronto Teaching Award (1986)
- Director, Laidlaw Foundation (1985–)
- Member, Research Council of the Canadian Institute of Advanced Research (1982–1986)
- Member, Presidential Advisory Committee on Institutional Strategy (PACIS), University of Toronto (1982–1983)
- Acting Research Director, Institute of National Affairs, Papua New Guinea (1982)
- Research Director, Professional Organizations Committee, Government of Ontario (1976–1980)
- Chairman, Consumer Research Council (1975–1976)
- Barrister and Solicitor of the High Court of Ontario (1975)
- Member of the Ontario Bar (1976–)
- National Vice-President, Consumers Association of Canada (1974–1975)



MICHAEL J. TREBILCOCK—Page 4

- Participant, Summer Institute, Economics for Law Professors, University of Rochester (1974)
- Chairman, Regulated Industries Program, Consumers Association of Canada (1973–1975)
- Member, Academic Advisory Panel, Department of Consumer and Corporate Affairs (1973–1975)
- Barrister and Solicitor of the Supreme Court of New Zealand (1964–)

PUBLICATIONS

BOOKS

The Law and Economics of Canadian Competition Policy (with Ralph Winter, Edward Iacobucci, and Paul Collins). University of Toronto Press (forthcoming).

The Regulation of International Trade (with Howse). 2nd Edition. Routledge, 1999.

The Making of the Mosaic: A History of Canadian Immigration Policy (with Ninette Kelley). University of Toronto Press, 1999.

Getting There: The Agreement on Internal Trade (with Schwannen, ed.). CD Howe Institute, 1995.

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Canadian Competition Policy: A Legal and Economic Analysis (with Dunlop and McQueen). Canada Law Book Co., 1987.

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(Winner of Walter Owen Prize.)



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“Immigration Policy,” in Palgrave, *Dictionary of Economics and the Law*, 1998.

“What Makes Poor Countries Poor? The Role of Institutional Capital in Economic Development” (Buscaglia and Cooter, eds.), *The Law and Economics of Development*, JAI Press, 1997.

“Choice of Policy Instrument in the Provision of Public Infrastructure” (with Daniels), in Mintz, ed., *Infrastructure and Competitiveness*, John Deutsche Institute, 1994.

“The Future of Ontario Hydro: A Review of Structural and Regulatory Options” (with Daniels), in Daniels, ed., *Ontario Hydro at the Millennium: Has Monopoly's Moment Passed?*, McGill-Queen's Press, 1996.

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“Economic Analysis of Law” (in Devlin, ed.), *Studies in Canadian Legal Theory*, Carswell, 1990.



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“Can We Become Better Losers? The Political Economy of Economic Adjustment” (in Maslove and Winer, eds.), *Knocking on the Back Door*, IRPP, 1987.

“Federalism and the Canadian Economic Union” (in Bakvis and Chandler, eds.), *Federalism and the Role of the State*, University of Toronto Press, 1987.

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Consumer Reports

November, 1999

SECTION: Vol. 64, No. 11; Pg. 50

LENGTH: 1572 words

HEADLINE: All-season tires for SUVs

HIGHLIGHT:

Good for most driving.)

BODY:

Under most conditions, all-season tires should be more than adequate on a sport-utility vehicle with four-wheel drive. Tires with a deeper, more aggressive tread are likely to be overkill.

We tested all-season tires because that's the type that comes on many SUVs, including the Chevrolet Blazer, Tahoe, and Tracker; the GMC Jimmy and Yukon; the Jeep Grand Cherokee; the Suzuki Vitara; and the Toyota Land Cruiser and Lexus RX300. These tires are designed for reasonably good performance on dry, wet, snowy, and icy pavement.

Some SUVs, however, come with all-terrain tires, designed for both on-road and off-road use. That's an important consideration, because most SUV manufacturers advise using only the same type of tires that originally came on the vehicle. Mounting the wrong tires on an SUV can be especially dangerous. Ford, for example, warns that switching types or sizes on some of its SUV models could seriously hurt the handling, possibly causing loss of control or a rollover.

Before you buy new tires, read the owner's manual and any supplemental guides that came with the vehicle, and look for a warning label on the door jamb or sun visor.

We tested six brands: BF Goodrich, Cooper, Dunlop, Goodyear, Michelin, and Yokohama. We didn't include other major brands because they lacked an appropriate model or because a replacement for an existing model was due soon.

We bought the tires in size P225/75R15 and mounted them in sets of four on a 1998 Jeep Grand Cherokee Laredo with selectable all-wheel drive. (We did the testing in two-wheel drive.) All the tires have an S speed rating, good for sustained speeds up to 112 mph. The Ratings give the most weight to our safety-related tests, but we also included performance on snow and ice.

RECOMMENDATIONS

For the factors we weigh most heavily - braking, cornering, handling, and resistance to hydroplaning - the BF Goodrich Radial Long Trail T/A, \$ 80, stands out as the best overall performer.

This is Exhibit C referred to in the
affidavit of Michael Tebulack
sworn before me, this 22
day of September, 2003
[Signature]
A COMMISSIONER FOR TAKING AFFIDAVITS

Consider your driving conditions and check the **Ratings** before selecting any of the other **tires**, despite any all-season claims. For example, the Yokohama Geolandar H/T, \$ 75, is an excellent choice where winters are mild, but it provides inferior grip on ice and snow. And the Dunlop, \$ 76, while very good overall, was unimpressive in snow. The Michelin, \$ 105, also performed very well overall, but stopping distances on dry pavement were the longest in the group.

RATINGS & RECOMMENDATIONS

SUV tires

The tests behind the **Ratings**

The overall score is based primarily on performance on dry and wet pavement and on ice and snow. Scores are on a scale of 0 to 100: 81 to 100 is excellent, 61 to 80 is very good, 41 to 60 is good, 21 to 40 is fair, 0 to 20 is poor. Snow traction is how quickly the test vehicle accelerated from 5 to 20 mph on level, packed snow. Braking tests were from 15 mph on ice, 40 mph on wet pavement, and 60 mph on dry pavement. On ice and on wet pavement, we tested with the antilock braking system (ABS) engaged and disabled. Cornering is a measure of grip in turns. We drove around our 200-foot-diameter skid pad as an accelerometer recorded the maximum dry and wet cornering force. Emergency handling simulates a swerve to the left to avoid an obstacle, like a child darting out, and a swerve back into the original lane. Hydroplaning shows how well the tires resist skimming on the surface of standing water; the higher the score, the better. Rolling resistance measures the time needed to coast from 40 to 20 mph; the longer the time, the higher the score. We also measured ride comfort and noise on smooth and coarse pavement. All scored 3 for ride comfort; most scored 4 for noise on smooth roads and 3 on coarse roads. Price is the estimated average, based on a national survey.

Can't find a model? Contact the manufacturer. Phone numbers are listed in the report about "Brands."

Overall Ratings

5 - Excellent; 4 - Very good; 3 - Good; 2 - Fair; 1 - Poor

	BRAND AND MODEL		
	LISTED IN ORDER OF OVERALL SCORE		
	BF GOODRICH RADIAL LONG TRAIL T/A	YOKOHAMA GEOLANDAR H/T	MICHELIN LTX M/S
Key no.	1	2	3
Price (\$)	80	75	105
Overall score	85	81	75
Snow traction	3	1	3
BRAKING			
ICE			
w/abs	4	2	4
w/o abs	3	2	4
WET			
w/abs	5	5	4
w/o abs	5	5	3
Dry	5	5	3
CORNERING			
Dry	4	5	5

Consumer Reports, November, 1999

Wet	2	4	2
Emergency handling	3	4	3
Hydroplaning	5	5	5
Rolling resistance	3	4	5
		COOPER	
	DUNLOP	DISCOVERER	GOODYEAR
	RADIAL ROVER A/T	RADIAL STE	WRANGLER RF-A
Key no.	4	5	6
Price (\$)	76	78	115
Overall score	72	58	50
Snow traction	2	4	3
BRAKING			
ICE			
w/abs	4	4	4
w/o abs	2	3	2
WET			
w/abs	5	3	3
w/o abs	4	3	3
Dry	3	3	3
CORNERING			
Dry	4	4	4
Wet	3	2	2
Emergency handling	4	2	3
Hydroplaning	5	4	4
Rolling resistance	4	4	4

Details on the models

-1- BF Goodrich Radial Long Trail T/A \$ 80

An excellent tire for all seasons. Outstanding braking performance across the board.

-2- Yokohama Geolandar H/T \$ 75

A three-season tire, with outstanding wet and dry braking performance. Excellent where winters are mild, but not a good bet for snow or ice.

-3- Michelin LTX M/S \$ 105

A very good all-season tire, but expensive. Excellent cornering grip on dry pavement and the best rolling resistance.

-4- Dunlop Radial Rover A/T \$ 76

Very good overall. Especially competent on wet and dry pavement, but unimpressive in snow. The manufacturer says it's an all-season tire despite its A/T (all-terrain) designation.

-5- Cooper Discoverer Radial STE \$ 78

If winter performance is the most important to you, the Cooper delivers; it provided the best snow traction in the group. But it falls down on wet pavement, and it handles sloppily. AVAILABILITY: Being replaced by the Cooper Discoverer H/T.

-6- Goodyear Wrangler RF-A \$ 115

Good but unexceptional. Tires for the front and rear have different tread designs (rear tread shown), and the manufacturer doesn't recommend rotating them. Noisier than most on smooth pavement.

GRAPHIC: Photograph, easy does it. Braking on ice was an important measure of performance for these SUV tires; 6 non-captioned photographs; 1 table.

LOAD-DATE: November 11, 1999

Copyright 1998 Toronto Star Newspapers, Ltd.
The Toronto Star

December 13, 1998, Sunday, Edition 1

SECTION: CITY


LENGTH: 1716 words

HEADLINE: MAINSTREAM TIRES ON A ROLL

BYLINE: John Mahler

BODY:

We test five
all-season models
for family cars

This is Exhibit P referred to in the
affidavit of Michael Trebilcock
sworn before me, this 22
day of September 2003

A COMMISSIONER FOR TAKING AFFIDAVITS

STAR STAFF

When your car needs new tires this fall, do you simply buy on price, or do you look for quality and some innovation? Although all tires are round and black, a newer design should perform better.

That means shorter stopping distances, stronger grip in corners, a quieter ride and longer tread life.

When the newer rubber arrives, older designs move down the price ladder until they are discontinued - or are reborn as cheap off-brands.

Are these tires bad? Of course not. They once were state-of-the-art, after all.

But this tire test is for buyers who want new technology at a reasonable price - for regular family-car duty.

Each comes from the lower end of the manufacturer's price list for the size we used - P205/70-15.

After a visit to Tiremag on Keele Street in Concord and the loan of some stylish CSA alloy wheels, our driving tests began on GTA's highways and byways.

Tires are listed in the order tested, prices quoted are for the P205/70-15 size.

GOODYEAR INTEGRITY

The Integrity replaces the older Intrepid, Conquest and Invicta. It is available as a replacement tire in 24 sizes ranging from 13- to 16-inches - primarily in 70 and 75 aspect ratios.

Integrity's big innovation is 'ultra-tensile steel.' Goodyear calls it 'the world's strongest tire reinforcement material.' Goodyear uses a single belt of this steel to replace the commonplace two-ply polyester belts.

Four circumferential grooves drain water.

The Toronto Star, December 13, 1998

A solid centre rib enhances straight-line tracking. A highly bladed tread design delivers an all-season rating.

New designs have shorter stopping distances, stronger grip in corners, quieter ride and longer tread life

Handling seemed quite good in heavy rain or standing water. Braking was drama-free up to the point when the ABS took over. But in light rain or on damp roads, the tire was a bit skittish. The ABS was invoked too often, indicating the tread compound prefers either wetter roads (so the grooves can pump the water away) or dryer pavement (where the compound can grab some road texture). Dry grip was very good for a regular-duty tire. It held the Lumina in curves at speeds higher than most drivers would care for. And Goodyear has finally come to terms with ride quality. This Integrity rides like a cream puff over most small road imperfections. It takes a serious bump to feel the hit through the steering. Unfortunately there are still way too many of those on GTA roads. Straight-line stability in ruts is good, too. While the tire is not totally silent, any road rumble is gone by 50 km/h. Screech from the long-wear tread compound can be induced by approaching the cornering limits. Then it sounds to warn the driver to ease up on the gas. This same squeal can also sound when starting from a stop light with a little too much gusto. The Integrity lists for \$ 157.30 but is discounted to \$110 at Tiremag.

YOKOHAMA AVID TC320

The TC320 is the junior member of the Yokohama AVID (advanced vehicle integration design) family. It is an all-season tire with a number of innovative features - including a lot of paperwork. A set of four tires comes with a two-year roadside assistance plan anywhere in Canada or the U.S. The tires have a pro-rated five year, 130,000 km treadwear warranty. If they wear out too soon, you only play part of the replacement cost. A five-year pro-rated road hazard warranty is also part of the package. These tires are also part of Yokohama's 30-day trial program. If you don't like them, go back to the dealer and you will get a credit. These tires offer a very smooth ride under almost all conditions. The sidewall and bead area absorb most road joints and cracks. This pavement interaction can be heard as the tire slaps road imperfections down. It takes a very deep sharp crack to send a signal all the way to the steering wheel. While bumps have been conquered, not so noise. The tread growls noticeably at low speeds. By 60 km/h it is no longer prevalent. At speeds above that, wind noise around the car overpowers the tire's song.

The Toronto Star, December 13, 1998

Wet grip - either on water or on damp - is superb, thanks to a good balance of tread compound and water evacuation routes. There was never a question of not knowing what the tire was doing; feedback was excellent. On-centre steering feel on 400-series highway ruts was very good. Maximum dry grip was easily achieved and maintained. A howling screech warned the driver when to back off the throttle. The TC320 is available in 19 sizes, from 13- to 15-inch and in 80 to 65 aspect ratios. It sells for \$99 at Tiremag in Concord, discounted from a list price of \$145.60.

UNIROYAL TIGER PAW AQUAGRIP

The AquaGrip is Uniroyal's latest design. Deep standing water is handled very well by wide circumferential and deep lateral groove. The AquaGrip lives up to its promise. Handling in the wet is excellent and resistance to hydroplaning is very good. The car was never unsettled by severe braking or rapid steering inputs. The rubber compound also delivered a reasonable amount of grip on damp surfaces. Dry grip was moderate - fine for a family car, but not outstanding. The ride was soft, but the tires didn't absorb bumps from sharp-edged potholes well. Tire noise was minimal. Under hard braking the tires only gave a deep growl as they stopped - appropriate for a Tiger Paw. Severe lateral loads caused the usual squealing and drama in steering control, but only when the Lumina got to unreasonable body lean. Tracking over highway ruts was less than ideal. This is not a tire to be driven with one hand on the coffee mug and the other on the cell phone. But that's a bad idea anyway. The AquaGrip is all-season rated and comes with a 130,000 km pro-rated tread life warranty. It usually sells for \$105 at Tiremag in Concord, discounted from a list price of \$152. It is available in 21 sizes from 13- to 16-inch diameters and aspect ratios from 75 down to 60.

PIRELLI P400 TOURING

Pirelli believes in performance, even for family car tires. The P400 is grippy in the wet. In deep water or dampness, braking always felt secure - stopping distances were short and sure. Control feedback was quick and clear, making it easy to drive right up to its cornering limits. If these limits were exceeded, control came back as the tire was slowed. Wet cornering was very good. In the dry, the Pirelli showed above-average grip for a tire of this type. Controlability was very good, with only sharp bumps throwing it off its stride in corners. Once the sidewalls compressed under the side load, the tire was able to take a lot more steering input. Steering response felt quite sporty, with a tight, ready-to-turn feel. Dry stopping distances were shorter than average. The muscular sidewalls did make the tire feel somewhat harsh over small sharp cracks in the pavement. And it transferred big sharp

The Toronto Star, December 13, 1998

bumps directly to the car's suspension.

Noise, sometimes a problem on tires with big tread blocks, was reasonable. A low growl on smooth pavement changed to a noticeable rumble on coarse asphalt.

Pirelli has chosen to make the all-season P400 from an all-synthetic compound to ensure better grip in all temperatures. A flat footprint helps disperse water evenly under the tread.

P400s in 60/65 aspect ratios carry a pro-rated 115,000 km tread life warranty - 130,000 for 70/75 aspect ratios. They are available in 28 sizes, from 13- to 16-inch diameters.

Louie Solarino at Sam's Garage in Markham sells the P400 for \$98, installed and balanced - discounted from a list of \$152.

BRIDGESTONE BT70s

This is one of Bridgestone's newer tire designs. It features what the company calls UNI-T (the Ultimate Network of Intelligent Tire Technology) - fancy way of saying several new features are used in combination.

The result: a smooth-riding, quiet tire that asks little of the driver but smoothness in steering and braking inputs.

The tread rubber compound is good at helping cushion impacts. These tires use a newer compound with a different carbon black ratio to give them strength. So the cushy ride should not mean faster wear.

The soft ride may be helped by the keyhole-shaped sipes.

The fat part of the keyhole is under the rubber you see. As the rubber wears and the remaining material gets tired from heat cycles, new, wider sipes are exposed to help wet traction - a very good thing.

The driver is kept busy making steering corrections on highway ruts. This could be due to the deep tread, the keyhole sipes and our hot summer.

If that's the case, this characteristic should fade as the tire wears.

Dry grip was good, but the driver needed to work to get it all. Initial response to steering felt slow, but as the weight of the car transferred to the outside wheels and the tires' sidewalls took the load, the response sharpened markedly and grip was high. Using slow, gentle, planned steering and throttle moves, this tire delivered high stick.

Approaching its grip limits, this tire howled like a banshee - enough to cause even the most stout of heart to lessen throttle pressure.

Wet traction was very good. The car's ABS didn't kick in prematurely on panic stops. Brake pedal feel was good enough to make wet stops comfortable. Stopping distances were better than average in both light rain and heavy rain with standing water. The Bridgestone BT70s is available in 13- to 15-inch sizes and 70 and 65 aspect ratios.

It comes with road hazard protection and is part of Bridgestone's 30-day trial program.

The 205/70-15 lists for \$ 162.60, but Tiremag discounts it to \$110.

All prices quoted include installation, balancing and disposal of the old tires.

John Mahler, a Star staff photographer is also a professional

The Toronto Star, December 13, 1998

driving instructor and Wheels' resident tire tester and expert.

GRAPHIC: JOHN MAHLER/TORONTO STAR

STICKY FIVESOME:

John Mahler tests five all-season family car tires on the best and worst GTA roads have to offer.

LOAD-DATE: December 13, 1998

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Toronto Star

May 4, 2002 Saturday Ontario Edition

SECTION: WHEELS; Pg. G27

LENGTH: 2508 words

HEADLINE: Everyday tire test

BYLINE: John Mahler, Special to The Star

HIGHLIGHT:

Sedan trial checks out six bread-and-butter tires used in real-world driving over a range of road conditions

BODY:

The all-season tire market has not been a hotbed of development of late. And the fact we get many letters asking for reviews of "ordinary tires" prompted us to look at this market segment.

What is an "ordinary tire" in today's marketplace is really quite a complicated question. As automakers have been adding content to lower models and moving them upmarket, "ordinary," too, has moved up.

With "ordinary" in mind, we decided to do the tire testing on a 2002 Honda Civic LX sedan. It has been Canada's best-selling car each year since 1998. In January, 2002, Honda sold its 1 millionth Civic. So that's the people's vote.

Civic's prices > they start at about \$16,000 for the DX > have broad appeal. Average prices of new cars sold last year were around \$24,000 to \$25,000. So the Honda was a natural test bed.


The stock tire size is P185/65R15. That is rather ordinary, too. But it is H-rated, which is a tad upscale, but the Honda does have the speed capability. It is also a way of providing safety and added value in a small sedan.

All the impressions below come from everyday driving situations in a variety of conditions. No high-speed, closed-course environment was relied on. The same paved and gravel roads were used for all evaluations.

A couple of generalizations about the tires tested. All are all-seasons: none was great in snow. The best to be hoped for was an "acceptable" rating, and even then I recommend taking them off for the winter. None of these tires was exceptionally quiet. That may be a function of the Honda's sound insulation, or it may be that I'm just getting tired of noise and have less tolerance for it.

Also, there is neither an overall winner, nor any losers. Each tire has strengths, and to gain those it gave up something in another category. As I have said many times in answering reader questions, there is no "best tire." The driver has to decide what is most important to him or her, and find a tire that has those attributes. That is the "best" tire.

Lastly, the characteristics described below for this size may not necessarily be the same for a tire of the same brand in another size. The tire companies

This is Exhibit E referred to in the
affidavit of Michael Trebilcock
sworn before me, this 22
day of September 20 03

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sometimes may engineer a specific tire size differently than the rest of the model line, so that the tire model works better for a specific car that needs that size of tire. Prices quoted below are for a P185/65R15. Here are the tires reviewed, in the order they were tried.

DUNLOP SP SPORT A2

This tire was chosen by Canadian Tire to represent them in this spring tire review. It is a new product for them, fitting in well with the Motomaster group of tires. However, it is not exclusive to or manufactured for Canadian Tire; other tire retailers will also carry this model.

This Dunlop, introduced in June, 2001, has rounded shoulders, which indicates its leanings toward the sportier side.

Straight-line stability is excellent. The three wide centre ribs, one of them solid, resist all road ruts. Dry grip is very good. As the limits approach, very loud howling suggests further use of the gas pedal will be counterproductive. Recovery, after overindulging in cornering speed, is good.

Wet traction is handled by two big circumferential grooves. In straight line driving, these handle water easily. Wet cornering must be a more cautious undertaking. The tire seems to work better in deeper water than shallow; probably this is a function of rubber compounding. The rubber has a high silica blend to help traction under different weather and operating conditions.

The Dunlop's ride was firm, but well within the tolerance range. Different pavement types caused the tire to buzz and sizzle, but the noise was never excessive no matter how rough the pavement got. The Dunlop's steering response and feedback through wheel and brake pedal were excellent.

Traction on unplowed snow was less than notable. It could move but wheel spin was always a hairs breadth away.

By the way, the tire is asymmetrical but not directional, so it can be flipped on the rim as well as rotated to increase tread life.

The Dunlop Sport A2 has a treadwear rating of 420, a traction rating of AA and a temperature rating of A. It is available in 27 sizes for 14- to 17-inch rims and comes in aspect ratios of 70 (taller) down to 50 (shorter). The tire carries an 80,000-kilometer pro-rated tread life warranty.

The tire changeover at the Canadian Tire shop in Aurora was quick and efficient, in and out in less than an hour. However, the installer overinflated the tires, setting them to the maximum pressure on the sidewall > a big no-no; this is for high loads only > not to Honda's specification in the owner's manual and on the door jamb assembly plate. The selling price for this special order tire is \$115.99, plus installation.

GOODYEAR EAGLE HP

The Eagle HP is a sporting tire, and it behaves as such. Its directional tread pattern, reminiscent of the first Eagle "Gatorback", gives water a chance to exit sideways through angled grooves or out the back via four circumferential grooves.

Dry grip levels are very high. Large rounded shoulder blocks on the tread ensure that control loss, when it comes is gradual and controllable. Linear tracking in even the deepest ruts is exemplary. The tire is very quick in responding to steering inputs with no initial lag. It just turns with precision and goes.

The downside is a sports-car stiff ride, even in the Honda Civic.

The HP mostly filters road noise, but many of the types of pavement around the city can cause the tire to sound buzzy.

The Eagle HP pumps out a lot of water and slush. But it does slip a bit when the pavement is damp instead of wet. The tire's treadwear rating of 380 (higher is harder) is an indicator of why, as is the 80,000 km warranty. Traction rating is A and temperature rating is also A.

The tire is available in 27 sizes, in aspect ratios of 70 down to 50 and rim sizes of 14 to 17 inches.

The day-to-day selling price at Goodyear stores is \$109.70 plus installation.

PIRELLI P4000 SUPER TOURING

This is not a new Pirelli, but through constant upgrades and tweaks, the P4000 can still compete with the new kids on the block.

The P4000 bridges the gap between touring and sports. In terms of ride quality, it is a definite tourer. On good pavement, it just floats along. On bad pavement it has an amazing ability to soak up bumps and cracks > the only price paid is a loud thwack as it impacts. The very soft sidewall takes the punishment.

But this sidewall flexibility does not hinder steering response. The steering is not as razor sharp as a sports tire, but it is plenty fast enough for a sedan.

Dry grip levels are high. The cornering limits are approached quietly, a feature the inattentive behind the wheel may not like. If grip is overused, recovery is easy: the tire reacts quickly to less throttle and steering inputs.

Wet traction is handled by good compounding and four large circumferential rain grooves. The tire worked well in wet conditions, maintaining good contact in slight and heavy rain. Past experience with this tire has shown though, as tread depth drops near the wear bars, rain grip is seriously hampered.

Cooler temperatures did not lessen the grip on wet roads. But snow was another matter; there are not enough biting edges to make it a serious winter contender. For winter use, consider it a city tire.

The Pirelli Super Touring is available in 43 sizes in aspect ratios of 70 down to 50 and rim diameters of 14 to 16 inches. Tireworks in Mississauga sells the P4000 for \$105.48 plus \$15 for mounting, balancing, new valve and old tire disposal. This is reduced from a list price of \$162.27. Its UTQC industry standard lists treadwear as 320; traction and temperature are both A rated.

YOKOHAMA AVID H4

Yokohama is best known in this country for its sporty tires. But this small company also provides bread-and-butter tires for the clients it has brought into the fold with its more aggressive offerings.

The AVID H4 is just such a tire. An open-tread directional tread pattern, with lots of sipes (small splits in rubber surface) and two huge circumferential grooves, promises good wet performance.

And the tire does deliver, very good wet grip both in straight lines and under cornering load. Braking distances in dampness were a bit longer on average than I would have liked. Damp grip, unlike wet grip, is a function of rubber compounding, rather than tread construction.

So this may be a case of a slight tradeoff: less grip for more mileage. I had tried a long-term test of the H4 on a Chevy Lumina, and at 30,000 km the tires

showed very little serious wear or grip loss. My expectation was that they would exceed the 100,000 km mark in tread wear.

Dry grip was very high; on long sweepers the tire allowed the basic Honda to achieve sporty car speeds. The tire generally howled under these loads and sound frequency went up severely as speeds increased.

In fact, the tire liked to growl on many types of pavement. It was a constant low sound. I had not noticed this during the Lumina test. Whether there is less sound absorption in the Honda or the natural harmonic frequency of the tire that does not work with the Honda is unclear.

Ride **quality** on smooth pavement was fine. Expansion strips were this tire's Achilles' heel. The tar strips caused a loud thudding noise.

The tire generally felt heavy in its steering feedback. That is not to say that it did not respond quickly and well, but rather that it took more pressure on the steering wheel to change direction of travel.

An AVID H4 lists for \$182.30, but Wheel and Tire Zone on Yonge Street in Richmond Hill discounts this down to \$119, including mounting, balancing and old tire disposal. It is available in 30 sizes, in aspect ratios of 65 down to 40, and rim sizes of 14 to 17 inches.

Treadwear rating is 360, traction A and temperature A. There is no treadwear warranty.

BFGOODRICH TOURING T/A HR4

After driving only a few blocks on this **tire**, its smooth ride tells you it is a touring **tire**. Ride **quality** is very good for an H-rated **tire**. Road irregularities are soaked up with just a thud under the car. And most cracked pavement types cannot bother the T/A. The tire has a continuous spiral wrap so there are no seams where various belts join in the carcass. Of course larger sharp-edged potholes do make their presence felt.

The V-block tread design and varied pitch sequences of the blocks try to keep the ride quiet. But success is only partial; there is a steady hum on almost all types of pavement. Grip was not the highest in any category, but there was more than enough in the dry to produce cornering speeds that were higher than most Honda drivers would ever want to deal with. High cornering speeds produced a lot of noise drama but none in the steering. The tire was controllable at the limit.

Steering response was quick, but in true touring tire form, a little of that was given away to keep the ride smooth. Feedback of impending brake lockup was good.

The wet performance was a little less predictable. Wide rain grooves and open shoulders, made for good water evacuation of standing water in the rain. But grip was only reasonable in the wet. This tire was introduced in 1997, and its rain grip then was above average. But rubber compounds have moved along since then. This wet weakness also showed up in snow. Just below freezing, with several centimeters of wet snow on the road, the car's ABS had to be overly active.

The Touring T/A HR4 comes in 13 sizes, in aspect ratios of 60 and 65. It is available for rims of 14 to 16 inches. The UTQG treadwear rating is 380, with traction and temperature ratings both set at A.

A BFG H4 lists for \$128, but Tiremag in Concord sells it balanced and mounted for \$115. It is also available in sizes for small sports trucks.

BRIDGESTONE TURANZA LS-H

This is Bridgestone's newest tire. Introduced just two months ago, it is chock-a-block full of all the company's latest thinking.

It is a premium-grade touring tire. Its design focus went beyond just grip, and added road-noise reduction, smoothness and wet traction to the list. The Turanza LS family replaces the Turanza Revo, and Turanza T lines.

Bridgestone groups all tire technical features under the acronym UNI-T, for "Ultimate Network of Intelligent Tire Technology." Under that heading, this new tire's features include many sub-acronyms of which I think the most important is AQII. It is Bridgestone's attack on the wet.

Tires with AQII feature "Super EPO" (Super Extended Performance Optimization), which involves "Super EPC" (Super Extended Performance Compound) and an enhanced version of the dual-layer tread. The Super EPC contains an anti-hardening resin and link-stabilizing agent that helps reduce the normal hardening process that occurs as tires age.

The dual-layer tread feature does seem to work. I'm currently on year two of testing some Bridgestone SO-3s that have this and their wet performance is as good as new. As the original layer of rubber wears, new tread compound rubber is exposed little by little as older rubber wears away. This new rubber has better grip than the old aged rubber. This is a seamless process; there is no sudden grip change.

Another new feature of the Turanza LS is a better-designed version of water evacuation channels dubbed "HES" (Hydro Evacuation Surface).

All of this technology shows in the tire's performance. It is grippy in the dry and exceptional in the wet. Water never produces a problem, whether going straight or taking on an off-ramp. The Turanza was stable and gave a secure feeling. Under hard cornering, the tire howled.

Ride **quality** was very good with some thumping feeling over sharp-edged irregularities.

The sidewalls absorbed a lot of the rough road, but could not soften the heaviest of bumps. Noise levels were generally low but some buzz was heard on certain pavement types. Squeal was pretty well non-existent.

Straight-line stability in ruts was not as good as some of its other attributes. The tire needed a fair bit of steering control to keep it on track on the right lane of the 401. It wanted to walk out of the ruts.

The touring tire status was also apparent in relatively slow steering response when first entering a corner. There was no question it would turn, but it did not have the razor responses of a more sport-oriented tire. Once the tire got turned and had some load on the sidewall, it was very happy, providing good grip and linear response to steering inputs.

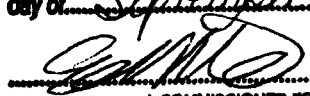
The Turanza LS-H is available in 18 sizes, in aspect ratios of 55 to 70 for wheel diameters of 14 to 16 inches. It carries a treadwear rating of 400, a traction rating of AA and a temperature rating of A.

It carries an 80,000 km pro-rated tread life warranty.

Tiremag in Concord sells the LS-H for \$180, including installation and balance. Its list price is \$212.

GRAPHIC: PIRELLI P4000 SUPER TOURING GOODYEAR EAGLE HP DUNLOP SP SPORT A2
YOKOHAMA AVID H4 BFGOODRICH TOURING T/A HR4 BRIDGESTONE TURANZA LS-H

LOAD-DATE: May 4, 2002

This is Exhibit F referred to in the
affidavit of Michael Trebilcock
sworn before me, this 22
day of September 2003

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FOCUS - 34 of 39 DOCUMENTS

Copyright 2000 Crain Communications, Inc.
Tire Business

January 17, 2000, Monday

SECTION: Pg. 10

LENGTH: 1238 words

HEADLINE: Toronto: one competitive tire town; Canadian dealers' problems mirror many of those south of the border

BYLINE: Miles Moore, Washington reporter

BODY:

TORONTO--Canadians enjoy a reputation for civility, particularly as compared with their brash American neighbors.

In the Toronto tire market, however, all bets are off, as a large number of mass retailers, price clubs and independent dealers fight for the motorist's dollar.

When dealers gather in Toronto Jan. 26-29 for the quadrennial convention and trade show of the Tire Dealers Association of Canada, they will be in the midst not only of Canada's largest metropolitan area, but also what many consider to be one of the most competitive tire markets in North America.

Canadian Tire Corp. Ltd., the Toronto-based retailing giant, is the main competition in the mass tire market, Toronto independent dealers agreed. But names well-known south of the Canadian border--such as Costco and WalMart--also are establishing themselves here.

"Any consumer can phone 20 of us in this area to find out who has the best price," said Jamie Kelly, president of Ron Mitton's Tire Service Ltd. in the Toronto suburb of Scarborough, Ontario.

"Toronto is probably the most competitive market in Canada," added Paul Hyatt, president of Superior Tire Auto Fitness Centres in Scarborough. "A lot of American visitors say it's one of the most competitive in North America: Los Angeles, Miami and Toronto--the three toughest."

Andr Picard, co-owner of Scotia Tire Service Ltd. in Mississauga, Ontario, characterized the local tire market as "dog-eat-dog," although circumstances are slightly different in the commercial tire market, the aspect of Scotia Tire's business that Mr. Picard oversees. "On the commercial side, independents are the main competition," he said.

Ralph Chiodo, president of Active Green + Ross in Mississauga, attributes the fierce Toronto competition to "a number of players constantly wanting to increase their market share and, in so doing, driving competitors down."

While Canadian Tire and other mass marketers have the biggest impact on competition, auto service chains such as Midas Muffler and Speedy Muffler also

are starting to carry tires, Mr. Chiodo noted. Even without them, though, the market would be tight. "The quality of tires is so good, they're lasting so much longer, and nobody is willing to lose market share," he said.

Along with the large number of players in the Toronto market, Mr. Hyatt sees basic changes in the tire industry as behind the fierce competition in his home town.

"Many of our problems are universal," said Mr. Hyatt, a former president of both the Ontario Tire Dealers Association and the Tire Dealers Association of Canada who now serves on the executive board of the Tire Association of North America. "Competition is still competition, whether in a small town or a big metropolitan area. We grew up with it, developed our own niches. Many survive and do well; some don't."

Nevertheless, things are very different from the days when tire manufacturers served Toronto dealers directly, Mr. Hyatt said.

"Manufacturers don't have any passion any more," he said. "It's a different industry. I think, too, that a North American economy is developing. There will be much closer ties between Canada and the U.S., with cross-border shopping and the Internet. Tire company policies will promulgate that.

"Pretty soon, independents such as myself will be shopping in the U.S.," he added. "Instead of being cousins in the business, we'll be brothers in the business. Today, it's easy to plug in a few numbers and get tires shipped, whether from Akron, Montreal, Vancouver or Seattle."

Asked how they could stand out from the crowd in such a vast and rapidly changing metropolitan market, most of the dealers contacted said what Mr. Picard did: "Service, service, service--more service, better service.

"We're a Michelin dealer, and that gives us the edge," he said. "Everybody has access to our product, but we have a sales force on the road that stops in and checks up on accounts. Location is a big factor for us, too--we have three outlets in Mississauga."

Ken Simkins, Mr. Picard's partner at Scotia Tire, agreed that service and inventory--the dealership carries more than 3,000 tires--are just as important for the company's passenger and light truck business as for its commercial accounts.

"We don't try to compete on price," he said. "Instead, we appeal to the upper end of the market. We're in a marketplace where we can afford to do that. We'd rather sell 10 tires and make \$40 on each one than \$20 each on 20 tires."

For Superior Tire, "knowledge is our No. 1 competitive advantage," Mr. Hyatt said. "Between Canadian Tire and ourselves, we have all the tire brands, but they don't have the people who know the sizes and the applications."

Active Green + Ross' management style gives it a competitive edge, Mr. Chiodo said. Twenty-five of its 30 stores are franchises, with "hands-on" owner-managers, he said.

As for problems Toronto dealers face, most agreed that finding competent, motivated personnel is a major hurdle.

"Getting qualified people is an ongoing challenge," Mr. Chiodo said. "We spend more time on that than we'd like."

Some dealers said they deal with the problem by taking matters into their own hands. "You can't get trained help, so I have my own training program," said Mr. Picard. "We train them from scratch--that's the most efficient way to do it."

Mr. Kelly said he also trains in-house. "When I hire new people, I teach them my way, or else it's goodbye," he said. "We work as a team--I don't have one guy do one vehicle."

Nevertheless, it is difficult to get tire servicers to stay in one place, Mr. Simkins said.

"The people we hire tend to be a very transient group, not long out of school and with no families to support," he said.

"We try to keep them by treating them properly and not laying anybody off. But some of them still jump to the mass retailers when they find out they can earn more per hour there. We try to explain to them that when the slow periods come in those places, they'll be laid off--but they won't be (laid off) here."

For Mr. Hyatt, "the No. 1 challenge is coping with change. We have regular meetings on coping with change. It's a personal challenge to understand the relationship between dealers and their suppliers, and it's difficult, because suppliers don't really seem to understand it. Loyalty ceased to be an issue a number of years ago. Things just evolved that way."

If the concerns of Toronto dealers seem identical so far to those of their brethren south of the border, there is one concern that seems much less pronounced in Canada: government regulation. No dealer contacted expressed any fear of government edicts, whether national or provincial.

"We're a very clean operation, so we have no problem with regulations," Mr. Picard said. "Keeping your shop clean--I was the first one to push that. It reflects on your operation if you're clean."

In some cases, government regulations have been an aid to business, the dealers said. A prime example is Ontario's "Drive Clean" program, which requires certification of cars for safety and emissions.

The Ontario Environment Ministry instituted the Drive Clean program in January 1999, Mr. Chiodo said. "We got on the bandwagon early, bringing new customers to our stores," he said. "All our 30 stores are licensed to perform the tests and equipped with the necessary testing apparatus."

GRAPHIC: Active Green + Ross, left, and Superior Tire Auto Fitness Centres, right, are among the numerous independent tire dealerships in the Toronto area.

LOAD-DATE: January 17, 2000

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This is Exhibit.....referred to in the
affidavit of...*Michael Toehleack*
sworn before me, this...*23*
day of...*September*.....20...*03*
[Signature]
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FOCUS - 35 of 39 DOCUMENTS

Copyright 2000 Crain Communications, Inc.
Tire Business

January 17, 2000, Monday

SECTION: Pg. 10

LENGTH: 1418 words

HEADLINE: Canadian car dealers selling more tires more aggressively

BYLINE: Chris Collins, Tire Business staff

BODY:

AKRON--When Ford Motor Co. initiated a major advertising campaign last summer that billed each Ford and Lincoln-Mercury dealership as "America's newest tire store," independent tire dealers in the U.S. were upset, as one might expect.

Ford said its goal is to sell 6 million tires per year by 2001 through the service departments of many of its 5,000 U.S. dealers.

While this retail channel may be relatively new to U.S. tire dealers, their compatriots in Canada have faced this challenge for a long time.

Canadian tire dealers now say auto manufacturers there are becoming more aggressive in advertising tire sales--and in developing wholesale tire business, too.

Don Frisby, owner of Frisby Tire Co. Ltd. in Ottawa and past president of the Ontario Tire Dealers Association, said he's noticed auto dealers promoting tire sales more and more in the last two or three years.

"When they start advertising, you know they're serious," he said. In Ottawa, the advertising is primarily in newspapers, he added.

"A lot of pressure (to sell tires) is being put on car dealers, especially by GM (General Motors Corp.), in this market," he said.

Mr. Frisby hasn't noticed any effect on his dealership's retail business, but he estimates his sales to auto dealers have dropped 10 to 20 percent in the last two years.

One car dealership that has gotten into the tire business in a big way is Dueck Chevrolet, Cadillac, Oldsmobile Ltd. in Vancouver, British Columbia. Dueck has a tire department with annual tire sales of about \$1 million and is the largest Michelin/Uniroyal outlet in western Canada, said Jeff Davidson, tire department manager.

Mr. Davidson, who previously worked 10 years for an independent tire dealership, said Dueck's tire department sells about 10 sets of tires a week to walk-in customers. However, the auto dealership also serves as a wholesale outlet for about 20 tire dealerships in the Vancouver area.

The tire department's operation is integrated with the service department, Mr. Davidson said, and Dueck's five service trucks make daily deliveries of both auto parts and tires to area service facilities.

Most of Mr. Davidson's wholesale customers are dealerships that want to sell Michelin's brands, but don't want to join the Michelin Alliance (formerly called the Royal Care) program in Canada. That program requires that more than half of a dealer's tire sales be Michelin brands.

Mr. Davidson said non-Alliance dealers are "willing to pay an extra (percentage) point or two" to get Michelin products for their customers.

Located in downtown Vancouver and serving dealers within about a 20-mile radius, Dueck's tire department can deliver special orders within a couple of hours.

Mr. Davidson's department also provides aftermarket wheels and tires for the dealership's new-car customers. He said "sizing up" to 18- and 20-inch wheels and tires is becoming popular with Dueck's customers who don't like the original equipment.

Upgrading the tires and wheels on new cars is "one of the few things we can do without altering the new-car warranty," Mr. Davidson said. Dueck's auto sales personnel also receive a commission on tires and wheels they sell.

"Most people don't equate auto dealerships as tire shops," Mr. Davidson said, and Dueck hasn't advertised very much for walk-in tire customers. However, Dueck plans to construct a 180,000-sq.-ft. facility by the middle of 2001, he said, which will include a 6,000-sq.-ft. tire warehouse and a more visible tire department.

"Walk-ins are not a market we pursue aggressively," he said, "but in the new location we will."

The Big Three auto companies (GM, Ford Motor Co. and DaimlerChrysler A.G.) all have active programs in Canada to promote tire sales through dealers.

DaimlerChrysler's program has been in operation for about 30 years, a company spokesman said, featuring Michelin brands and a private brand called Autopar, which is made by Michelin. The company said all of its 555 Canadian dealers sell tires.

DaimlerChrysler considers tires an important part of its service to customers, the spokesman said.

Reg Kehler, vice president of Western Canada Tire Dealers, the regional dealer association, and owner of Reg's Tire Service Ltd. in Brandon, Manitoba, said DaimlerChrysler actively wholesales the Autopar brand to small tire dealerships in rural Manitoba. They even provide these dealers with inventory on consignment, he said, at very little risk to the dealer.

Ford's tire program in Canada began in 1991, originally promoting Firestone tires, a Ford spokesman said.

More than 300 of Ford's 568 Canadian dealers participate in tire sales, he said, and now offer Goodyear, Michelin and Uniroyal brands, as well as Bridgestone's popular Blizzak winter tires.

He was unable to provide specific sales figures, but said, "(Tire) sales are brisk."

GM of Canada began a tire program for its dealers in 1994, a company spokesman said, and dealers can order tires through GM's parts sales system.

The "vast majority" of GM's 800 dealers participate in the program and can order products from each of the three tire companies (Goodyear, Michelin North America and Bridgestone/Firestone Inc.).

Unit sales of tires increased 32 percent in 1999 over 1998, he said, and 1998's unit sales were 14 percent greater than the previous year.

"There's been a push on for Goodwrench service advertising," the spokesman said, and a lot of that advertising has promoted tire sales. The amount of advertising for the Goodwrench service program has been increased each year since 1994 in an effort to build recognition across Canada.

Canada's independent tire dealers are concerned with the quality of service auto dealerships provide tire buyers and the ways they advertise tire service.

"Auto dealers are selling a fair number of tires," said Dale Parsons, owner of Grasons Excel Tire in Vancouver, "but they're misapplying them like crazy."

He said most car dealers aren't experienced at selling tires and some of their customers are being shortchanged. For example, he said, an auto dealer convinced a customer to put a set of Uniroyal ASC passenger radials on a Chevrolet Astro commercial van, and the tires wore out in about 10,000 miles.

Mr. Parsons said auto dealerships' tire advertising is strictly price-oriented, often featuring low-priced tires solely to build traffic. Mr. Kehler agreed.

In November and December, "GM heavily blitzed the Winnipeg market like a Goodyear campaign," Mr. Kehler said. GM's ads appeared on TV, radio and in the newspaper, he said.

"GM has been by far the most aggressive to date" in terms of tire sales advertising, he said.

The recent GM advertising blitz featured Uniroyal tires, but also promoted other major brands.

Mr. Kehler said GM's advertising has affected his dealership's sales and margins. Customers would see GM's TV ads and ask him, "Can you match this deal on TV?"

Ford hasn't made "a big splash yet," he said, but based on what Ford is doing in the U.S., "we're expecting it."

Tire-selling by auto dealerships does represent a competitive threat, and tire dealers shouldn't close their eyes to it, said John Goodwin, executive director of the Ontario Tire Dealers Association. In London, Ontario, where Mr. Goodwin is based, this type of advertising is appearing in the newspaper two to three times a week, he said.

"There's a lot more (advertising) in Toronto," he said.

Mr. Goodwin said the OTDA has a committee investigating the ads auto makers and mass merchandisers are running. Some ads claim to sell tires at 50 percent off list price, but he asks rhetorically, "Who sells at list?"

He said Canadian law forbids advertising discounts from a specific price unless a vendor has sold a majority of units at the undiscounted price before the advertising begins.

Mr. Goodwin acknowledged that auto dealers are starting to gain a small amount of market share in tire sales, probably increasing a couple of percentage points in the last four years.

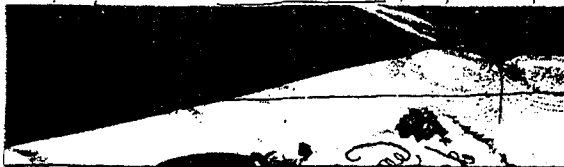
Tire Business January 17, 2000

Mr. Parsons said he doesn't think he's lost any retail business to auto dealers in Vancouver, but he said tire dealerships have lost wholesale business because the tire makers are selling directly to auto dealers.

"The rubber companies aren't doing the independent dealer any favors," he said.

Mr. Frisby of Ottawa was more blunt: "I consider this a very, very serious threat to our business--the most serious in the last 10 to 20 years."

LOAD-DATE: January 17, 2000



— Warren Toda, SUN

the best NBA players.” Oakley drove five hours from his off-season home in Cleveland to attend yesterday’s news conference, which

GETTING HIS CUT ... Power forward Charles Oakley, who officially re-signed with the Raptors on Tuesday, slices into a cake made in his honour yesterday.

you want to shoot 80 and then shoot 100, you’re going to be disappointed. I’m not coming here with a big head or an ego. I’m coming in to fit in and make the team better. Guys don’t have to cater to me. I will cater to them. I’ll make things easier by bringing something special to a team.”

In Oakley’s case, that means toughness and a high level of basketball intelligence.

Steve Skrimmons Page 118

Molson ready to unload Habs' rink

Tired of paying high property taxes, beer giant Molson Inc. wants to sell the Molson Centre, a 21,773-seat arena built for its Montreal Canadiens NHL hockey franchise.

Chief executive James Arnett made the announcement yesterday at a news conference. He said the company's Pierre Boivin was named the new president of the hockey club.

Arnett also confirmed that Molson will keep the NHL franchise, and gave Boivin the go-ahead to restructure its financial and

operational management. Molson was completed the sale of the arena to the Canadiens.

The Canadiens are seeking a new arena in the Montreal area. The arena is one of the largest in the world.

The Canadiens are seeking a new arena in the Montreal area. The arena is one of the largest in the world.

YASHIN HEADED TO EUROPE: Senators captain Alexei Yashin is expected to head for Europe later this week, his agent said.

Yashin, who says he won't play out the final season of his deal with the Senators worth \$3.6 million US, unless Ottawa signs him to a creative long-term deal, will likely end up training in Switzerland.

At this point, the Senators will begin camp with Yashin and four free agents: Wade Redden, John Madden, Steve Staios and Bruce Campbell.

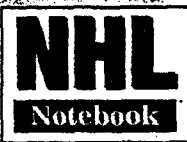
In an interview in Montreal, Yashin said he is looking for a new team. He is currently in Switzerland. He is looking for a new team. He is currently in Switzerland.

HEADS UP: When training camp starts, Maple Leafs' concussion victim Alyn McCauley will be fitted with a special helmet that will include extra padding, more secure straps to hold it in place and impact air, as well as a visor and mouthguard.

DUST DEMOS: The Leafs eliminated two more Group 2 free agents yesterday by reaching agreements with wingers Lanny Robinson and Ladislav Kohn. Both got two-way deals at \$425,000.

US Assistant to the president Bill Watters hopes to have forward David Nemirovsky, another Group 2 free agent, under contract by tomorrow.

RISER BY NO MERRY: Doug Riseborough, who was introduced as the first general manager of the Minnesota Wild yesterday, said he has no hurry to hire a coach before next year's expansion draft but will begin building his front office immediately. The Wild will begin play in the 2000-2001 season.



SWAN SWIMS TO THE SURFACE: All-star defenseman Paul Swan says he may be playing in the playoffs for the Coyotes.

I don't think I'll be in the playoffs. If that's the case, I'll be in the playoffs. If that's the case, I'll be in the playoffs.

AROUND THE RINK: Bruins' star defenseman Craig Ladwig will be traded to the Los Angeles Kings. He will be traded to the Los Angeles Kings.

WINGS OF CHANGE: The St. Louis Blues will acquire forward Steve Yastrizhnevsky from the Chicago Blackhawks.

WINGS OF CHANGE: The St. Louis Blues will acquire forward Steve Yastrizhnevsky from the Chicago Blackhawks.

WINGS OF CHANGE: The St. Louis Blues will acquire forward Steve Yastrizhnevsky from the Chicago Blackhawks.

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September 3, 1999, Toronto Sun, Sports, p. 102

This is Exhibit H referred to in the affidavit of Michael Trebilcock sworn before me, this 22 day of September 2003

[Signature]
A COMMISSIONER FOR THE AFFIDAVIT

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Notebook

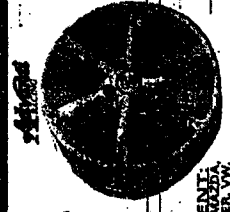


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Toronto Sun - Tuesday, Sep. 7, 1999, p. C8 - Sports

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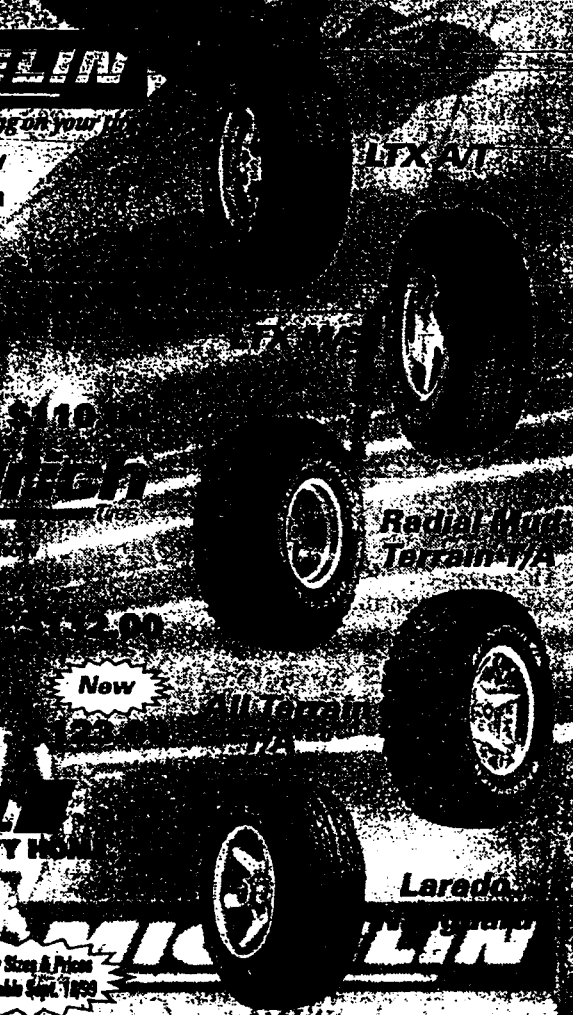
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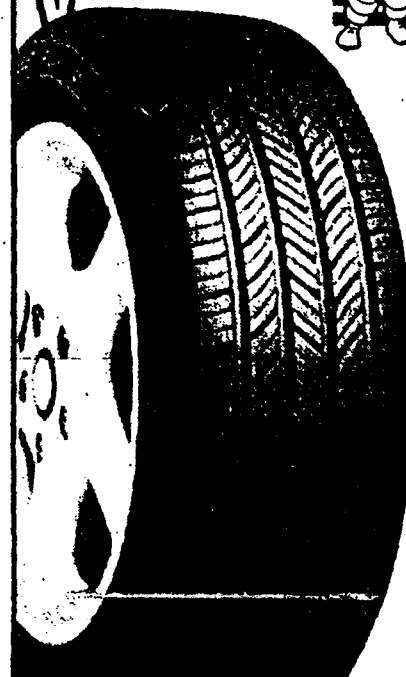


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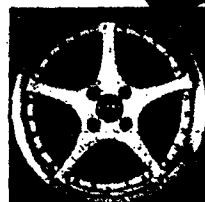


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September 13, 1999, Toronto Star, Sports p. 90

...they are snare-out. After an off-season of optimism and enthusiasm, imagine seeing one of your veteran leaders injured on the first offensive play of the season.

This much is certain. Nobody in the New York Jets organization is shedding a tear for the Bills.

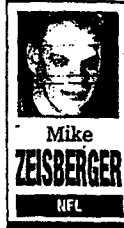
The Jets were the fashionable pick of many pre-season prognosticators, including that of *The Toronto Sun's* NFL reporter, to represent the AFC in Super Bowl XXXIV. Oops. Guess you can flush that selection right into the Hudson River.

Gone for the season is Jets quarterback Vinny Testaverde, who ruptured his Achilles tendon in New York's 30-28 loss to the New England Patriots. Gone is third-down back Leon Johnson, who ripped ligaments in his left knee.

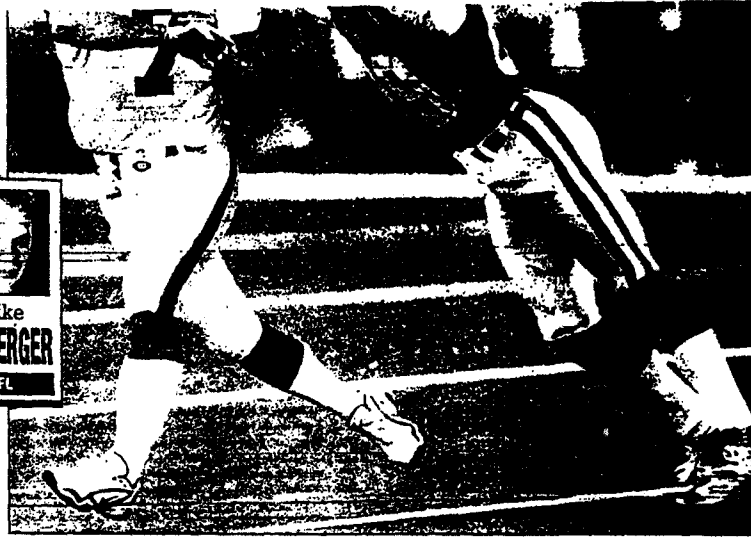
Gone, realistically, are Gang Green's hopes of going all the way, unless Joe Namath suddenly discovers the fountain of youth.

"It's disappointing to me to miss the season," Testaverde said yesterday as he addressed the media for the first time since the injury. "All off-season I travelled up here for mini-camps, to work out, to go to meetings. And now this."

The game this Sunday between the Jets and Bills in Buffalo's home opener was considered to be a showdown for first place in the AFC East, the NFL's toughest division. Instead, it now has become a bat-



Mike ZEISBERGER
NFL



JUST IN TIME ... Doug Flutie of the Bills unloads a pass as Jason Belsor of the Colts applies the pressure on Sunday at the RCA Dome. Problems with the running game may force the Bills to throw more often.

tle between two desperate teams looking to avoid an 0-2 start.

"Seriously, I hate to see a good player get hurt," Bills coach Wade Phillips said yesterday. "I can't worry about the Jets but I know (Testaverde) is a good guy. We're going to worry about ourselves first."

There are plenty of things to worry about.

Topping the list is Buffalo's lack of a running game, a problem that ballooned with Thomas' injury. Buffalo managed just 47 yards on the ground, 24 by quarterback

Doug Flutie.

Jonathan Linton steps into Thomas' role as a third-down back. Linton's claim to fame early in the pre-season was his penchant for fumbling.

And what about Antowain Smith? A year after rushing for 1,138 yards, his confidence must be plummeting with every passing day.

During the off-season, Smith watched the Bills unsuccessfully pursue troubled free agent Lawrence Phillips, whose personal baggage could fill a police blotter.

criticism. But consider this: Tennessee running back Eddie George fared no better (1.7), while New York's Curtis Martin was worse (1.5).

Smith declined to talk to reporters after the loss.

Team officials are facing a dilemma. Do they continue to feature a passing attack that just wasn't a good enough recipe to snatch them a victory Sunday? Do they revert to a power running game and, if so, which back gets the bulk of the load?

"As far as changing what we do, I don't know," Flutie said yesterday. "Maybe we'll go to more of a two-back set. I don't know. It's up to Joe (Pendry, offensive co-ordinator) upstairs."

Flutie will start against the Jets, although Phillips became agitated when asked about that by a Toronto reporter after the loss to the Colts. Apparently frustrated at constantly being grilled about the quarterback situation involving Flutie and Rob Johnson, Phillips would not answer the question and left the podium muttering.

Phillips is regarded as one of the good guys in the league, but in this case he has fuelled speculation about his quarterback's magic carpet ride of 1998 is well-documented. He easily outplayed Johnson in

pre-season. Yet, choosing to ignore the obvious for some reason, Phillips officially named Flutie the starter just last week.

Phillips said his team was "shocked" at seeing Thomas lying on the RCA Dome turf after being levelled by Colts defensive back Tyrone Poole. He had better hope the incident wasn't an ominous harbinger of the remainder of the season.

Mike Zeisberger can be reached via e-mail at mzeisberg@sunpub.com.

NFL notebook Page 85

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Toronto Sun, Tuesday, Sep. 14, Sports p. 78



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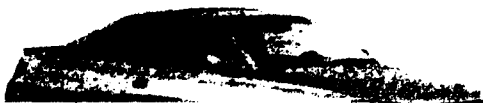
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Has to do something
 In the meantime, he may take a run at unassigned free agent Gerald Diduck, if he can outbid the Toronto Maple Leafs who also have an interest. There's also Marty McSorley, who is working out in Los Angeles and remains available.
 But, Houle has to do something. The Canadiens' hopes were slim enough going into this season. They got a lot slimmer when Vladimir Malakhov, the Canadiens'

would border on an elite.
 The Canadiens already were missing Patrice Brisebois, who is recuperating from a back operation. He's progressing well, but is at least two months from returning and perhaps longer.
 Defencemen are a scarce commodity in the National Hockey League these days and no team, especially one as weak as Montreal, can afford such long-term injuries to its top two defencemen.

STRACHAN
 HILL

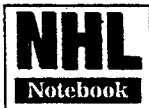
from a knee operation.
 Kovalev is in camp with the team, but he's not expected to play in the exhibition game. The Canadiens will be in the Montreal arena this weekend, but because he's the Canadiens' won't be any hurry.

Yushkevich a real sniper in Russia

By LANCE HONSBY
 Toronto Sun

As Dimitri Yushkevich tears up the Russian league, Bryan Berard is looking to play for his own alternate team to ride out the contract storm with the Maple Leafs.

"If this goes on much longer, we will look at putting him some place," Berard's agent, Tom Laidlaw, said yesterday. "Not as a strategy, but to get him playing. An International Hockey League team has expressed interest. We'll see what happens by the weekend. It's all preliminary right now."



Since Leafs general manager/coach Pat Quinn told the pair of Group 2 free-agent defencemen to stay away rather than become a camp distraction, Yushkevich went home to Russia to play with his old club team Torpedo Yaroslavl, while Berard stayed in Rhode Island, working out with a personal trainer.

Yushkevich, playing a kind of Ray Bourque role with a young team in the northern Moscow suburb, scored two goals in a 3-3 tie with Mechel-Chelyabinsk on Saturday, while Yaroslavl toppled Avangard Omsk 7-1 yesterday.

"He's in good shape and he's ready to come back here at a moment's notice," Yushkevich's agent, Mark Gandier, said.

Neither Laidlaw nor Gandier said any progress was made in conversations late last week with Toronto's point man on the contracts, Bill Watters.

"Both sides just expressed their love for each other," Gandier said with a laugh.

Berard was seeking an average of about \$2 million US a season, Yushkevich about \$3 million, but the sides did get a little closer earlier this month.

BWARE OF DOUG: Doug Risebrough knows he will have that one-sided 10-player trade in 1992 with the Leafs haunting him now that he's general manager of the expansion Minnesota Wild.

As Calgary Flames GM, Risebrough virtually gave away Doug Gilmour in a deal that set the table for 90-plus points seasons by the Leafs in 1992-93 and 1993-94, but he says he's not dwelling on the past.

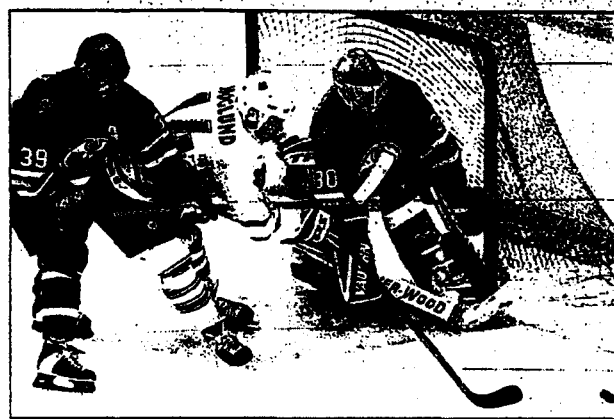
"People have asked about that trade a lot and I've always said it's the best personal thing that happened to me," Risebrough said.

"I realized the strengths and weaknesses in myself. I realized it's a lot different going from a player to a coach to a manager."

CUP CRAZY: It was another summer of adventure for the Stanley Cup, which spent some time with each member of the champion Dallas Stars.

Jamie Langenbrunner pulled it around a lake near Duluth, Minn., on an inner-tube, though the Cup's Hockey Hall Of Fame custodian insisted Stanley be fitted with a life-jacket for the ride.

Brian Skrudland sampled gourmet Norwegian fish from its bowl; Mike Keane presented it to his 100-year-old grandmother; and Pat Verbeek brought it to a service at a downtown Dallas church.

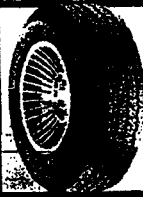


—Mark O'Neil, SUN

HOOKED UP ... Maple Leafs' Jones Hoglund loses control of the puck in front of Oilers goalie Bill Ranford after being hooked by Doug Weight in last night's pre-season match at the Air Canada Centre.

BRIEFLY: The Stars remain far apart with defenceman Richard Matvichuk, a Group 2 free agent. He wants \$6.5 million over three years, the club is offering \$10 million over five years ... Condolences to NHL veteran Marty

McSorley, whose father, Bill, died on the weekend ... The Edmonton Oilers released seven players yesterday, including Daniel Cleary, a first-round pick of Chicago in 1997. —with files from AP

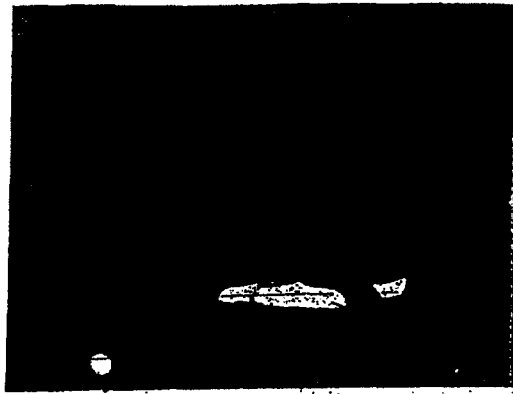


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Toronto Sun, Tuesday Sep. 21, '99, Sports p. 68



SMOOTH STROKE ... Brad Faxon putts on the 18th hole during yesterday's playoff with Fred Funk at the B.C. Open.

bolism was clear. If Crenshaw wants to hold the Cup, his heavily favoured Americans are going to have to win this weekend at The Country Club.

"So much has been made about who is favoured but it doesn't matter," Crenshaw said. "Whoever is going to prevail is going to have the feel for this golf course."

A Concorde carrying most of the European team — some were already in town — arrived at Logan International Airport at about 10 a.m. yesterday. They were greeted by Gov. Paul Cellucci and Lt. Gov. Jane Swift, then escorted by state troopers to a waiting bus.

Later, at the captains' news conference, James launched into a diplomatic stump speech that belied the importance of golf's most pressure-packed tournament.

"While we would obviously like to bring

he said: "I don't think they'll be doing anything too stressful."

The team played a four-hole playoff on Sunday and then a 36-hole playoff on Monday. The playoff will be the longest and days alternate nine and 18-hole matches.

On Sunday they will be a 12-hole singles match. One point is awarded for each victory, and a half-point for a draw with the 10.5 needing a 1/2-point to win the cup, as defending champion Crenshaw would retain the cup if it ends in a 4-4 tie.

LOVE READY TO GO: Davis Love III, who went 19 days without touching a club because of a pinched nerve in his neck, proclaimed himself fit for the Ryder Cup and said he might even be available for two matches a day if he is playing well.

"I'm actually shocked at how good I feel," Love said yesterday.

Canadian Tour loses its Masters

By RICK FRASER

Special to The Toronto Sun

The Canadian Masters, which joined the Canadian Professional Golf Tour in 1994 as its premier event, has lost its sponsors and won't be returning.

"Changing conditions within the individual businesses have necessitated this decision," Masters tournament director Mike Watt said.

"It is in no way a reflection of their attitude toward golf in Canada or the Canadian Tour."

The event was sponsored by Timex, Canpar

Transport and Teledyne Water Pik.

Since it was created in 1994, the sponsors collectively invested more than \$2 million and the tournament raised an additional \$400,000 for its charity, the George Knudson Cancer Research Foundation. The event was held each year at Heron Point Golf Links in Ancaster. It had a purse of \$200,000.

Winners included Mike Weir (1997), who won his first PGA Tour event three weeks ago; Trevor Dodds (1996), who had his first PGA Tour victory last year; and PGA Tour regular

Scott Dunlap (1995).

"We are extremely disappointed in the loss of the Masters. They have done a great job for the tour and we're very thankful for their support," Jacques Burelle, chairman of the Canadian Golf Tour, said. "We will have to look for a replacement tournament."

Canpar president John Gyropeck said it's possible the Masters sponsors will continue supporting golf.

"There are several options open to me and I'm very interested in helping Canadian golf,"



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Toronto Sun, Thu Sep 21, 1995, Sports p. 74

Canadian horse Jug favourite

Daniel Plouffe is tantalizingly close to realizing a childhood dream.

Blissful Hall, Plouffe's brilliant three-year-old pacing colt, is listed as the 3-2 favourite to win today's \$543,980 US Little Brown Jug at Delaware Park, Ohio, the second jewel of harness racing's Triple Crown.

The Little Brown Jug is one of the biggest purses in North America," said Plouffe, the trainer-operator of four supermarkets in Bedford, Que. "When I was young, I always dreamed about winning it. But I'm not dreaming now."

The son of Cambest, a \$47,500 yearling purchase, has won six of its last seven, including the Cane Pace on Sept. 4 in Freehold, N.J., the first leg of harness racing's Triple Crown. In its last start, Blissful Hall captured the Pacer Stakes at Mohawk Raceway on Sept. 14 in a track-record time of 1:51.2 from the inside No. 10 post.

"He continues to amaze me," said trainer Daniel Wallace of Milton. "We have a serious buyer here."

Blissful Hall and regular driver Ron Pierce will start the first heat from the No. 7 spot. American-owned The Panderosa, which has won harness racing's only \$1 million race, the North American Cup and Meadowlands Pace, will go from Post No. 6 in the opening heat. The Panderosa is the 5-2 second choice to win. It was the early favourite before breaking stride twice in its last three starts. — CP



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Where did it all go wrong?

Well, start with the Aug. 13 last-minute scratch of starting pitcher D'Swid Wells against the Oakland A's. The Jays lost 9-8 that night, starting a stretch of nine consecutive home losses against Oakland, the Seattle Mariners and the Texas Rangers.

"We had some big series where we got smoked," outfielder Shawn Green said. "And every time you looked at the scoreboard Boston and Oakland kept winning. After that it was hard to regain our balance."

The Jays found themselves down three or four runs in the early going during that skid.

"During that stretch at home, we didn't get good pitching and we didn't get any defence," first baseman Carlos Delgado said.

"Then we got hit with injuries. Joey Hamilton went down and Chris Carpenter got hurt."

The injuries to the two starting pitchers hurt, but the Jays were slipping toward an early grave before that.

Of the starters — which included Wells, Pat Hentgen, Hamilton and Kelvin Escobar — only Carpenter, with a 9-8 record and a 4.38 earned-run average, and Roy Halladay, 9-7, 3.92 ERA, had seasons that were above expectations.

This from a staff that Jays president Gord Ash and assistant general manager Dave Stewart pronounced was the best in the American League after they acquired



Bob Elliott
BASEBALL

men on first and fourth. "Good teams overcome those mistakes and go on to win. We didn't."

Delgado pointed to three tough losses in a 10-day span earlier this month: Seattle's Tom Lampkin homering off closer Billy Koch to win in the ninth; Detroit rallying from a 5-2 deficit to win in the ninth; and the Yankees coming

back from a five-run disadvantage with two out in the eighth.

"We swept Atlanta and Cleveland after the all-star break," Delgado said. "We were going good. Then, we went from the penthouse to the outhouse."

The Jays went through many phases this season — from bad starting pitching to bad defence to great defence to no-show offence. One rough stretch came in May, after shortstop Alex Gonzalez was lost for the season to shoulder surgery. Second baseman Homer

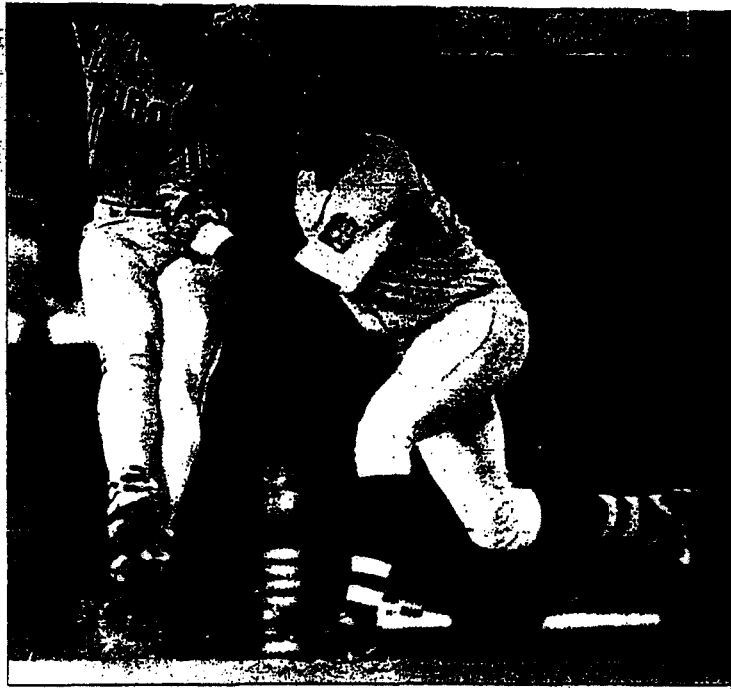
Bush was forced to play short and struggled.

"You can't win with scraps, you can't win with players filling a void for others," Bush said. "We never had any consistency. There were many reasons why we didn't win. One was me playing short for 17 games."

"They pay guys millions of dollars to play short for defence. No matter what the healthy guy does, it's not the same as the guy you lost."

Every team had injuries. No team had more than the Red Sox, who will win the AL wild-card spot with a roster which resembles a giant quilt.

The Jays will finish with fewer than the 88 wins they had last year under former manager Tim Lincecum. Will they finish at .500 going



through the motions?

"This is probably the most important time of the year to see how players react," Jays manager Jim Fregosi said. "It's a time when you evaluate and make decisions on what you're going to do next year."

"Some teams are out at the all-star break. They keep plugging. There's the pride factor. You do

represent a team and an organization. Those things are important."

Fregosi said he was never "fortunate enough to play on really good clubs" or "manage really good clubs."


"How they go about their business is really important to me," Fregosi said.

The Jays appeared interested

last night, but they are a tad too late.

"It has been a disappointing season," Green said, "we were expected to go to the post-season. The end of last year we came on strong. It's more disappointing to start well and then finish poorly."

Bob Elliott can be reached by e-mail at b Elliott@comcast.com



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Toronto Sun, Thursday, Sep. 23, 1999, Sports p. 126

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Toronto Sun - Friday Sep. 24, 1999, News p. 43

TODAY 7:30 a.m. - 6 p.m.
 Tomorrow 8 a.m. - 6 p.m.
 Sunday 10:30 a.m. - 6 p.m.

ALTERNATE SHOT

7:30 a.m.
 Colin Montgomerie
 Paul Lawrie, Europe
 vs. Phil Mickelson
 David Duval, U.S.

7:45 a.m.
 Sergio Garcia
 Jesper Parnevik, Europe
 vs. Tom Lehman
 Tiger Woods, U.S.

8 a.m.
 Miguel Angel Jimenez
 Padraig Harrington, Europe
 vs. Davis Love III
 Payne Stewart, U.S.

8:15 a.m.
 Lee Westwood
 Darren Clarke, Europe
 vs. Hal Sutton
 Jeff Maggert, U.S.

(Pairings for afternoon
 better-ball TBA today)

Quotable

**Even though
 it's a team
 format, Sergio
 and Tiger going
 at it is a golf
 fan's dream**

— Tom Lehman

ROARING START ... All eyes will be on Tiger Woods (above) and Sergio Garcia (below) this morning as the 3rd Ryder Cup begins.

Random draw pits Woods against Garcia ... sort of

By **KEN FIDLIN**
 Toronto Sun

BROOKLINE, Mass. — They are the future of golf and the future is now. Not next year or next month or next week. Now. Like, this morning.

Tiger Woods and Sergio Garcia will step up to the first tee at The Country Club this morning in the second foursome of the first set of matches for the Ryder Cup. Each will have a partner — Tom Lehman with Woods; Jesper Parnevik with Garcia — but the world will have eyes only for the game's two golden boys.

In a blind draw yesterday afternoon, their names came up opposite each other.

"Well, in this second slot," United States captain Ben Crenshaw said jokingly, "Mark (James, the European captain) and I met down by the skating pond on No. 3 and worked this out for y'all."

In reality, each captain submits his list independently, with no knowledge of the other's lineup.

"It should provide some excitement for the first day. Lo and behold, it came right out of the box," Crenshaw said.

To kick off the first round of alternate-shot matches at 7:30 this morning, fellow Scots Colin Montgomerie and Paul Lawrie will take on David Duval and Phil Mickelson.

Fifteen minutes later, Garcia and Parnevik will face Woods and Lehman.

The third match pits Spaniard Miguel Angel Jimenez and Irishman Padraig Harrington against Davis Love III and Payne Stewart.

The fourth and final match features Englishman Lee Westwood and Darren Clarke of Northern Ireland against Jeff Maggert and Hal Sutton.

Ever since Woods and Garcia hooked up from afar in the final round of the 1999 PGA Championship, the golf world has been anticipating a Ryder Cup matchup.

"It just happened," Crenshaw said. "So many people want to see it, no question about that. Really, Mark and I didn't have any control. But there it is in the first round."

Woods made every attempt to play down the matchup.

"It's not one-on-one," he said. "It's alternate shot and you only hit half the shots. We each have to rely directly on our partners."

Both captains said that some of the pairings evolved naturally. Players' styles and personalities all come into play. In Garcia and Parnevik's case, it simply is a case of two players being comfortable together on the golf course.

When Garcia turned pro this past spring, Parnevik took him under his wing. In past spring, Parnevik found a solid, level-headed player who can handle the circus that always follows Woods.

In general, the Americans probably need a fast start to keep the self-doubts from creeping into the mix of high-octane emotions. They have lost the

past two Ryder Cups by the narrowest of margins to the Europeans. Even though the U.S. again is heavily favoured, it won't take much failure to tip the scales in the 'Oh, not again' direction.

For the Americans, Mark O'Meara, Justin Leonard, Steve Pate and Jim Furyk will sit out the first round but are possible for the afternoon best-ball matchings.

Same goes for Jarmo Sandelin, Andrew Coltart, Jean-Van de Velde and Jose Maria Olazabal.

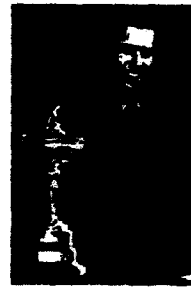
Olazabal, the most experienced of all the Europeans, simply has not regained the form that made him the Masters Champion this year since he broke his hand hitting a hotel room wall after playing poorly at the United States Open.

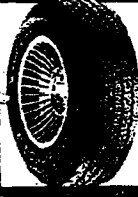
He recognized that fact and asked James not to use him this morning, but you can expect to see him this afternoon in the four-ball best-ball pairings.

At the far end of the practice fairway, some 320 yards from the tee, there is a 50-foot high tent. The other afternoon, Woods pulled out his driver and screamed a drive over the tent.

Word travels fast around a golf course. The next morning, Garcia duplicated Tiger's prodigious blast.

The anything-you-can-do, I-can-do-better show has begun.





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Toronto Sun, Friday, Sep. 24, 1999, Sports p. 116

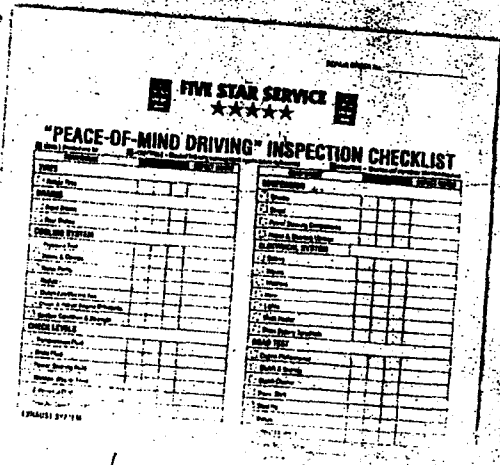


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over Dario Franchitti and now goes by as going into today's 100-lap race (5 p.m., TSN).
 Montoya outduelled Bryan Herta — a winner two weeks ago at Monterey, Calif. — and Team Kool Green teammates Paul Tracy and Dario Franchitti to earn his seventh pole of the season.

"I'm doing as much as I can to help Dario," said the Toronto native. "He's getting the benefit of the work that I do and my setups. I'll do everything I can, but, ultimately, he has to beat that little guy (Montoya)."
 "My goal is to do as well as I can. If I can't

a lap of 92.317, but Montoya then jumped on top at 92.995 two minutes later.
 As all of the top drivers continued to improve, Montoya's speed appeared in jeopardy. So he went out and topped himself, turning the fast lap of 93.651 with two minutes remaining.

Toronto Sun - Sunday, Sep 26, Sports - S 9



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September 28 / 1999, Toronto Sun, News, p. 24

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wearing Norm Cash's No. 25, earlier hit a grand slam off the right-field roof of the Reggie Jackson, to assure the Tigers' 3,744th career win.

This wasn't about a win. Pick is a trivia answer. This was about memories at a park which had 28 continuous seasons.

The post-game ceremony began with a score-board video of Tigers championships and Hall of Famers.

Fans cheered black and white photos of Ty Cobb, politely clapped for Sam Crawford and Hughie Jennings. They roared at colour photos of George Kell and game footage of Al Kaline.

One by one — the only introduction being their faces and the names on their uniforms — Tigers greats came out of the tunnel in centre to cheers. Mark Fidrych was first. He raced to the mound and, as in 1976, smoothed it over.

"I said I'd do a 360 out there," Fidrych said. "This place is my life. This ain't a building, it's been my life since 1976."

Then, catcher Bill Freehan, first baseman

ELLIOTT BASEBALL

Fans wiped tears, seeing their favourite players. A banner from the night-centre overhang rusted Tom Hanks' line from the movie *A League of Their Own*. "Today there is crying in baseball."

"Farewell old friend, we will remember," Hall of Famer announcer Ernie Harwell said, his voice breaking with emotion as the ceremony concluded.

Jack Morris left Tiger Stadium to pitch in domed stadiums, first in Minneapolis and then at the SkyDome.

"No one hit a wind-blown homer, every bounce on a grounder was true and I never tired because of weather," Morris said of his dome days.

"But you can't replace a beautiful day with 20 degree weather and the smell of hot dogs drifting to the mound with a dome. A dome can't replace the mud and wet April and September days."

"Playing here you'd sweat on the mound and go into the clubhouse and sweat more because

THE END ... Tigers pitcher Todd Jones makes his final pitch to Royals Carlos Beltran last night to close out the final game at Tiger Stadium, which is closing after 88 seasons. The AC wasn't working. Playing in this park made me stronger, made me what I am as a player."

Morris, a World Series winner with the Tigers and twice with the Blue Jays, now has a buzz cut with spots of grey in his red beard. He told Gibson, "Grey hair is better than no hair."

Brian Moehler, the Tigers starter, wore Morris' No. 47 as a tribute to the right-hander.

Hall of Fame

Hall of Fame numbers dotted the Tigers lineup. First base man Tony Clark wore Hank Greenberg's No. 13, second Damon Easley wore Frankie Frisch's No. 2, at third Dean Palmer sported George Kell's No. 21 and right fielder Karim Garcia wore Al Kaline's No. 6. "I wish I could have had a number like these," said a fan in the stands.

Emotional Pat on the back

By MIKE RUTSEY
Toronto Sun

If Sunday's game against Cleveland was Pat Hentgen's last at the SkyDome in a Blue Jays uniform, he'll leave town a happy man.

Hentgen said the standing ovation he received is something he'll never forget.

"The ovation from the fans was awesome," the Jays' senior citizen in terms of consecutive service said yesterday from his home in Palm Harbor, Fla. "It definitely was more emotional for me because it could be my last game (in Toronto)."

Toronto lost the game 11-7. "I was very appreciative of the support they gave me and the support they have shown me my whole career. But I don't

know if that was my last start in Toronto. There has just been a lot of speculation and until I hear something different, I'll feel I'm still a Blue Jay."

Jays president Gord Ash has said he will attempt to sign both Shawn Green and Carlos Delgado to long-term contracts this off-season. To do that he'll have to create room in the budget and Hentgen, with his \$6.5-million salary, and David Wells, who will earn \$8 million, are the guys likely to be moved.

Hentgen, 30, who has been with the Jays organization since he was selected as a 17-year-old in the 1986 June draft, has two years remaining on his contract (next year plus a club option for 2001).

"I'll see what my next start (Friday or Saturday

in Cleveland) be something special?" Hentgen said. "All I know is I always treated each game like it would be my last game and if (a trade) happens, it happens."

The trade talk, however, has taken its toll.

"It hurts," Hentgen said. "To me it says they don't want you. Nobody in the organization, though, has said that nobody in the front office."

Neither has anyone told him the rumours were hogwash.

If he is traded, Hentgen hopes the fans will remember him as a fiery competitor.

"When I think about my time in Toronto I think about two World Series, two all-star games and a Cy Young," Hentgen said. "If I go I want to be remembered as a guy who pitched as hard as he could every time he grabbed the ball."



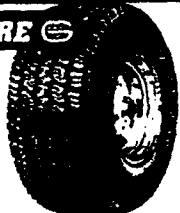
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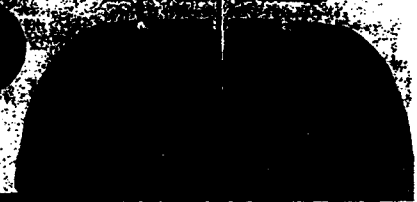
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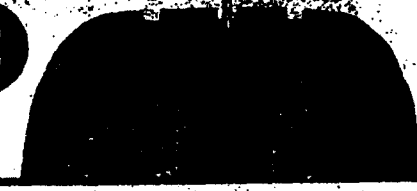
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SPECIAL BED ... Motola is comforted after her first operation a month ago.

Pachyd packing

Hopes fade as Motola

LAMPANG, Thailand (AP) — An elephant who was maimed by a land mine has rejected a splint that doctors gave her, and the odds are now against her survival.

The team treating 34-year-old Motola on Monday removed the splint they had attached to her injured left front leg because she had failed to adapt to it, a veterinarian said yesterday.

The vets had amputated the foot with which Motola stepped on a land mine last month in the border area between Thailand and Myanmar, also called Burma. Last week, they had attached a splint made from metal pipe to the bad leg in a bid to help her

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Reagan biographer in

WASHINGTON (CP) — Ronald Reagan, who was known to blur reminiscences of his life with Hollywood-faceted embellishments, has become the subject of an often unflattering official biography that is partly imagined by its author.

Dutch: A Memoir of Ronald Reagan goes on sale today.

The book's Pulitzer prize-winning author, Edmund Morris, has unearthed some newsworthy nuggets: ■ The Marxist-bashing former president flirted with communism in 1938, but was rejected by a Marxist leader as "a flake." ■ He was an unfeeling "apparent airhead" who dismissed American homeless as mental deficients. ■ He now rakes leaves from his pool for hours, "not understanding that they are being surreptitiously replenished by his Secret Service men."

Most of the pre-publication buzz has been about Morris'



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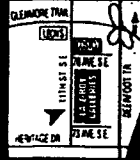
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P195/75R14	47.38	P195/75R14	62.24	P185/70R14 B	56.72
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Calgary Herald, Thurs. Sept 2 '99 - A18

It's a good thing CART teammates Dario Franchitti and Paul Tracy and their respective support staff didn't receive too much information Friday. While the Team Kool Green drivers were in the interview room, crediting their son-long teamwork and exchange of technical information for their winning campaigns and one-two placing, provisional qualifying for Sunday's Molson Indy Vancouver, CART officials were preparing to put a damper on things.

Franchitti's fast time of one minute, 33 seconds on the 1.802-mile, 12-corner street circuit stood, but Tracy's on-best time was negated after a post-qualifying inspection determined ground clearance on his Honda-powered Reynard was less than the allowable two inches.

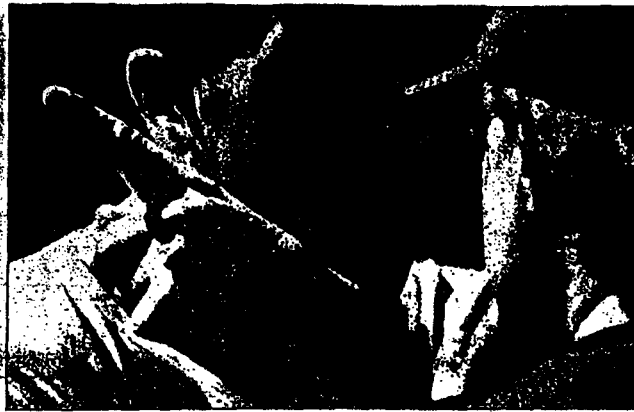
"Obviously, I'm disappointed and guys will be as well," said Tracy at the pit area after learning his time was blown out.

Team owner Barry Green said the Reynard passed two technical inspections prior to qualifying.

"So, we're certainly confused as to what happened since then," he said.

Tracy, a native of Scarborough, Ont., has a chance to re-qualify today, though he'll have to run with the other cars in the first qualifying group. It could be a disadvantage, particularly with many drivers saying the track is quicker as the day goes on.

Franchitti, who won last year's race on the pole, said he had trouble getting free of traffic to run a clean lap in qualifying, then gambled with a new set of Firestones.



Kevin Frayer, Canadian Press

Team Kool Green driver Dario Franchitti gestures to crew member Friday.

"I was debating whether to put a new set on or whether to save them for the race," said the speedy Scotsman. "I said, 'Aw, let's try it,' and went out and did one flying lap... and that was it."

With Tracy's time tossed out, Brazilian Roberto Moreno, driving the Newman Haas Swift for the injured Christian Fittipaldi, was second on the provisional grid in 1:01.652. The personable veteran, who is trying to secure a ride for next season, was so delighted to find himself in the interview area, he jokingly asked if he could take home with him the temporary name plate in front of his microphone.

Local favorite Greg Moore of Maple Ridge was third, getting a good run out of his Mercedes-powered Reynard.

Moore, 24, has not finished any of his previous three Molson Indy Vancouver races.

AT A GLANCE

Facts about the 10th Vancouver Molson Indy, the 16th event in the 20-race CART FedEx championship series:

- **WHEN:** Sunday, 1:30 p.m. MDT, CBC.
- **CIRCUIT:** 1.802-mile, 12-corner temporary street circuit.
- **1998 WINNER:** Dario Franchitti, Team Kool Green.
- **PREVIOUS CHAMPIONS:** Al Unser Jr., four times; Michael Andretti, three times; Mauricio Gugelmin, once.
- **PURSE:** \$1 million US.

Wittup looking for charity for his annual Backstretch 2000. The event will be held at the Vancouver Raceway on Friday, Sept. 11. Wittup's Backstretch 2000 is a charity event for the Juvenile Diabetes Research Foundation.

The Beelby's daughter, Kelly, has been diagnosed with the disease.

This year's total will top \$200,000 after the harness breeders' contributions through the auctioning of six donated stallion services were added to previous donations.

The stallion services sold at Friday's annual Yearling Sale Preview were for Bomb Rickles, Dexter Nukes, Wittsend's Fiddle, Mattduff, Freedoms Pass and Neales Ten Spot.

"This is a huge amount that took a huge effort to raise," said Barb Armstrong, an Alberta representative for JDRF.

Other fundraisers included the auctioning of Hall-of-Famer Mike Lachance's driving services on last Sunday's Nat Christie Memorial Stake card. Lachance also donated his five per cent driving fee.

A portion of Chicago driver Brian Pinsky's fees, backstretch donations and proceeds from a charity auction at Wittup's golf tournament beefed up the total.

Today's sale of 197 yearlings at the Stampede Park Sales Pavilion will begin at 4:30 p.m. following a shortened eight-race program.

Blue Star Morning and Red Star Sunshine, fillies sired by As Promised, could vie for the sale-topper honour. The former's a full sister to the current multi-stakes winner Blue Star Treasure; the latter's the first yearling out of Chocolate Flip, a former Alberta champion mare.

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Calgary Herald, Sat. Sept. 4 '99 E8

Construction of a clubhouse begins this fall, and will be ready for partial use next year. He expects the facility to cater to banquets and weddings, reducing some of the need for tournament play to support the course. The 16,000-square-foot clubhouse will be fully open in 2001, he promises.

Designed by Bill Newis, and modified by Allred, construction has been under the watchful eye of project manager Jeff Shaw, who has been responsible for celebrated courses including

Allred says the par 4s are "a combination of easy, average and hard." The par 5s — one is 600 yards — will let the player grip it and rip it. The course will put an emphasis on chipping and putting, says Allred.

And it appears that the residential component — 102 half-acre lots — won't interfere with play. On average, the lots are about 200 yards from the fairways.

Last week, crews finished seeding the course. Many holes look like they're ready for play now.

considering sites in Springbank and on land just south of the private Cam-money course off Dunbow Road.

But no deal has been done, says Joe Romagnolo, communications manager for the RCGA.

"We are actively pursuing land or a golf course in the Calgary area, but by no means have we narrowed down our search to a specific piece of land," he says.

The RCGA has plans to build facilities here, in Toronto and in Montreal. One 18-hole course would be a cham-

LPICK WILLIAMS, MICHAEL ERDMAN,

Willie Underhill, Gord Gathercole, David Lindsay and Harry Zuzak.

"I also greatly appreciate the feedback all the readers have provided. Your kind words make a great job even better."

And as always, a big hug and a kiss to my wife Lisa for keeping up the house, and walking Fergus morning and night while I've been galloping across the continent.

See you next spring.

CANADIAN SUCCESS STORY

pros offer advice to Weir

'He has to look at the big picture,' says PGA star Price

Meara Canada's

la's top in the y Club ig pic-and go

nbined — say ination A Tour at Fall's second-

place finish at the Motorola Western Open and a disappointing 80 in the PGA Championship, where he finished 10th after starting in the final pairing of the final day with Tiger Woods.

On Sunday, he won for the first time on the PGA Tour, pushing his earnings over \$1.1 million US. He sits 22nd on the money list.

Price said Weir took the right approach after his meltdown at the PGA Championship.

"It's always a great person who turns adversity into a positive, and that's what he's done," said Price. "He didn't play well, but handled it well."

O'Meara has known Weir since they played in the Canadian Skins more than a year ago.

"I think we're all excited for Mike," he said.

Good friends with Tiger Woods, O'Meara said that Weir went through what most players go through when put into a situation like the PGA Championship at Medinah. They suffer.

"I know it was a heart-breaking round, but it made him tougher for (last) Sunday," said O'Meara. "To shoot two 64s Saturday and Sunday is impressive."

Singh, who won his first major championship last year at the PGA, said winning will do nothing but help Weir's confidence. Being called a champion, is a real "boost," he said.

Price, who won six times in 1994 including two majors, said Weir must continue to work on the weaknesses in his game to support his strengths.

"He has to take it to the next level," said Price. "And I think he will."



Larry MacDougal, Calgary Herald
Vijay Singh, having some fun at the Hamptons on Monday, says Mike Weir's win on Sunday is an important boost to his confidence.

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Calgary Herald - Tues. Sept 7 1997 F3

Psychiatric tests ordered TORONTO

A former Maple Leaf Gardens usher convicted of sexually abusing several children will spend another 30 days in hospital undergoing psychiatric assessment, a judge ruled Tuesday.

Superior Court Justice Victor Paisley granted an order extending John Roby's psychiatric examination to 60 days — less than a month after another judge ordered a second 30-day examination.

Roby was convicted in May of sexually abusing 26 boys and a girl between 1967 and 1983. He has been in custody since his arrest in February 1997.

Payette on trade mission OTTAWA

Canadian astronaut Julie Payette is going from space mission to trade mission.

The 35-year-old Montrealer, who returned successfully in June aboard the space shuttle Discovery, will join Jean Chretien, the Prime Minister; eight premiers; three territorial leaders, and about 260 business representatives on a six-day trade mission to Japan which begins this Sunday.

Landlord's heart melts KELOWNA, B.C.

A Calgary landlord who told a Kelowna woman she could no longer feed and clothe the poor in her rented house has had a change of heart.

The unnamed landlord, represented locally by Associated Property Management, had told Leanne Stanyer to stop feeding 150 and 200 people who visit her house for Sunday dinners through fall and winter. Leanne's Lunch Ladle also provides clothing to those who can't afford it. "I've been here nine years and there has never been a problem," Stanyer said Tuesday. "I have even done most of the maintenance.

Peter Baszucki of Associated Property Management went to bat for Stanyer, phoning the landlord after hearing from her. "He changed his mind," Baszucki said. "We'll work with her to enhance what she's trying to do there."

British PM took personal interest in Black peerage

CALGARY HERALD
OTTAWA

British Prime Minister Tony Blair took a "personal interest" in Canadian publisher Conrad Black's proposed peerage and wanted to unfurl it as part of a special list of honours.

Blair's keen involvement in the plan to appoint Black to the British House of Lords is revealed in correspondence from the British High Commission to the Canadian government — one of dozens of newly obtained letters and briefing notes on the newspaper proprietor's scuttled peerage.

The records, many with heavy deletions, were released under the Access to Information Act.

Black, whose holdings include Southam Inc., Canada's largest newspaper chain which includes the Calgary Herald, filed a lawsuit in August alleging Prime Minister Jean Chretien blocked the peerage because the National Post, the company's flagship paper, had published numerous unflattering articles about him.

Chretien maintains the title could not be granted to Black because Canada was bound by a 1919 House of Commons resolution requesting that the King refrain from conferring titles of honour on Canadian citizens.

However, one briefing note prepared by the Privy Council Office suggests the Canadian government hadn't completely shut the door, and needed time to study the issue.

The June 18 note points out that the last Canadian to accept a peerage was Roy Thomson, who renounced his Canadian citizenship in 1963. Since the introduction of dual citizenship in 1977, no Canadian had been offered a peerage.

"For these reasons, we need time to review the implications of peerage appointments."

On June 2, the British High Commission wrote to Canada's Foreign Affairs Department seeking the federal government's approval of a life peerage for Black.

Deputy High Commissioner Richard Codrington wrote that a reply was needed by June 8 to include Black's appointment with the Queen's Birthday Honours. "As you know, our prime minister has a personal interest in this and would like to gazette the award with the birthday honours."

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Calgary Herald - Wed Sept. 3 1999 A17

Khattab, a Jordanian- or Saudi-born fighter who films his group's attacks on Russian soldiers and publishes them on the Internet, said on Tuesday in Grozny, the Chechen capital, that he wouldn't attack sleeping women and children, only soldiers.

Security officials released composite

Addressing the Duma, the lower house of parliament, Putin described the separatist Chechen republic as "a huge terrorist camp" and announced a tougher border regime with Chechnya, economic sanctions against Chechnya and ruthless attacks against rebel fighters in Dagestan.

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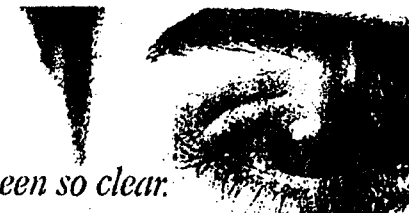
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THE CANADIAN PRESS
TORONTO

The Argos on the selling
ld serve as a reality check
adian Football League, ac-
CFL president Jeff Giles.
rovide a barometer as to
progress we have made
" Giles said Wednesday.
ill take the success of the
usly until we turn the
nchise around. This is one
challenges of the CFL be-
declare victory."
he CFL was teetering on
fismangement forced the

And the league was still reeling from
the embarrassing failure of its U.S. ex-
pansion experiment in 1995.

These days, CFL revenues are at an
all-time high, attendance is up a whop-
ping 10 per cent league-wide and four
of the eight teams either broke even or
posted a small profit last year. The
once-dismal Lions and Alouetties are
still posting lesser losses, but both ap-
pear on the road to recovery thanks to
solid ownership.

But the picture isn't quite so rosy in
Toronto, the CFL's biggest and most
important market. Despite an improv-
ing Argos team and a 25 per cent boost
in attendance, the club is again ex-
pected to lose millions, something it
has done every year since Belgian
brewery Interbrew SA took over four

the Argos could be the uncertainty
surrounding SkyDome, where the
club's \$750,000 annual lease expires at
season's end.

SkyDome is owned by Sportsco, a
group that includes former Jays GM
Pat Gillick and Toronto sports lawyer
Gord Kirke that is very interested in
purchasing the Blue Jays.

But Sportsco currently finds itself in
litigation with former member
Lawrence Dale, who wants a court or-
der forcing the group to sell SkyDome
to him.

There have also been reports that
moving to Varsity Stadium is a viable
alternative for the Argos. But the fu-
ture of Varsity, which is slated for de-
molition in favour of a smaller venue,
is uncertain.

Canada at the Seoul Olympics, placing
14th (8,083 points); 1990 won his first
international gold for Canada at the
Commonwealth Games in Auckland
(8,535 points); 1992 withdrew from
Barcelona due to hamstring injury;
1994 gold at the Commonwealth
Games (8,326 points); 1996 13th at the
Atlanta Olympics (8,371 points); 1996
set his Personal Best of 8,623 points
the Canadian Record — placing first at
the unofficial world championships of
combined events in Gozzis, Austria.

2. The Maple Leafs defenceman,
Boston Bruins right winger, CBC an-
nouncer and New York Islanders
coach, winner of four consecutive
Stanley Cup titles, were inducted into
the Hockey Hall of Fame in Toronto.
3. Doug Hepburn.

SKIMOS

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three weeks

EDMONTON JOURNAL
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Eskimos quarterback
ene will be out two to
after suffering a slight
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arting assignment against
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een handed to Kevin Ma-
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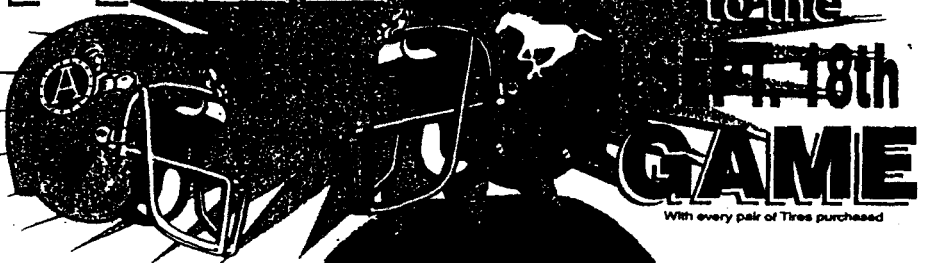
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Calgary Herald, Thursday Sept. 16 '99 C3

NATIONAL FOOTBALL LEAGUE

Refs cited for Giant goofs

NFL says officials blew three calls in N.Y.-Bucs game

THE ASSOCIATED PRESS

The National Football League reviewed three critical plays from last Sunday's game between the New York Giants and Tampa Bay Buccaneers and found officials made the wrong call in each instance.

The Bucs were told a Trent Diller fumble returned for a first-quarter touchdown should have been ruled an incomplete pass. Replays showed the quarterback's arm was moving forward when he was sacked by New York's Jessie Armstead.

A second Diller turnover, a fourth-quarter interception that prompted his benching, also should have been disallowed because Diller stepped out of bounds before releasing the ball.

Referee Ed Hochuli made what the Bucs believe was the biggest error when he reversed a fourth-quarter catch after reviewing the play under the NFL's new instant replay rule.

The 28-yard catch by Karl Williams, on Tampa Bay's final possession, would have given the Bucs — trailing 17-13 — a first down at the Giants' 49-

yard line. Instead the ball was moved back to the Tampa Bay 23. Three plays later, the Bucs were stopped on downs at their 31.

"With all the technology we've got, if I can't make the right call, how can he be in charge of a crew?" Bucs coach Tony Dungy said he asked league officials. "Their response was everybody makes mistakes."

The Bucs didn't challenge Christian Payne's 38-yard fumble return that gave the Giants a 7-0 lead because assistant coaches in the press box didn't see replays in time to determine whether to dispute the ruling on the field.

Hochuli reversed Williams' reception after the league's replay assistant called for a review.

Dungy is not a fan of the new instant-replay rule, which allows coaches to challenge one call per half. Replay assistants determine which plays will be reviewed in the final two minutes.

"There aren't many people in the league office or with us who really understand it, or know what we're trying to do. It's not a good situation right now," Dungy said.

"I think you just have to challenge anything that you think is close. Don't worry about the timeouts because you don't know what they're to overturn and what they're not."

In other NFL news Thursday: **Drew Brees** finished his season, and possibly his football career, is over.

The Dallas Cowboys fullback said he has a bulging disc in his neck, just above the two vertebrae that were surgically fused in October 1997.

"This is not the same as two years ago, but it has the potential to be," said Johnston, who may be able to avoid another operation. "That's why there's the necessity to sit down this year and try to prevent that."

Johnston, 33, will go through a rehabilitation similar to his last one, then be re-evaluated after the season.

Jacksonville Jaguars tailback Fred Taylor remained questionable for Sunday's game against Carolina with a sprained left foot.

Taylor was injured in the fourth quarter of last week's win over San Francisco. If Taylor can't play, James Stewart will start.

Defensive end Darren Mickell ended his 19-month retirement and signed a one-year, \$400,000 contract with the New Orleans Saints.

Mickell, 29, said personal and family problems are behind him and he has regained the "hunger" to play again.

The earliest Mickell would play is against the Chicago Bears on Oct. 3.

Chris Spielman, who retired from the NFL last month because of injuries that left him temporarily paralyzed, has been hired as a studio analyst for Fox Sports Net's NFL pre-game show.

Spielman, a 33-year-old former line-backer, signed a two-year contract.

ON COURSE



Jerry Gerling, Canadian Press
The golfer escapes trouble Thursday at the 11th championship in Red Deer. He shot a 76 four back of leader Tom Lihjoholm of the U.S.

OLYMPIC GAMES

IOC officials offer scholarships

Bell said Young did so without consulting with the Atlanta school. The offer was later declined because Bell said the IOC member "did not want any embarrassment to fall upon Mr. Young."

The daughter of Hungarian IOC member Bal Schmitt was also offered a tennis scholarship at Georgia, but she declined.

Organizers in Salt Lake City bribed IOC members with cash and scholarships in trying to land the 2002 Winter Olympics, prompting the congressional investigation and resulting in the resignation or dismissal of nine IOC members.

"Despite the delay, I am pleased that we now have all the answers," said Representative Fred Upton (R-Mich.), who is leading the investigation.

Bell also said eight disputed boxes of records will be made public this morning. Payne has fought a lawsuit by the Atlanta Journal-Constitution and Atlanta television station WSB backed by state Attorney General Thurbert Baker to make them public.

Bell also said his report found "nothing about sex" when it came to carrying favour with IOC delegates, but he acknowledged the controversial boxes contain salacious but unconfirmed details about each delegate received from other sources.

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the province's 57 seats, the New Democrats had 23; there were two Liberals and one seat was vacant.
The stakes are high for both Filmon and Doer, whose political futures hinge on Tuesday's vote.
Likely there will be one less Gary in Manitoba in a month, Doer said. Duncan McMonagle, a professor at Winnipeg's Red River College.

ging out Schreyer.
Interlake is the riding in which Filmon's party was found to have committed vote-splitting irregularities in the 1995 campaign. The Tories were caught funding so-called independent candidates, in the hope of siphoning

"The last years of the Filmon regime have been so difficult... full of bullsh... This... the... to the... This... because...

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Calgary Herald - Mon. Sept 20 '99 A 10

re we have a good building code, but no good if it's not reinforced." Reports from Taiwan said the death toll of 1,700 could have been much worse if more of the buildings on the island had not been so solidly erected. Although more than 100,000 Taiwanese were left homeless, the toll is far less than last month's Turkish earthquake that killed more than 15,000. Turkey buildings collapsed, but in Taiwan buildings were tilted over but not crushed — with less crush damage. Ventura said he would be most con-

Can we expect to see West End apartment towers toppling after a magnitude nine? Not necessarily, said Ventura. "The highrise buildings in Vancouver are not a significant problem," he said. The buildings that are not seismically engineered, such as houses and townhouses, those might be a concern. Mulder said a magnitude nine quake off B.C.'s coast would create three minutes of shaking and a 10-metre high tsunami (tidal wave) that would devastate the coastline down to Oregon.

hurt," he said. There are no reports of any Canadians killed or injured in the quake, Foreign Affairs said on Tuesday. There are about 1,300 Canadians in Taiwan. The Red Cross is assisting in the aftermath of the Taiwan earthquake by accepting cash donations to help in relief efforts and by offering Canadians searching for family a tracing and reunion service after a traditional 24-hour moratorium, Red Cross spokesman Jim Wong said Tuesday. Anyone with family or friends in the

and concerned about our friends and family in Taiwan. The Red Cross is assisting in the aftermath of the Taiwan earthquake by accepting cash donations to help in relief efforts and by offering Canadians searching for family a tracing and reunion service after a traditional 24-hour moratorium, Red Cross spokesman Jim Wong said Tuesday. Anyone with family or friends in the

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Calgary Herald - Wed. Sept. 22, 1999 A4

charges of abandoning her other children, aged 5 and 7, who were left at the woman's home when she drove off with their sister on the bumper. All three children are in their father's custody. The woman will...

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mal recovery period could have Anderson back as soon as next summer's training camp.

Last season, Anderson rushed for a team-record and NFL-best 1,846 yards while leading the Falcons to the NFC Championship and Super Bowl berth. He was a workhorse, setting a NFL record with 40 carries. Now, his 1999 season is finished after only 19 carries for 59 yards in two games.

The Falcons (0-0) have already matched their 1998 regular-season loss total after tough opening games against Minnesota and Dallas. Now, they have a short week to adjust for the loss of Anderson before playing at St. Louis on



L.M. Ottav, Associated Press
Jamal Anderson injures his right knee on this play Monday Sunday.

"The season is not over by a long shot," Reeves said. "You can't feel sorry for yourself. In my opinion, if you start to feel sorry for yourself then that's what we'll be — sorry, not a very good football team."

exchange for running back John... Nash started in Denver... Kansas City on Sunday... catching. He caught just from... a rookie for 70 yards... Avery rushed for 503 yards last year but fell out of favour with coach Jimmy Johnson. This year, Avery slipped behind Karim Abdul-Jabbar and rookie Cecil Collins and JJ Johnson on the depth chart.

CFL

Stamps swing minor deal

MURRAY RAUW
CALGARY HERALD

The Calgary Stampeders regained a bit of their investment in defensive lineman Keaton Cromartie on Tuesday.

They sent the six-foot-two, 240-pound defensive end from Tulane to the Hamilton Tiger-Cats in exchange for undisclosed future considerations. Cromartie had joined the Stamps' practice roster in early August.

"Hamilton had an injury," said Stampeders general manager-head coach Wally Buono. "You don't want to lose anybody, but we weren't going to activate him. I was happy with what we had. But I could see that he was going to be a decent player."

Calgary already has import defensive tackle Mark Gunn waiting in the wings, ready if the Stamps want to make a change on the defensive line.

In Hamilton, Cromartie will replace former Stampeders Gonzalo Floyd, who has been shuffled to the injury list with an undetermined hand injury.

HENRY HOBBLER

Stamps back-up safety and special-teams whiz Aldi Henry had his sprained left ankle fitted with a splint that resembled a ski boot. Henry has been scratched from Saturday's game in Vancouver.

Still, it's the best prognosis. Henry expects to miss only one game.

His first fear when he lost his balance in last Saturday's Toronto Argonauts game was that he had suffered an Achilles injury.

Henry said his injury is turf related, that he wasn't injured through contact.

Meanwhile, quarterback Henry Burris is scheduled for knee surgery on Thursday.

If he needs inspiration, he can look no further than defensive back Eddie Davis. Less than three weeks after major surgery, Davis was working hard on the stationary bike Tuesday and walking around the practice field without crutches or a brace.

FROM CI

STAMPS: McCoy ready if needed

But a limping Dickenson was restricted to light activities Tuesday, leaving McCoy to run the first-team offence in practice.

"I just wanted to be smart," explained Dickenson. "There was a lot of fluid on the knee the day of the game and the day after. We took care of that. If it's still a problem the day of the B.C. game, we'll drain it and go on from there."

McCoy remains on standby.

After playing quarterback at Utah in the same backyard that featured running back Jamal Anderson, now of the Atlanta Falcons, McCoy unsuccessfully bid for work with five NFL teams and the Amsterdam Admirals of the World League.

"I've been a journeyman for a long time and I know my opportunities are running out," said McCoy. "But I know people who would pay a lot of money to have the opportunities I've had. I wouldn't trade it for anything."

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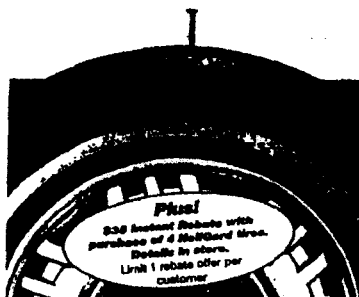
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Dean Bicknell, Calgary Herald
John Rozler reaches over Kevin Wilson during Wednesday practice.

play a full season.
Regardless of the teachers' work-to-rule campaign, McCorquodale will coach a team this season.
"We may have an advantage because I'm the only coach who's not a teacher," said McCorquodale, who was head coach of Bishop Carroll's team last season.

McCorquodale expects a good turnout when equipment becomes available.
Lewis says that could be today or Friday.
"We'll have equipment by the end of the week," said Lewis. "We hope to start the league before the end of the month."

Swiss corporate law when it comes to drug-testing, even though the United States and Europe foot most of the bill for international competition.

McCaffrey said it would be prudent to save urine and blood samples from Olympic champions to be tested years later when better tests become available.

Schultz said the samples should be taken "so even if 20 years from now, if the tests are available," the samples could be tested and violators stripped of their awards.

Meanwhile, the IOC expressed a wait-and-see attitude Wednesday to a request for its president to testify at a Congressional hearing on Atlanta's tainted bid for the 1996 Summer Games.

Representative Fred Upton (R-Mich.) said Tuesday he would ask IOC president Juan Antonio Samaranch to appear at hearings next month investigating the "culture of corruption" surrounding Atlanta's winning bid. He said he would subpoena Samaranch if he declines to testify voluntarily.

"We haven't received any official notice from the House subcommittee," the IOC's Franklin Servan-Schreiber said. "When we do, we'll consider it."

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is linked to bin Laden

missed the enemy as "bandit formations" and the war as "mopping-up operations."

According to an account by intelligence sources published in the Russian daily Sevodnya after the bomb attacks, bin Laden is funding Chechen rebel forces, organizing terrorist training camps in Chechnya and even plans to set up key bases of his own there. The FSB, a KGB successor agency, claims he is investing 10 per cent of his funds in the Chechen-Dagestani effort. The Interior Ministry



Osama bin Laden

claims that bin Laden has ordered the collection of \$50 million for the cause. Yossef Bodansky, author of "Bin Laden: The Man Who Declared War on America and director of the U.S. Congress ask force on terrorism, believes that bin Laden has a long relationship with Basayev, going back to early 1994, several months before the war over Chechen independence began.

Bodansky asserts that bin Laden's control of the Afghan drug trade enables him to channel large amounts of funding and equipment to Chechnya. "So there's no shortage of money for the Dagestan adventure."

Analysts credit bin Laden's network with transforming the Chechen conflict into a fundamentalist Islamic jihad aiming to establish Islamic rule throughout the Caucasus.

Gen. Augusto Pinochet, wanted by Spain for alleged human rights abuses during his 17-year rule in Chile. The hearing, expected to last five days, will focus on extradition law whether Deputy Chief Magistrate Ronald Bartle agrees that the charges against Pinochet are extraditable crimes, that Spain has jurisdiction and that the legal paperwork is in order. But the case against the 83-year-old Pinochet, launched by Spanish Judge Baltasar Garzon in October, has proved complicated.

Garzon, who had been investigating the alleged killings of Spanish citizens during Pinochet's 1973-90 dictatorship, wanted to try the general on

15 — argued that as a former president he had immunity. The House of Lords ruled that he has no immunity, said Reed Brody of the New York-based group Human Rights Watch.

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e appears
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died of alcoholism; died there Feb. 1878. artist, caricaturist, illustrator, started career with painting theatrical backdrops (the first was for Drury Lane Theatre); moved to satirical political cartoons; later illustrated topical books such as *Life in London* (1821) and *Tales of Irish Life* (1824); children's books include *Grimm's Fairy Tales* (1827), as well as *A Pilgrim's Progress* and *Paradise Lost*; also illustrated the novels of Charles Dickens. ■ No. 1564 - Louis Roth (1865-1919) born near Greystown, N.J.; died

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s must be 16
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RALD

Calgary Herald - Mon Sept 27 '99 A 11

... were killed
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REUTERS
 LONDON

The West is turning a blind eye to Russia's bombing of Chechnya, partly out of a shared concern over Islamic extremism, but also to avoid unwelcome parallels with NATO's Kosovo campaign, diplomats say.

With Russian warplanes in their sixth day of air strikes on Tuesday on the breakaway Caucasian republic, the western response so far has been a mixture of silence, expressions of understanding and quiet pleas to avoid another full-scale war.

"No one is comfortable with the idea

that this region, with its mineral wealth and transit routes, may give birth to rival Islamic republics that could even fight each other," Germany's Frankfurter Allgemeine Zeitung said in an editorial. "The reaction is to watch in embarrassed silence."

Diplomats say western governments accept that Chechnya is an internal Russian matter.

They also understand public pressure to act against the bases of guerrillas that Moscow blames for deadly bomb attacks in Russian cities as well as bloody incursions into the neighbouring republic of Dagestan.

To avoid upsetting President Boris

Yeltsin, seen at the time as the guarantor of Russian reform, western criticism was mostly muted during Moscow's disastrous 1994-96 Chechnya war, despite blanket bombing that caused horrendous casualties.

Russian leaders have taken care to describe their "limited air operation" in the vocabulary of NATO's Kosovo campaign and last year's U.S. missile strikes on Afghanistan and Sudan.

Foreign Affairs Minister Lloyd Axworthy came close on Monday to endorsing Russian action, saying it was important for Moscow to deal forcefully with terrorism in Chechnya.

tries to present them.

"There has to be absolute certainty that the strikes are hitting precisely and only terrorists," Kovalyov said in Moscow.

Chechen President Aslan Maskhadov said Monday that the air raids during the past week had killed 300 people just in Grozny. The figure could not be independently confirmed. The Chechen government has said it is not aiding the rebels.

But on Tuesday, Dagestan Defence Ministry spokesman Sergei Pryganov said that recent reconnaissance reports indicated Chechen officials were helping the militants prepare new terrorist attacks.

TIMOR

ugees
 vously
 n home

ANGELES TIMES
 EAST TIMOR

ains above East Timor's capital,
 aggy ravines, 40,000 refugees have
 , wondering if it will ever be safe to

Dili far below, spread out on a plain
 l can see the towering statue of Je-
 l as though in welcome to nine Aus-

appears peaceful and picturesque.

But the refugees from that city — perhaps a quarter of the 40,000 people hiding here — know different. They know their homes are gone, because they have seen the plumes of smoke rising from Dili day after day. Still they ask the Falintil guerrillas here to whom they entrust their lives: "Is it safe to go home yet?"

On Tuesday, British Brig-Gen. David Richards, commander of the Royal Gurkha Rifles, travelled to the mountains along a serpentine road that

of Dare to give them an answer. safe for your people to come back. andro Issacs, a Falintil guerrilla etc, there will be food and water

to go home," said Issacs, a former army and a veteran guerrilla who independence from Indonesia for already paid with their lives. But we

han 100 refugees boarded a truck range Rovers, lugging mattresses, g or two. Then they headed down levastated city. Many had not seen members sent tens of thousands of their lives after the territory voted dence from Indonesia.

ousands, who have preceded them refugees returned to their homes heir repatriation marks a turning d multinational peacekeeping mis-

arted to show hints of normality. A lers have reappeared. Some streets during the day, although almost stroyed and is impossible to buy cigarettes. Gunshots have not been

empty," Lars Backstrom, head of a n assessing humanitarian needs in ay. "There wasn't a person on the news of the day. Dili is getting

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Calgary Herald - Wed. Sept. 29, 1999 A4

...ing. While she was looking the other way Jacobs took her children down to Dodginghorse back on the witness stand. Volter is to testify next Monday.

FROM BI

FILTERS: Censorship attacked

The service has also been available in some other branches for about two years and may soon be expanded to other locations.

"I've been told that no filter is 100 per cent perfect, but we have to try and make it better than it is," said Grier.

"We have to work with the technology that we have. I like to feel that the library is a safe place for my children to go and that they don't necessarily have to go there with a parent if they want to do research or homework."

City police say no Internet filtering is foolproof and purveyors of porn are always coming up with ways to get material out.

Beth Barlow, manager of customer services for the library, said staff are monitoring the use of computers by regularly walking through the open area and by encouraging parents to accompany their children while they surf the Net.

Critics are concerned children will be able to peek at porn or other questionable sites while library employees are busy and not around to monitor access.

Barlow said she has yet to receive a request from a parent

to have filters placed on the library's Internet computers. "I don't think I have seen requests along that line in the over two years that we have had public Internet access."

Gloria Dingwall, president of Calgary Public Library Workers local 666, said her membership supports the library's policy.

"We don't believe in censorship. That is what the library is all about. It's a bastion of freedom of information," said Dingwall.

"We'll continue to do what we've always done, walk around and ensure there's nothing really bad there."

"Kids mainly are using the Internet to supplement the information they're getting in encyclopedias and other reference books. They're using it for legitimate reasons in my experience."

Dingwall said that at Fish Creek library, where the Internet has been in place for more than a year, she hadn't come across "many cases" of children accessing pornography.

"I really don't think that this is a big issue," she said. Barlow said many libraries in Canada do not have Internet filters.

FROM BI

CONTRACT: Reconciliation

Wellman said she had no regrets about the board's decision to lock out the teachers.

"We made the best decision we could in the overall interests of our school community," she said.

Both sides, she noted, have a responsibility to try and heal the at times bitter rift that opened up during the past 18 months of negotiations.

"As Christians we are called to forgive and reconcile, and be role models

in that process," she said.

"It will take time."

Talks with the system's 1,500 teaching assistants, secretaries and other support staff, as well as with its 280 caretakers are now under way. According to employee representatives, they're off to a "tough" start.

Bargaining with the teachers will resume next spring.

While they're looking forward to resuming all their regular duties,

O'Brien warned the board must be careful not to offend the teachers as it did last April with a proposal to withdraw substitute help for teachers away less than three days.

Much of the current impasse arose out of that incident, he said.

"We encourage both parties to work together in a spirit of co-operation," said Alberta Learning Minister Lyle Oberg.

THE ISSUE: ...

...What's Next: ...

Decision expected by end of October. ...

When Plates owner Brian Argyle ...

proached government officials a few months ago with plans to ...

temporarily approved it — a pilot project ending Oct. 22. ...

Argyle met with officials again last ...

But it hasn't yet ...

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struggled most of her 19th season after starting our just \$9.98 a box of the magic mark. "It feels wonderful, just wonderful. It's an accomplishment that can never be taken away from me. There will be other millionaires in women's bowling, but I'll always be the first."

over 125 mph, in the final game of his match. Williams could meet her sister, Venus, in the final. Venus won the women's tournament last year. The tournament, which also includes 12 men, invites players with best records at the four Grand Slam events of the year.

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P215/75R15	128.99	63.99
P235/75R15	141.99	69.49
P175/70R13	94.99	46.99
P185/70R13	99.99	49.49
P185/70R14	108.99	53.99
P195/70R14	114.99	56.99
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...easy for him...
...they're...
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Laila Ali, daughter of boxing great Muhammad Ali, hits a punching bag while training in Los Angeles on Tuesday.
"He always wants to make sure that I know what I'm doing is not easy and you're going to get hit and bruised and the wind is going to get knocked out, but that's just my father," she said.
Laila, 21, who runs her own ball salon in Los Angeles, decided a year ago that she wanted to box professionally after picking up the sport as a form of exercise. She's even sparred with her father.
"I just love how it feels," she said. "And what about the danger involved? 'I'm going to get hit, I'm going to

get my face swollen. It's going to happen," she said. "I'm just going to deal with it."
Her trainer, Dub Huntly, says Laila's best punch is a right hand into a left hook.
Laila says she's a little shocked with all the media attention.
"My dad never had this much attention on him when he was first fighting," she said. "It's a lot of pressure on me."
Huntly said he trains Laila like he would any male boxer.
"When I get in the gym, I don't look

at her as a lady, I look at her as a fighter," he said. "She's mean and she's tough. She's not in it just for the money; she wants to be a champion."
Also in Laila's corner is her boyfriend, Johnny McClain, a boxer himself. Like the elder Ali, he's not thrilled with Laila's choice.
"I hate it," he said. "It's real hard for me to watch every day."
"I never wanted her to do it, but since she's going to, I've got to give her as much knowledge as I have and support her the best that I can."

Victoria Arco, Associated Press
...Carolyn Waldo...
...was the first...
...game played in...
...The Glenn...
...Lansing...
...moved to Los Angeles...
DESPERATE IN DENVER
...Jim Armstrong...
...Terrell Davis...
...There is no controversy...
...There is...
...Mike Shanahan...
...Brian Griese...
...which ever comes first...
...The Los Angeles Times

ROUNDUP
Laila to get NFL start
n keeps Young
9ers lineup

...OCIATED PRESS
...will set the stage for Jeff Garcia...
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...torn between his faith in God

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...the pastor was talking about if...
...e church are dating and then they...
...late anyone else for six months...
...I know the Bible. That's just...
...people. It's a den of witches sit-

attending Immanuel's Temple...
...bout a year, the Lansing State...
...t...
...Johnson placed Underwood on...
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P205/70SR14	64.41
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Calgary Herald - Wed. Sept. 29 1999 - D5

A controversial bill abandoned after critics claimed it cleared the way for private hospitals in the province will be reintroduced, says Health Minister Harvey Jonson.

Jonson said Wednesday he will revive the former Bill 37, which he said will give him the authority to intervene in the accreditation of a private medical facility if it is deemed to contravene the Canada Health Act or if it strays from the government's commitment to a publicly funded health system.

But Jonson said he'll allow the College of Physicians and Surgeons of Alberta to proceed with a Friday meeting to debate the recommended approval of accreditation standards for private hospitals, despite calls by opposition parties for him to order the college to strike the issue from its agenda.

"But, certainly, my view is that we need to bring back the legislation," he added. "It's fair to say that we're going to bring it back and give it really good consideration."

Jonson has been under attack by Opposition Liberal Leader Nancy MacBeth and New Democrat Leader Pam Barrett for allowing the college to push ahead with accreditation standards for private hospitals, something they say is part of the government's agenda to expand private health care in the province.

They insist only the government has the authority to approve such facilities. If the standards are approved, it would set the stage for the first time in the province for privately owned, for-profit surgery facilities to keep patients for longer than 24-hour stays.

Jonson agrees, but says the government maintains control over general policy regarding the health system.

"The design of the legislation would be built around protecting the publicly (funded) health care system, people's access to it and reasonable service," said Jonson.

"I think that it's important to make sure that government has the ability to govern and see that a health system within a province is in accordance with the Canada Health Act, and, secondly, is accessible and available to the population on a publicly funded basis."

Jonson blamed the opposition for helping to kill Bill 37 last year by raising what he saw as unreasonable concerns about the

the panel's recommendations, said Jonson.

He refused to specify when a new bill will be introduced. A bill legislation is expected to begin in mid-October.

Barrett said she doesn't buy Jonson's attempt to paint a revived Bill 37 as a means for providing protection for the public system.

"That's just not good enough," said Barrett. "If the minister of health wants the NDP's support on a health bill, it must be private, for-profit hospitals outright."

Barrett said the "dangers inherent in expanding private health facilities in Alberta are apparent in a \$100,000 malpractice lawsuit filed in August in Court of Queen's Bench against a private surgery facility in Calgary.

Fishing, natives told

THE CANADIAN PRESS
FREDERICTON

chiefs in Atlantic Canada are telling aboriginal fishing despite mounting tension throughout fishery.

around the region met on Wednesday to recent Supreme Court of Canada decision country right of Mi'kmaq and Maliseet people to around and without licences.

was held against a backdrop of growing turbulence lobster fishery and fears of violent confrontation between native and non-native fishers. d they are willing to negotiate with fisheries commercial harvesters, and they're recommendation of a group to develop regulations for : But they insisted they're not going to pull while meeting around conference tables.

only a small number of native fishermen out v, we felt that this is not going to hurt the fish- way, and it's not going to deplete any fish- chief Lawrence Paul of Millbrook, N.S., chair- Police Congress of First Nations Chiefs.

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Calgary Herald - Thurs, Sept. 30 '99 A 12

Once outside the Earth's protective orbital atmosphere, their sperm would be bombarded by potentially lethal galactic radiation that could ruin their ability to procreate, he told an international conference on reproductive technologies Wednesday. Trips within the Earth's orbit carry lower radiation risks than voyages to the moon and beyond. NASA is developing technology to send a team to Mars in the next century.

Babies 'unsafe in adult beds'

WASHINGTON POST
WASHINGTON

U.S. safety officials, citing new evidence that infants who sleep with their parents are at high risk of suffocating, on Wednesday issued a strong warning against putting babies younger than two years old to sleep in adult beds.

The study by the Consumer Product Safety Commission sparked a controversy over the increasingly popular trend of "co-sleeping," in which parents share their beds with their newborns. A number of prominent pediatricians, including William Sears, author of the best-selling "The Baby Book," encourage co-sleeping as a way to promote breast feeding and increase bonding between parent and child.

Co-sleeping accounts for about 15 deaths in the United States a year, the study found. Other newborn deaths are caused by children getting their heads stuck in parts of the bed or covers.

The study said there is a risk of parents rolling on top of the babies and smothering them, said the study, which was based on a review of death certificates from 1990 through 1997.

"The only safe place for babies is in a crib that meets current safety standards and has a firm, tight fitting mattress," Commission chairwoman Ann Brown said. "Place babies to sleep on their backs and remove all soft bedding, pillows and stuffed animals."

But James J. McKenna, a biological anthropologist said the commission's recommendation "negatively impacts the natural rights of parents to experience their infants and children the way they chose."

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Jones also listed a deluge of other problems associated with long-term space travel, suggesting a trip to Mars might be bad for astronauts' health.

In addition to cancer, cataract mutations, and damage to DNA, a mission to Mars also widdles away at astronauts' bones — at the rate of one per cent a month — and causes kidney stones.

Then there are the "mysterious" diseases that the Russians — the only ones

case a transplant is needed. Doctors on board would be able to perform surgery while on Mars.

"The risk of death is greater than any previous mission," said Jones. "But once under way, there's no turning back."

"You can't turn around and come home. Once you're on the way to Mars you're committed. You're going to Mars. . . They can't turn that space craft around and come back to Earth."

Hormone therapy defended by doctor

Women told breast cancer fears unfounded

APRIL LINDGREN
CALGARY HERALD
TORONTO

Hormone replacement therapy is no more likely to cause breast cancer than two drinks a day or the decision to delay childbirth until after age 35, says a leading Canadian reproductive health researcher.

Dr. John Collins' conclusions come at a time when studies indicate that fear of cancer is the major reason menopausal women reject hormone treatment.

About 400,000 Canadian women in their 50s and 60s take hormone replacements, Collins told reporters on Wednesday, the last full day of a major scientific conference on reproductive health.

But that is only about 15 per cent of women in that age group. Collins said the majority of doctors believe all menopausal women should be taking estrogen and progesterone to alleviate symptoms and prevent certain diseases.

"HRT is a worthwhile treatment for women to consider and breast cancer risk should not influence their decision," said the chair of McMaster University's

obstetrics and gynecology department.

Hormone replacement therapy alleviates hot flashes and dryness of the genital tract, symptoms which affect about 50 per cent of menopausal women. In addition, it prevents osteoporosis and has the potential to prevent heart disease and possibly Alzheimer's disease.

The conclusions Collins presented Wednesday were based on a British evaluation of more than 30 studies that examined the link between HRT and breast cancer. He said many of the small studies showed a strong association because they were based on small sample sizes. The cumulative evidence, Collins said, shows a much more tenuous link.

The incidence of breast cancer among women over 50 who are not receiving HRT is 45 out of every 1,000 people, he noted. By comparison, the incidence among women who have been on HRT for five years is only slightly higher at 47 per 1,000, a number that rises to 57 after 15 years of treatment.

Collins said having two drinks a day or delaying child birth until after 35 "have similar or even slightly greater effects on breast cancer risk than hormone replacement therapy." The greatest risk factor of all, he said, is a family history of premenopausal breast cancer.

The conference between the Canadian Fertility and Andrology Society and the American Society for Reproductive Medicine concludes today.

ALSO SEE

■ Breast cancer survivors reach out VS3

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Calgary Herald - Thurs. Sept 20, 1990 - A11

THE ASSOCIATED PRESS
SEATTLE

ing is under way for a \$200-million pipeline to run under the of Georgia from northwest to supply natural gas to over Island.

pipeline — the second natural through the strait — would be project of British Columbia Hyd Williams Inc., a Salt Lake City ny.

noco withdraws eline application

THE CANADIAN PRESS
RUMSEY

Canada Petroleum Co. has own an application to run a e through the last intact piece of arkland in the world amid antests from environmentalists. the company said it may go with plans to build 14 kilometres line through the Rumsey Nar- ea, about 240 kilometres south- Edmonton. unique 15,000-hectares of park- recognized by the World Fund. Rumsey route is one of three considered for a pipeline carry- ane from Empress, near the hewan boundary, to Joffre, east Deer.

ridge seeks \$175M

CALGARY HERALD

idge Inc. said on Wednesday it ue \$175 million of preferred se- through a team of underwrit- by RBC Dominion Securities l Merrill Lynch Canada Inc. Calgary-based pipeline com- id the money will be used to f- investments in various sub- s — such as expanding its an pipeline network and vari- ternational ventures — and to outstanding debt.

Shymkent over its refueling rates. Isautier said a merger would allow both sides to reduce production costs and share in greater profits as a result.

"There has been a fight since the beginning. It has always been a very tense and difficult relationship," he said.

"But if business sense prevails, the two entities should join forces or at least come to a long-term commercial arrangement... It is absolutely essential."

will be paid the interest they are owed: A previous plan would have seen creditors convert about \$80 million in debt into 97-per-cent ownership of the company.

Hurricane then planned to merge with Shymkent, giving a Kazakhstan bank 49-per-cent ownership of the company.

"That idea has been quashed. A new merger proposal will have to be negotiated, Isautier said.

Spurred by a dramatic resurgence in

he turned down several previous requests to become CEO because of other commitments.

Isautier has served as chairman of Fracmaster Ltd. and is a former president and CEO with Canadian Occidental and Canterra Energy Ltd.

Hurricane stocks were up six cents on the Toronto Stock Exchange Wednesday, closing at 65 cents a share. Though they have climbed 25 cents since Monday, the shares are well off their 52-week high of \$4.60.

tion, location," Orman says. "It's like people ask if it's safe to go to New York City. It depends where you go. Colombia is like that."

Orman says it's dangerous to do business in areas near Colombia's borders where smuggling is common and the drug trade exists, but Kappa operates in the Magdalena Valley in the middle of the country, where the risk is not as high as in the Llanos region.

"It's a matter of understanding the country you are in, keeping a low profile and going about your business."

Bow Valley Energy has a contract to build two drilling platforms and drill 10 wells in Iran. Company president Walter DeBoni says there are places in the world where Bow Valley would not like to operate, but he prefers not to name them.

"Obviously, all these issues can't be taken lightly," he says. "One has to assess risks in a variety of areas and safety of operations is one of them."

"No place in the world is risk-free. Even here in Alberta we had a landman killed and we've seen these acts of so-called eco-terrorism in northwestern Alberta. These things can happen anywhere."

DeBoni is right, of course. These things can, and do, happen everywhere. It's up to workers considering employment in other countries to learn everything they can about where they may be going and to do their own risk-versus-reward evaluations.

Sudan pipeline security tightened

CALGARY HERALD

Security on Talisman Energy Inc.'s oil development in war-torn Sudan has been stepped up following an attack on the project's pipeline last week by anti-government rebels.

Abdel Rahman Said, deputy commander of the umbrella opposition group National Democratic Alliance, has claimed responsibility for the explosion, which temporarily stopped oil shipments it days ago.

Said told Reuters News from neighbouring Egypt that the blast was intended to show Sudan's Islamic government that NDA can block oil exports at will.

Sudan will ask Egypt to extradite the

rebel commander, but Said expressed confidence he wouldn't be handed over.

"Egypt is and has been a haven for politicians and oppressed people. It respects the Sudanese people," Said remarked.

Sudan's interior minister has vowed his country will deploy 3,000 police officers to join other security forces to protect the 1,600-kilometre export pipeline, according to the German news agency.

Calgary-based Talisman Energy joined with the state-owned oil companies of Sudan, China and Malaysia to develop the \$1.4-billion US Greater Nile Oil Project.

Talisman spokesman David Mann

said on Wednesday the pipeline, which moves crude oil from central Sudan to the Red Sea, is operating normally and the venture has been producing almost 130,000 barrels of oil a day this week.

About 100 Canadians work for Talisman in Sudan, but no one was hurt in the blast, which took place about 280 kilometres northeast of the capital of Khartoum.

Security on the project remains in the hands of the Sudanese government.

"They are responsible for protecting the pipeline," Mann said. "We know they've talked about stepping up security on the northern part of the pipeline."

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Calgary Herald - Thurs, Sept. 30 '99 - C2

the National Hockey League dead-end. The Wings gave Jarl Fischer, 33, a worth \$2.5 million, injecting into the team's payroll. Fischer cuts a daunting figure, roaming around his net or rimbombing in his 22 goals and 78 points in 65 (COMJHL) last season, and there's a raft picks securing roster spots were Irbakovskiy, 33, and center Yuri Butrusov.

GN GOALTENDER FINLEY
ators signed 18-year-old goaltender overall pick in last year's NHL draft, Wednesday. Terms were not disclosed.

TE-SIGNS WITH PENGUINS
Darius Kasparaitis has re-signed engines. The hard-hitting defence-two-year deal worth \$3 million US, in the team's NHL season opener after missing training camp. He will season and \$1.6 million in 2000-2001.

EM UP AFTER 15 SEASONS
bo played for six teams during a rounced his retirement Wednesday. In accumulated 719 points including he New York Rangers, Minnesota rs, Toronto Maple Leafs, Calgary s and Vancouver Canucks.

ES FROM BAD TO WORSE
sidelined for three to six weeks n arthroscopic surgery on his left ece of bad news received by the week. Rod Brind'Amour went on foot. Jones hadn't skated since Sept. es with Eric Desjardins in a train- had reconstructive surgery on the

ROM EI
IGS: Iginla,
ev up next

y doctors to play, Regehr will join nd defenceman Cale Hulse on the less for general manager Al Coates is returned to his off-season home in resolution of his contract stalemate. as also trying to get a deal done il Torgajev before today, the dead- n starting roster. If Torgajev signs, r players under contract. Counting serve, that would leave them with cut. adjustments, assuming Iginla isn't p," said Coates. "I don't know if he r for our first game, anyway. That sion, if something were to happen ything will." d 18-year-old in two years to crack Rico Fata did it a year ago. collective bargaining agreement, or-age players for up to 10 NHL. ing as an official season. It means one or both Saprykin and Regehr ed that it is in their best long-term

n, all the Flames have said to him ame as I play in training camp and day he was under the impressio duration of the season. That, said depending upon how things go in

ressless night Tuesday, awaiting the ct talks. the contract. I was just so happy ng and talk to everybody." rated Wednesday that, in the after- didn't think I'd be playing hockey why I thought I'd be back in Kam- his happening today, hopefully, I here."

Cheo Fleury's former locker. oughed Regehr. sites said. "The plan right now is to game and then make a decision — olutely 100 per cent ready. It's one nage, take contact, do all the one- able to do so far. It's another to get to play the game. That's still ahead

e gone on to sign him to a contract and what we think he can be."

comparison to a foot (previously). Diamond said. "We're inching toward each other. Now that Gerard has signed, we'll have to see how the contract fits into things." The Leafs told Gerard...

ing hired a personal trainer during the summer and could play Saturday. "I just hope that everybody's can't rush him into the locker room kind of groin strain and then he's got to see what...

lympic trials in Tokyo, receiving the first Canadian Olympic gold medal world track cycling. On his way to... What he needs to do is... number 10... 1000...

CAROLINA

Hurricanes make pitch for Primeau

ASSOCIATED PRESS
RALEIGH, N.C.

Carolina Hurricanes general manager Jim Rutherford made a last-ditch effort Wednesday to sign all-star Keith Primeau in time for this weekend's NHL season opener. The latest offer by Rutherford is a shorter-term, two-year deal for the six-foot-five, 220-pound centre. Prior to Wednesday's offer, the Hurricanes had a five-year, \$20-million deal on the table. Primeau, 27, who led the team with 30 goals last season, and agents Don and Todd Keynolds are seeking \$5 million a season. Rutherford said the nine-year NHL veteran and his agents have until Friday to accept the proposal.

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172/57SR16	181.84	P195/60SR15	97.94	P205/70R14	58.71
172/57SR16	195.92	P215/55SR15	102.30	P205/70R14	64.41
303/95SR15	148.18	P205/55SR16	125.55	P215/70R15	70.80
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Switzerland 2, Belarus 0
At Naples, Italy
Italy 2, Denmark 1
Group 2
At Athens, Greece
Greece vs. Albania, postponed.
Group 3
At Oslo, Norway
Norway 4, Slovenia 0
At Thessalonika, Greece
Greece 2, Latvia 2
Group 4
At Dortmund, Germany
Germany 4, Northern Ireland 0
At Chisinau, Moldova
Moldova 1, Turkey 1
Group 5
At Andorra la Vella
Andorra 1, Russia 2
At Reykjavik, Iceland
Iceland 0, Ukraine 1
At Yerevan, Armenia
Armenia 2, France 3
Group 6
At Luxembourg
Luxembourg 0, Sweden 1
At Warsaw, Poland
Poland 0, England 0
Group 7
At Tel Aviv, Israel
Israel 3, San Marino 0
At Badajoz, Spain
Spain 3, Cyprus 0
Group 8
At Bucharest, Romania
Romania 1, Portugal 1
At Dubnica nad Vahom, Slovakia
Slovakia 2, Liechtenstein 0
At Budapest, Hungary
Hungary 3, Azerbaijan 0
Group 9
At At Valletta, Malta
Malta 2, Ireland 1
At Skopje, Macedonia
Macedonia 2, Yugoslavia 4
Group 10
At Prague, Czech Republic
Czech Republic 3, Bosnia 0
At Torshavn, Faeroe Islands
Faeroe Islands 0, Lithuania 1
At Tallinn, Estonia
Estonia 0, Scotland 0

HOCKEY

OHL Exhibition
Thursday results
Oshawa at Mississauga
Belleville at Toronto St. Mike's
Ottawa Tonight
Ottawa at Peterborough 7:30
Ottawa Friday
Ottawa at Kingston 7:15

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G W L T P A P
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Moncton 0 0 0 0 0 00 00
Rimouski 0 0 0 0 0 00 00
Cape Breton 0 0 0 0 0 00 00
Baie Comeau 0 0 0 0 0 00 00
Chicoutimi 0 0 0 0 0 00 00
Tonight's Game
Shawigan at Montreal, 7:10 p.m.
Friday Games
Hull at Acadie-Bathurst, 7:30 p.m.
Che at Baie Comeau, 7:30 p.m.
Moncton at Cape Breton, 7:30 p.m.
Val d'Or at Quebec, 7:30 p.m.
Drummondville at Sherbrooke, 8 p.m.
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Kanata 2 Ottawa 2 (R.R. wins SH)
Regina 3 Guelph 2
Brantford 7 Smiths Falls 4

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7-2 8 Noble Oscillate (Coville)
4-1 6 Kim Angus (Groulx Jr)
9-2 5 Last Claim To Fame (Charron)
5-1 3 Eric Blue (Turcotte)
8-1 1 Cardinal Harbour (Fargie)
Second Race, trot, \$1,800 (EX, TR)
5-2 5 Ralph Nord (Dobson)
3-1 2 Montone Power (Stewart)
7-2 2 Lady Bea The First (Murray)
4-1 4 T.C. Savage (Fargie)
5-1 6 Sweeney Action (Zevon)
6-1 8 Lordsburg (Zevon)
7-1 7 Flavy M Mo (Coville)
8-1 3 Redigo Joe (Fargie)
Third Race, pace, \$1,800 (EX, TR)
5-2 3 Miles Seestee (Stacey)
3-1 8 Almsbury Crushem (Gardner)
7-2 9 Matts G L (Fargie)
4-1 7 Matter Of Ethics (Gardner Jr)
9-2 2 Stormonassastreet (Turcotte)
5-1 6 Casimir Rapier (Coville)
6-1 1 Daylon Fury (Turcotte)
8-1 1 R.G. Justin (Toth)
10-1 4 A.A. Outcross (Fargie)
Fourth Race, pace, \$2,200 (EX, TR, W4)
5-2 3 Luna Drummond (Coville)
3-1 1 Almsbury Mike (Stacey)
7-2 6 Scemp V (Moshier)
4-1 8 The Shaker (McGillivray)
5-1 2 Spiller Gambler (Fargie)
6-1 4 Flipper Bayama (Pyke)
8-1 7 Hopehill (Portance)
10-1 5 Sono-labcast (McDonald)
Fifth Race, trot, \$2,000 (EX, TR)
5-2 5 Royal Hensley (Zevon)
3-1 3 Ducky Bullets (Moshier)
7-2 7 Trysti (Moshier)
4-1 6 Heloise Mystic (Charron)
5-1 6 Heloise Mystic (Charron)
7-1 8 Tache Blanche (Dobson)
8-1 1 Stars Gal (Turcotte)
10-1 4 Ron Two Express (Portance)
Sixth Race, pace, \$2,100 (EX, TR)
5-2 2 Township Misty (Fargie)
3-1 8 I Way Seria (Dobson)
7-2 9 Tough Guy (Hay)
4-1 7 Gosh (Groulx Jr)
5-1 6 Armbro Okatama (Turcotte)
6-1 5 Kery Express (Carrise)
7-1 3 Rex En Colmar (St Amour)
8-1 1 Muffler Biers (Fargie)
10-1 4 Ron Two Express (Portance)
Seventh Race, trot, \$2,000 (EX, TR)
5-2 2 Paquet De Piques (Zevon)
3-1 4 Lucette Sumail (Loblan)
7-2 7 Onice Drummond (Brisson)
4-1 5 B Cor Rap (Backer)
9-2 9 Carmen Drummond (Coville)
6-1 5 Tobacco (Loblan)
8-1 6 Bellefield Nucky (Bradley)
10-1 3 Lockstep (Moshier)
Eighth Race, pace, \$2,200 (EX, TR)
2-1 1 Cornical Medal (Pyke)
3-1 6 Hook 35 - Barry (Coville)
4-1 5 Beauty With Great (Stacey)
4-1 5 Cornet Boy (Moshier)
4-2 7 Zebra Justice (Moshier)
5-1 8 Fudge Factor (Moshier)
6-1 9 Prince Of The (Moshier)
7-1 7 Incht. (Moshier)
10-1 4 Shady Bay (Moshier)
Ninth Race, pace, \$1,700 (EX, P, TR)
5-2 9 Pats Bird (Loblan)
3-1 4 Pats Bird (Coville)
7-2 1 Camps Sire (Fargie)
4-1 8 Mr. Candor (Fargie)
9-2 7 Esp. Lido (McDonald)
6-1 5 Dan's Cup's Country (Turcotte)
8-1 5 Curious Cat (Fargie)
10-1 6 Day. R. (Moshier)
Tenth Race, pace, \$1,800 (EX, TR)
5-2 7 At the (Moshier)
3-1 1 Night Gambler (Moshier)
7-2 3 Camps Sire (Moshier)
4-1 6 Ham Bam (McDonald)
5-1 4 Time To Think (Fargie)
6-1 5 Mountain (Gardner)
8-1 8 Youthful (Stacey)
10-1 7 Dandy (Fargie)
Eleventh Race, pace, \$1,900 (EX, TR)
5-2 2 M. (Moshier)
3-1 6 A. (Moshier)
7-2 7 M. (Moshier)
5-1 5 T. (Moshier)
6-1 1 C. (Moshier)
7-1 3 O. (Moshier)
8-1 3 M. (Moshier)
10-1 8 M. (Moshier)
9-1 Muggin (Moshier)

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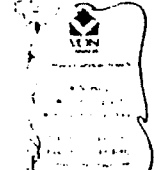
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At least 22 people died when a car bomb went off outside a military housing complex in the Russian republic of Dagestan late Saturday, and officials expect the death toll to rise as rescuers recover more bodies. The bomb went off at about 9:40 p.m., when most of the building's inhabitants would have been at home watching a televised soccer match.

Bomb rocks Russian city as rebels renew offensive

At least 22 dead, dozens hurt as military housing complex destroyed in 'terrorist act'

BY MAURA REYNOLDS

MOSCOW — Islamic rebels in southern Russia reopened their war for independence yesterday by launching a new incursion into the republic of Dagestan, just hours after a car bomb exploded in a military housing block there, killing at least 22 people.

Russian officials said the incursion and the car bomb were "links in the same chain," demonstrating that despite Russian declarations of victory two weeks ago, religious and political unrest continues unabated in the volatile Caucasus region.

The incursion by several thousand rebel fighters from bases in separatist Chechnya was the second into Dagestan in a month. In the first, the rebels seized control of half a dozen villages before retreating two weeks later. At the time, rebel leader Shamil Basayev warned that they had completed only the first phase of their campaign to create a unified Islamic state out of Chechnya and Dagestan.

Russian officials declared victory, claiming that the rebels had been roundly defeated by a punishing aerial and artillery campaign.

"Today it seems we are witnessing the beginning of the second stage," Abdul Musayev, spokesman for Dagestan's Interior Ministry, said yesterday. "The fighters have thoroughly planned the operation. Its goal is to undermine the constitutional order in Dagestan."

The car bomb exploded shortly before 9:40 p.m. Saturday in Buynaksk, Dagestan's second-largest city, outside an apartment building located in a housing compound for the Russian army's 156th Brigade.

By last night, 22 bodies had been pulled from the rubble and more than 100 people were reported injured, 53 of them seriously enough to be hospitalized. Dozens of people were still missing, and the death toll is expected to rise as rescuers recover more bodies.

Many residents were home at the time of the blast watching a televised soccer match between France and Ukraine. Many of the victims were women and children.

The bomb was one of three apparently designed to detonate in succession, officials said, but police managed to defuse the other two minutes before they were to go off.

Hours later, about 2 a.m. yesterday, as many as 2,000 rebel fighters crossed the border from Chechnya into Dagestan, seized control of four villages in the Novolakskiye district and began battling Russian forces, Mr. Musayev said. The area is about 65 kilometres north of the one they

seized in early August, and its population is believed to include ethnic Chechens as well as the Lak minority group, which has been increasingly restless in recent years.

"We are sure there is a direct link not only between the terrorist act in Buynaksk and the morning incursion into Novolakskiye but also between today's incidents and the August intrusion," Mr. Musayev said. "These acts are links in the same chain of attacks."

Historical animosity between Russians and various Muslim minorities in southern Russia has been aggravated by the grinding poverty and the powerful influence of fundamentalist Islam in the region.

Both Chechnya and Dagestan are largely Muslim. However, unlike Chechnya, Dagestan is a patchwork of dozens of competing ethnic groups, many with their own languages, and most remain loyal to Russia.

The most militant group in Dagestan is the multi-ethnic Wahhabi sect, which has its stronghold in the villages of Karamakhi and Chabanmakhi, about 50 kilometres south of the capital, Makhachkala. About two years ago, members of the sect declared the two villages to be an Islamic state and expelled Russian police and other signs of Russian authority.

After repelling the first rebel incursion last month, Russian forces decided to address the Wahhabi threat in Karamakhi and Chabanmakhi. For the past two weeks, they have been pounding the villages using helicopters and artillery to roust the militants, along with any of Mr. Basayev's fighters taking refuge among them.

"The Russian Federation has had no authority over the villages of Karamakhi and Chabanmakhi for the past two years," Russian Prime Minister Vladimir Putin said in a TV interview yesterday. "If we continue to do nothing about the situation, it will be a crime against Russia. This crosses the Russian Federation from within."

Chechnya fought a two-year war for independence from Russia that ended in a stalemate in 1996. Russia no longer has any control over Chechen territory, but no nations recognize Chechnya as an independent country.

Yesterday's incidents suggested that fighting in the region is likely to drag on for weeks to come. On Saturday, even before the blast at the military compound, Mr. Putin took primary responsibility for the operation from the Interior Ministry and reassigned it to the Russian military.

Russian officials say they are prepared to take any measures necessary to prevent the Dagestan conflict from escalating further.

"We have learned our sad lesson — if the bandits are allowed to escape today, tomorrow they will be back," Mr. Musayev said. "We simply have no other option but to destroy them."

The Los Angeles Times

Girl dies in Albany E. coli outbreak

ALBANY, New York — An outbreak of E. coli bacteria at a county fair is believed to have killed a three-year-old girl and sickened at least 85 other people in northern New York state.

State Health Department officials were still trying to pinpoint the source of the bacteria yesterday. All the victims had visited the Washington County Fair on its last weekend, Aug. 28-29, department spokeswoman Kristine Smith said.

"We are scrambling to find the origin, because 77,000 were at the fair on its last day," she said.

Thirty-eight fairgoers remained hospitalized yesterday with E. coli contamination, hospital officials said. Three-year-old Rachel Aldrich of

Clifton Park died Saturday of kidney failure caused by E. coli bacteria, said Albany Medical Center Hospital spokesman Richard Puff.

State Health Department officials were talking to patients and their families during the weekend to find a possible common source of the contamination. Ms. Smith said. She said officials had a promising lead last night, but would not release further details until tests were completed.

E. coli bacteria can be transmitted through contaminated meat, but Ms. Smith said not all of the victims ate meat at the fair. It also can be passed through exposure to an infected person or by ingesting tainted liquids.

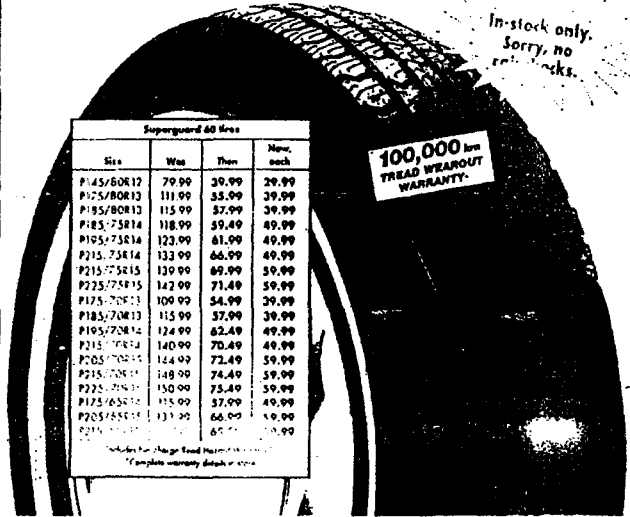
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Ottawa Citizen, Mon. Sept. 6 '99, A7

FOUR MISFORTUNE STRIKES team, star sprinter more than once

Continued from page B1

Early in the stage, though, Fraser received a dramatic hint that things might not work out. Vans carrying the team assistants who feed and massage the riders were passing by Fraser and the rest of the pack when the road suddenly narrowed.

Second from the front, the van with the assistants from Fraser's Mercury team narrowly avoided collision with the lead car.

Unfortunately, a third van plowed into its back door, reducing the van to ruins and leaving Fraser without support. Fortunately, no one was injured.

"I was riding right next to it," Fraser said later. "I'm amazed that I wasn't hit by shrapnel."

The on-road excitement wasn't restricted to the motorists, though.

Fraser, who left European racing for a U.S.-based team in 1998, said the Trans-Canada tour offers a welcome return to continental style.

"It's all Europe," he said. "It has the flow. The base speed is 45 kilometres an hour, not 25 like the States."

The speed did nothing to discourage attacks yesterday. As the race moved along the Ottawa River, a lead group managed to break away. Among those riders was Brian Walton of North Delta, B.C., the Pan Am Games gold medalist who rides for another U.S. team, Saturn.

That break also contained a policeman. Denmark's Lars Michaelsen went up to the group to make sure that his Française des Jeux teammate Jean-Cyril Robin remained secure in his spot as the tour's overall leader.

Not only that, but Michaelsen was also working for an American teammate Chris Horner, the top-ranked North American in the race.

Besides high speeds, yesterday's stage also featured numerous potholes, which caused numerous flat tires and minor spills.

With about 20 kilometres to go, Fraser and the rest of the Mercury squad began the ritual of any sprinter's team on a flat stage. With Fraser tucked in their slip stream, his teammates began closing down the break to set the Nepean rider up for a bunch sprint. At least that was the plan.

Instead, a frost crack in the highway grabbed Fraser's front wheel and threw him down.

"If it had been dry, I might have kept the bike up, but once the front wheel was gone, so was I," Fraser said.

Trans-Canada Tour

FIFTH STAGE

Results of yesterday's fifth stage of the Trans-Canada Cycling Tour, 179.1 kilometres from Laval to Hull.

Top three: 1. Lars Michaelsen, Denmark, 4:03:52; 2. Volker Ordowski, Germany, same time; 3. Jaroslav Bielek, Czech Republic, same time.

Top Canadian: 6. Brian Walton, North Delta, B.C., same time

Ottawa-area rider: Gord Fraser, Nepean, 4:07

OVERALL STANDINGS

Top three: 1. Jean-Cyril Robin, France, 18:30:40; 2. Guido Trentin, Italy, 28 seconds behind; 3. Vincent Cal, France, one minute behind.

Top Canadian: 7. Michael Barry, Toronto, 4:02 behind.

Ottawa-area rider: Gord Fraser, Nepean, 52nd, 30:45 behind.

Best sprinter: Gord Fraser, Nepean.

Fraser was uninjured, but his rear wheel, with an ultra-light carbon fibre rim had become a costly piece of rubble.

As Fraser's mechanics straightened out his handlebars and replaced the wheel, other teams sent word of his misfortune by two-way radio to the breakaway riders.

Needless to say, they didn't slow down and wait.

While the race was more or less over for Fraser at that point, he still attempted to chase with four of his teammates.

The jinx wasn't done, however. As the Mercury team went over the Gatineau River, a slow leak in Fraser's front wheel, which wasn't changed after the crash, rapidly reached the crisis stage.

By the final curve towards the finish line at the Museum of Civilization, the tire was so flat that Fraser had to slow to a crawl to avoid falling.

Not surprisingly, Michaelsen, with a stage win and two teammates in leaders' jerseys, loves the tour that will cover 1,479.8 kilometres by the time it ends in Fort Erie on Sunday.

"Sometimes you get fed up with racing in Europe," he said. "You can be aggressive all day and not get anything. Here it's different."

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Ottawa Citizen, Wed. Sept. 8, 1998, B2

Herta wins, pays tribute to Rodriguez

MONTEREY, California — In the midst of a happy celebration after a dominant performance in the Shell 300, Bryan Herta took a moment to remember Gonzalo Rodriguez.

Rodriguez, a 27-year-old driver from Uruguay, was killed Saturday in a crash during practice at Laguna Seca Raceway.

Yesterday, fellow CART drivers stood together during a pre-race moment of silence for Rodriguez and then went out to battle each other on the 2.238-mile road course, but nobody could match Herta, who won the 83-lap event for the second year in a row.

Herta, fighting to keep his ride with Bobby Rahal's team, started from the pole and led all the way, beating Roberto Moreno to the finish line by 1.826-seconds, or about 10 car lengths.

"I'm really happy for (yesterday), but our hearts and thoughts and prayers are still with Gonzalo and his family," Herta said. "This is a bitter-sweet day for CART."

Since his victory here last year, Herta, 29, had come up with only one top-five finish in 20 races: third place in April at Long Beach, California.

Still, he made it look easy Sunday. "If that's easy, I don't know what's hard," he said. "I was pushing 100 per cent all day long."

Team Rahal teammate Max Papis wound up third, followed by Toronto's Paul Tracy, Adrian Fernandez, Gil de Ferran, Scott Pruett and Juan Montoya. Patrick Carpentier of Joliette, Que., was ninth while Greg Moore of Maple Ridge, B.C., failed to finish the race.

The Associated Press

Frentzen realizes dream at Monza

MONZA, Italy — For Heinz-Harald Frentzen winning his first Italian Grand Prix at Monza was a dream come true. For Mika Häkkinen, yesterday's race was a nightmare.

Frentzen, a 32-year-old German, drove his Jordan to a surprise victory in the 13th race of the Formula One season, while Häkkinen, the defending world champion and race favourite, spun out while he was in the lead.

Häkkinen's mishap, a repeat of an accident at Imola last May, set a thrilling scenario for the championship title in the remaining three races.

The McLaren-Mercedes driver still holds a share of first place atop the standings at 60 points, tied with Ferrari's Eddie Irvine, who received one point for sixth place yesterday.

The win was the second of the season for Frentzen, who also won the French Grand Prix, and the third of his career. He took the lead on the 10th lap, when Häkkinen lost control of his car after driving onto the curbs at the chicane next to the finish-line straight.

"Winning at Monza is the biggest success of my F1 career, it's a dream coming true," Frentzen said. "Victory also came on a special day for me."

A team spokeswoman later said the driver had just learned from his wife, Tania, that she was expecting a baby.

Häkkinen, who led Frentzen by eight seconds, drove into the grass and could not restart his stalled engine. He walked past race stewards as they tried to console him and irately tossed his racing gloves away. He then sat helplessly at the side of the track for several minutes.

Ferrari fans burst into an ovation when Häkkinen spun off since the Finn was considered the most difficult hurdle to Irvine's efforts to win the Italian team its first world title in 20 years. Adding misery, they also booed the McLaren driver as he walked to the pits.

Before the race, drunken fans brawled and fans without tickets clashed with security, leaving 95 people injured. Most were treated for bruises and two needed to be hospitalized, medical officials at the track said.

Ralf Schumacher, the younger brother of sidelined Ferrari star Michael, came in second, in a Windfield Williams, 3.27 seconds behind the winner.

Canadian Jacques Villeneuve, driving for the British American Racing team, finished his second race of the season, placing eighth.

The Associated Press

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Ottawa Citizen, Mon, Sep 13, 1999 Sports C2

fence for Swedish midfielder Fredrik Ljungberg, who was tripped up by a charging Toldo. The keeper was booked.

The match marked Fiorentina's return to European competition. The club was kicked out of last season's UEFA Cup in November after an explosive device was tossed onto the field during a "home" match played away from Florence as part of a prior punishment.

An international cast of stars such as Fiorentina's Gabriel Batistuta (from Argentina), Enrico Chiesa (Italy) and Predrag Mijatovic (Yugoslavia), and Arsenal's Davor Suker (Croatia), Dennis Bergkamp (Netherlands), Kanu and Overmars produced a fast-paced, exciting match with a bit of everything but a goal.

There was a key no-call play at each end. In first-half injury time, Suker sent a pass into the penalty area for a streaking Bergkamp. The Dutch striker was brought down just as he reached the ball by Fiorentina defender Alessandro Pierini, who leaned over Bergkamp and yelled at him as play continued.

No foul was called, either, in the 53rd, when defender Martin Keown tripped up Mijatovic as the striker headed into the area to retrieve a return pass from Batistuta.

Manchester United 0, Croatia Zagreb 0

MANCHESTER, England — Croatia Zagreb

Gary Neville, Roy Keane and Dennis Irwin joined the Reds' injury list and Ferguson fielded two young players untried in European competition, defender Michael Clegg and midfielder Mark Wilson.

'74 Cup was Pele's political protest

RIO DE JANEIRO — Soccer great Pele was revealed for the first time that he refused to play in the 1974 World Cup in Germany to protest torture by Brazil's military regime.

In a television interview, Pele, 48, said he resisted pressure and threats from Brazil's ruling generals to play.

"I had left the national team in '71, and in '74 I was in good shape. But that story about torture made me desist," Pele said Sunday on the Bandeirantes TV network.

"The military tried to force me," he added. "I was pressured with tax questions, but I decided to stick to my position."

The armed forces seized power in a 1964 coup and held it until 1985. Many real and suspected political adversaries were arrested, tortured and killed, especially between 1968 and 1974.

The period coincided with the golden age of Brazilian soccer, whose symbol was Pele. He was on the national teams that won the World Cup in 1958, 1962 and 1970.

The Associated Press

Carleton soccer teams crack CIAU's Top 10 rankings

BY MARTIN CLEARY

Canadian football is gone at Carleton University, but international football is alive and kicking.

Carleton's men's and women's soccer teams are back in the Canadian Interuniversity Athletic Union Top 10 rankings for the first time since 1993.

After opening a new Ontario University Athletic season with two wins on the weekend, the Ravens women's team was placed eighth on the weekly honour roll, which was released yesterday by the CIAU.

The men's team, a regular on the ranking list in the 1990s except for last season, is 10th after a pair of victories in the OUA.

The last time the Ravens women's team made the national rankings was in 1993. Carleton was

as high as eighth and finished 10th for the season.

The club's highest ranking was seventh in 1987. The OUA also recognized Carleton women's goalkeeper Asta Wallace as its first female athlete of the week for the 1999-2000 season.

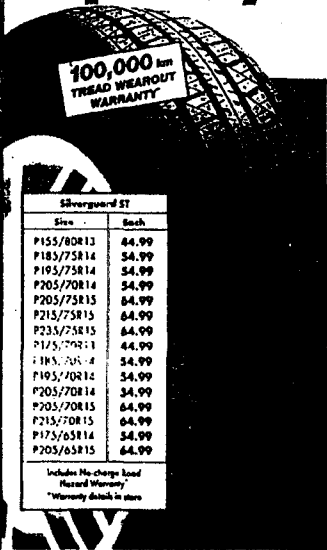
Wallace, a freshman engineering student from Holy Trinity High School in Kanata, won the starting job in training camp and then became the first Carleton goalie in a dozen years to beat York Yeomen 1-0 and Toronto Varsity Blues 4-1.

Erika Mayer is on the verge of becoming the highest goal scorer in Carleton women's soccer history. She is tied with Kara Blanchette with 25 career goals and could own the record as early as Sept. 22 in a 6 p.m. game against the University of Ottawa.

Blanchette is an assistant coach with the Ravens' women's soccer team.

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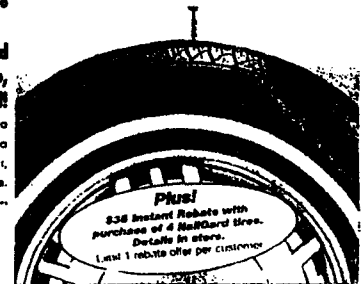
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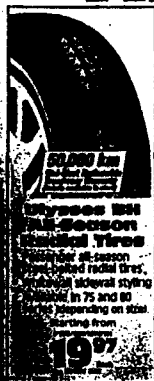
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Ontario Citizen Wed., Sept. 15 1999, B4

Three Period
 No scoring
 Shots on goal by
 Edmonton 5 5 3 - 13
 Ottawa 5 13 7 - 29
 Goal - Edmonton: Sato; Ottawa:
 Name:
 Attendance - 15,468
Flames 3 Canadiens 2
 AT MONTREAL
 First Period
 1. Montreal, Bucinsky (Weinrich,
 1:00) 1:11 (0)
 2. Montreal, Asham (Diggins)
 2:07
 3. Calgary, Shantz (Morris,
 2:57) 1:23 (0)
 Second Period
 No scoring
 Third Period
 1. Calgary, Inley (Bishop) 7:12
 2. Calgary, Gratton (Bure, Shantz)
 12:05 (0)
 Shots on goal by
 Calgary 7 16 7 - 28
 Montreal 7 9 8 - 24
 Goal - Calgary: Gouvier;
 Montreal: Theodor;
 Attendance - 18,248

Shots on Goal:
 High 19 11 - 29
 Val 10 9 14 7 - 20
 Attendance - 7,258
OHL
 OHL 1999-00 exhibition
 schedule
 Sunday Results
 Owen Sound 5 Brampton 3
 Sudbury at North Bay
 Late Saturday results
 Guelph 4 London 3
 Oshawa 4 Mississauga 2
 South St. Marie 9 Sudbury 2
 Erie 4 Plymouth 1
 Belleville 3 St. Michael's 1
 Ottawa 4 Kingston 3
 Plymouth 4 Sarnia 4
CJHL
 Sunday's Results
 Kanata 3 Nepean 2
 Gloucester 4 Cumberland 4
 Brockville 7 Fenwick 5
 Tuesday Series
 Cornwall at Gloucester, 7:30 p.m.

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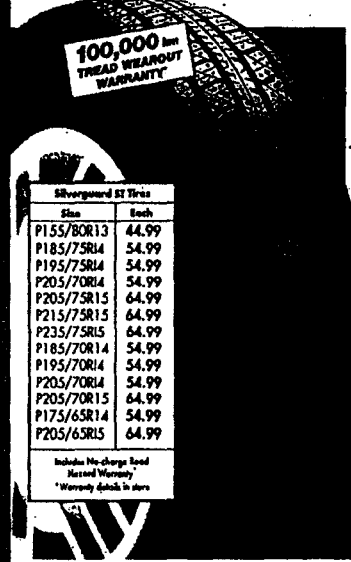


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TODAY
 Harness Racing: Rideau Carleton Raceway, post-
 time 12:55 p.m.
TV/RADIO
 NFL Football: Atlanta Falcons at Dallas Cowboys,
 New RO, ABC, 9 p.m.

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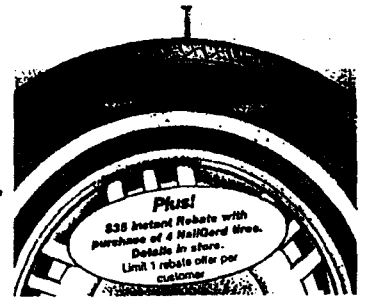
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Ottawa Citizen, Mon, Sept. 20 '99, C5

Captain Crenshaw says Cup will be thinking man's game

OKLINE, Massachusetts — Ryder Cup captain Ben Crenshaw is watching how far his players dribble, how sharp their irons are, how well they're putting. He wants to have their thinking caps on.

One of the fascinating things about the course is its collection of holes requiring putting and undulation," Crenshaw said yesterday after teaming up with his players for best-ball and teeshot practice on the historic Club course. "There are uncut fairways, and there are greens that are very small. You just have to think your way through this golf course. You have to think your game. But you also have to know how to apply it on this golf course. It's a thinking test — a fascinat-

ing test."

Not too optimistic
Parnevik, a salty veteran of previous Ryder Cup matches — the

Europeans' 1997 victory — proclaimed that the Europeans are at a disadvantage, with seven first-time players.

"It's like every hole is the 18th in a major tournament," Parnevik said. "Even more than ever before, we should have no chance."

Parnevik skated quickly over the fact that the Europeans had five rookies on their 1997 team, including him, and that group contributed eight points to a 14-13½ victory.

"The U.S. has the strongest team I've ever known of in the Ryder Cup," Parnevik said. "We just have to play our very, very best. It's 18 holes of match play, so anything can happen."

Playing in a first Cup match, especially on foreign soil, can be intimidating, Justin Leonard said. "You hit a bad shot, and people might applaud," he said. "It's something you don't usually hear on a golf course."

Pairings for tomorrow's opening matches will be announced today.

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Ottawa Citizen, Thursday Sept. 23, 1997, B5

Provinces may expand Hep-C compensation

BY MARK KENNEDY

Tainted-blood victims shut out of a controversial \$1.2-billion compensation package say there are encouraging signs that as many as five provinces may soon compensate them as well.

Ontario and Quebec already have plans to compensate hepatitis C victims who were infected with tainted blood before 1986 or after 1990.

Now there are indications that newly elected governments in Nova Scotia, New Brunswick and Manitoba also favour extending compensation to everyone infected through the blood supply.

Such a development would put pressure on the remaining provinces to follow suit. Otherwise, victims say the country will be left with a fragmented system that treats people differently based on residence.

They say that will require federal government to negotiate a new federal-provincial plan that applies uniformly.

"I find it appalling here we've got a multi-tiered plan of assistance," says Mike McCarthy, vice-president of the Canadian Hemophilia Society. "I think the principle still is ingrained in the Canadian public that all people should be treated equally from coast to coast."

Last week, the 1986-90 package was endorsed by courts in three provinces. That means an estimated 10,000 people will get compensation, depending on the severity of their illness, ranging from \$10,000 to \$1 million.

When they unveiled their compensation deal in March 1998, federal Health Minister Allan Rock and his provincial counterparts all adopted the same argument to defend their decision. They said a four-year period — 1986 to 1990 —

was the only time in which governments could have done something to keep hepatitis C out of the blood supply.

Critics scoffed, noting there were blood-screening tests available before 1986 and that, for instance, federal regulators failed as early as 1983 to stop hepatitis-C contaminated blood products from being imported from U.S. prisons in Arkansas and Louisiana.

Still, the governments refused to waver.

Governments estimated there are 20,000 to 39,000 tainted-blood victims excluded from the package, although victims' groups say the real figure is much smaller.

In May 1998, Ontario established its own compensation scheme for victims left out of the deal. Ever since, Mr. McCarthy, an Ontario hepatitis C victim who did not qualify for the 1986-90 package, has lobbied vigorously to have other governments do the same.

Here is a sketch of what has unfolded:

● Ontario: The province promised \$200 million for the excluded victims, believing that 20,000 would be eligible. But so far, only 1,700 people have qualified and each received \$10,000.

● Quebec: In July, the province announced it will spend up to \$80 million for compensation. It based the figure on the assumption there will be 8,000 claimants, each receiving \$10,000.

● New Brunswick: The new Tory government's health minister, Dennis Furlong, supports compensating all victims, Mr. McCarthy said.

● Nova Scotia: On July 27, voters elected John Hamm's Tories into office. Mr. Hamm is on record as supporting blanket compensation.

● Manitoba: Last week, Gary Doer's New Democrats were elected. There are indications the government will support blanket compensation.

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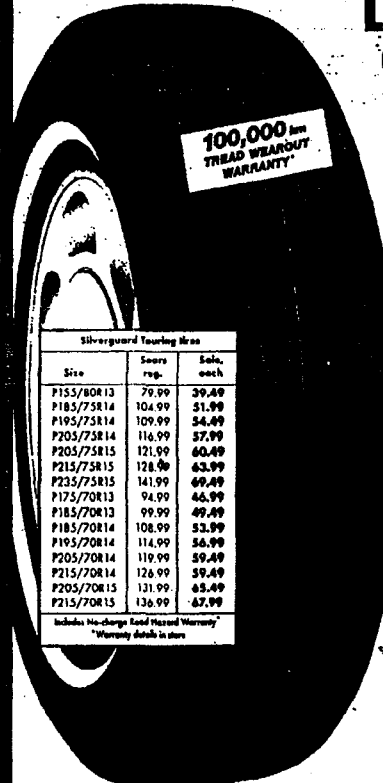
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CBC news boss resigns

BY COLIN GREY

The resignation of Bob Culbert, the man who runs the CBC's English-language news operations, is being described as a serious blow to public broadcasting in Canada.

Former CBC executive Vince Carlin, now chair of the School of Journalism at Ryerson Polytechnic University, called Mr. Culbert's resignation on Friday another blow against the spirit of public broadcasting at the network.

"They've lost too many people who believe in public broadcasting, because that is not an attitude that seems to be widely shared in the upper reaches of the corporation," said Mr. Carlin, the former head of CBC Newsworld.

Mr. Culbert, a 30-year veteran who rose from working the night desk in Winnipeg to become executive director of television news, current affairs, and Newsworld, will leave on Dec. 31. His departure follows the loss last December of Jim Byrd, vice-president in charge of the English-language networks.

In a memo to CBC staff, Mr. Culbert said he was to be removed as news director and had decided against taking another job at the company.

After a decade of gutted budgets, layoffs, and other changes, the loss of executives with long histories in journalism will only serve to further erode CBC's standards of journalism, Mr. Carlin said.

Mr. Culbert and Harold Redekopp, who replaced Mr. Byrd as vice-president, were not available for comment.

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Hilda Marion Neatby (1904-1975) went to Europe to expand her mind, then returned to Saskatchewan's wheat fields to do the same to others. A historian and professor at the University of Saskatchewan, she updated the Canadian educational system with her 1953 book, *So Little for the Mind*, pointing out that Canadian children weren't challenged by their school curriculum and arguing for a return to the basic, traditional education. Despite the barrage of criticism ignited by the book, she became one of the first women inducted into the Order of Canada in 1967.

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Ottawa Citizen, Mon. Sept. 27 1999 A6

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Ottawa Citizen, Tuesday Sept. 28 199 C5

produced his play, *Really Rosie*, in the 1980s, says Moss, a former artistic director of the theatre.

"He understood that we got (his work) in a way that American (producers) didn't quite get it."

Canadian children's programming has also benefitted from an explosion in family-oriented U.S. cable channels in the last decade. It has also been helped by a 1996 ruling by the U.S. Federal Communications Commission.

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"That's something we sorely lack in Canada," he says. "The CRTC has brought that (issue) forward, and I think it would be a welcome addition here because there are channels that don't run kids shows, and I think kids need more diversity."

"I'm not naive enough to think that a few pre-school shows, no matter how wonderful they are, can change American culture," says Mills.

"But I think that they provide a stimulant, the starting point for those changes in young kids to take place."

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Ottawa Citizen, Thursday Sept. 30 '99 F2

Lure of the tour too great to resist

Ottawa region golfers chase first big break

By Colin Hollett

SHUBURN, Ont. — Some of the faces Chris Oostrom sees this week belong to golfers he has known since their previous Canadian Tour qualifying tour.

Some belong to past tour members who lost their privileges for lack of success and earnings. Some, like McCuaig and five others from the Ottawa region in this week's event, are still trying to make that first, big break.

In either case, the dream of becoming a touring golfer is a hard one to give up.

"Some people don't have a hope, some people don't know when to give it up," says McCuaig, a 37-year-old left-hander making his fourth bid for a Canadian Tour card. "But you also have to admire people that come out year after year and think they can do it, because it shows a lot of dedication."

Like McCuaig, a Nepean resident who plays at Hunt Club and teaches at Loch March, Cloverdale Links head pro Chris Bernard has lived the Q-school experience, falling short in his first bid for a tour card in 1992.

The P.E.I. native then spent some time playing U.S.-based mini tours and tournaments in Atlantic Canada, including three Canadian Tour events: two Atlantic Classics, thanks to sponsor's exemptions, and the Ontario Open, for which he grabbed a spot in Monday qualifying.

Now 31 and living in Nepean, Bernard has a wife and young child to consider, but the thrill of competition lingers.

"I'm getting up there in age, and this will settle my mind," he says. "If you're going to do this, you have to do it full-time, and even if I did get through (qualifying this week), I don't know if I'll do it full-time."

"On the Canadian Tour, unless you're in the top 20, you barely break even."

McCuaig is also starting to ponder the possibility of life outside the gallery ropes. He starts a job as a financial planner on Oct. 18, and will likely apply for reinstatement as an amateur—after the mandatory one-year waiting period—if he doesn't earn a full (top 25) or conditional tour card (places 26-25) after tomorrow's final round.

"But I really, really want to have my card for my own sake," McCuaig says, "and it could open up other opportunities, that I don't know about, in the future."

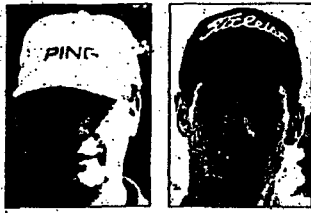
"I also want to have the card in hand to make a true decision (about his future)."

Three other Ottawa-area players, in their early or mid 20s, haven't reached the "do I or don't I" stage yet.

For them, the life of golf remains full of possibilities, of final-round showdowns with Tiger Woods and Canada's own Mike Weir, the patron saint of Canadian Tour alumni.

"This is what I have always wanted to do, and this is what I will be doing in the future," says 22-year-old Steven Oostrom of Smiths Falls. "If I don't qualify this time, then I will be next time. I'll keep trying to qualify until I do it."

Craig Hollett, 25, of Carleton Place, and Raymond Lacoste, 20, of Ottawa, say the same thing. If they don't get the job done this week at the



McCUAIG - OOSTROM

Thunderbird Golf and Country Club, they'll try again next May in the tour's spring qualifying school in B.C.

Hollett, an assistant pro at Mississippi, has already planned to travel to the West Coast in March, either to prepare for the qualifier or, if he succeeds this week, to ready himself for the five-month Canadian Tour.

Before then, he may head south in quest of additional competition on U.S. mini tours.

"I pretty much made the decision early in the year that this would be my last year working at a club in the (Ottawa Zone of the Canadian Professional Golfers' Association)," says the long-ball hitter who has twice qualified for the Eagle Creek Classic.

This year, he survived the 36-hole cut, earning \$718.75 after tying for 38th with a four-round total of 2-under-par 286.

Lacoste says nothing he has seen this week causes him to regret his decision to turn pro and give up a partial scholarship to the University of Southern Mississippi. "I would try this again, I would try it again in B.C."

"I'd pretty much try any tour I could try."

His dreams and hopes, and those of the other four, remain alive for at least one more day.

Because of storm and fog delays lasting nearly 2 1/2 hours yesterday, McCuaig (first-round 77), Bernard (79), Hollett (79) and Oostrom (81) and the rest of one-half of the 126-man field did not finish the second round.

They'll do so early this morning and then learn if they're among the few 95 players who qualify for the third round.

Lacoste completed his round, carding a 74 for a total of 9-over 153, leaving him well below the expected cut.

On the other hand, Q-school ended early for Ottawa's Scott Halliday. A pro at the Raceview club in Gloucester, he withdrew after nine holes yesterday, just as a thunderstorm hit the 6,842-yard course.

Halliday, 27, shot an 86 in the first round on Monday.

Leading among those who finished the second round was Kent Fukushima of Grand Prairie, Alta.

One of those who is trying to regain his tour card, Fukushima marked his 19th birthday with an even-par 72 for a 3-under total of 141 and a two-shot lead over Richard DeRond of London, Ont.

DeRond also shot 72 yesterday.

SEARS

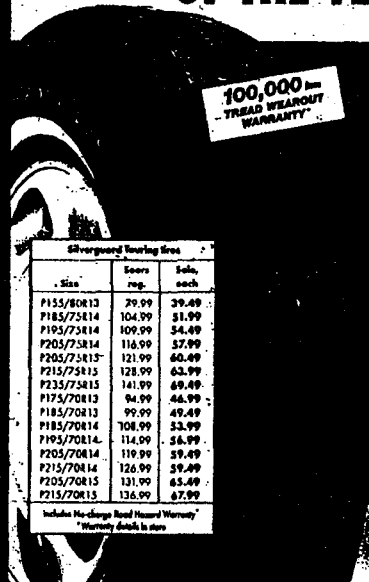
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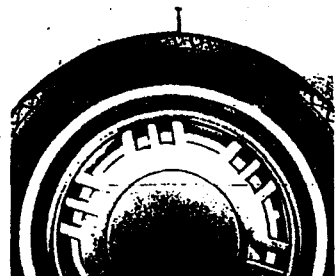
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Fischer signs with Wings

By Ken Warren

The best news for Jiri Fischer is the worst news for the Hull Olympiques.

Fischer, the towering 19-year-old defenceman who dominated the Quebec Major Junior Hockey League while with Hull last season, will start the year with the Detroit Red Wings.

Following an outstanding training camp with Detroit, Fischer signed a three-year contract yes-

Larry Murphy, Chris Chelios, Steve Duchesne, Aaron Ward and Mathieu Dandenault, but will probably earn more ice time at the season developments.

While the Red Wings have the option of sending Fischer back to Hull at any point this season, Detroit management wonders how much more the QMJHL defenceman of the year could develop with another year of junior.

Olympiques coach Claude Julien says the team

This is Exhibit 1 referred to in the
affidavit of Michael Trebilcock
sworn before me, this 22
day of September 2023.

CT-2001/003


A COMMISSIONER FOR TAKING AFFIDAVITS

THE COMPETITION TRIBUNAL

IN THE MATTER OF an application by the Commissioner of Competition for a Consent Order pursuant to sections 92 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34 (as amended);

AND IN THE MATTER OF the acquisition of a majority share of Chapters Inc. by Trilogy Retail Enterprises L.P. and the proposed merger of Indigo Books & Music Inc. and Chapters Inc. and their respective affiliates, Indigo Online Inc. and Chapters Online Inc.;

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

-and-

**TRILOGY RETAIL ENTERPRISES L.P.
CHAPTERS INC.
AND INDIGO BOOKS & MUSIC INC.**

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
F I L E D	APR 18 2001 <i>ejk</i>
	REGISTRAR — REGISTRAIRE
OTTAWA, ONT. #11(b)	

Respondents

STATEMENT OF GROUNDS AND MATERIAL FACTS

I. INTRODUCTION

1. The Commissioner of Competition (the "Commissioner") brings this application for a consent order on the grounds that the acquisition by Trilogy Retail Enterprises L.P. ("Trilogy") of the majority of the shares of

(iv) Market Shares

44. Chapters and Indigo have 92 of the 96 stores in Canada that can be characterized as large-format. Estimates of their combined share of sales in the relevant market vary depending on the measurement of total relevant book sales in the country; however, the Commissioner estimates that their market share is approximately 55-70%.
45. Indigo and Chapters have a 100% share of the superstore category in each metropolitan area in which they overlap. Their respective shares can be seen in Table 1.

Table 1**Number of Superstores by Local Retail Market**

Local Market	Chapters	Indigo
Montreal	3	1
Brampton*	1	1
Burlington*	1	1
Toronto*	11	7
Kingston	1	1
Calgary	7	2
Edmonton	4	1
Vancouver	6	1
Total	34	15

* Brampton, Burlington and Toronto are all part of the Greater Toronto Area retail market.

46. Moreover, Indigo was examining plans to open new superstores in several locations, including additional stores in Edmonton, Vancouver and Montreal as well as expansion to Victoria, Winnipeg, London, Ottawa and Halifax.

47. The Commissioner estimates that the combined market share of Indigo and Chapters in the overlap markets, including Chapters' small-format stores and independent small-format stores, is as follows in Table 2.

Table 2
Market Share by Square Footage and by Sales

Market	Indigo's Estimated Market Share (sf)	Estimated Market Share of Chapters/Indigo (sf)	Indigo's Estimated Market Share (sales)	Estimated Market Share of Chapters/Indigo (sales)
Montreal	17.1%	78.2%	14.3%	72.7%
Brampton*	37.4%	90.7%	34.1%	87.3%
Burlington*	30.6%	77.2%	26.5%	70.4%
Toronto*	25.2%	81.8%	22.1%	76.1%
Kingston	25.2%	84.6%	21.7%	80.1%
Calgary	16.1%	88.0%	14.2%	84.2%
Edmonton	9.1%	69.5%	7.3%	63.0%
Vancouver	4.9%	55.1%	3.8%	48.0%

* Brampton, Burlington and Toronto are all part of the Greater Toronto Area retail market.

(v) Removal of a Vigorous and Effective Competitor

48. Indigo was the major trade book retail competitor to Chapters. Both companies saw the other as its main and, often, its only rival.
49. Indigo was the only serious competitor to Chapters in the race to develop large-format retailing in Canada. Indigo was present in many major metropolitan markets in Canada. From time to time, and possibly as late as June 2000, Indigo planning documents showed that it was considering opening additional stores in Edmonton, Vancouver and Montreal as well as expanding to Victoria, Winnipeg, London, Ottawa and Halifax. Thus, the Merger removes any potential competition from Indigo in those areas.

THE COMPETITION TRIBUNAL

IN THE MATTER OF an application by the Commissioner of Competition for a Consent Order pursuant to sections 92 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34 (as amended);

AND IN THE MATTER OF the acquisition of a majority share of Chapters Inc. by Trilogy Retail Enterprises L.P. and the proposed merger of Indigo Books & Music Inc. and Chapters Inc. and their respective affiliates, Indigo Online Inc. and Chapters Online Inc.;

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

- AND -

**TRILOGY RETAIL ENTERPRISES L.P.
CHAPTERS INC.
AND INDIGO BOOKS & MUSIC INC.**

Respondents

CONSENT ORDER IMPACT STATEMENT

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE		P R O D U C T	
F I L E D	APR 18 2001 AVR		<i>gl</i>
REGISTRAR - REGISTRAIRE			
OTTAWA, ONT. #1(d)			

I. INTRODUCTION

1. The Commissioner of Competition (the "Commissioner") files this statement pursuant to section 77 of the *Competition Tribunal Rules*. This statement describes the circumstances surrounding the Draft Consent Order ("DCO") and its anticipated effect on competition.

IV. DRAFT CONSENT ORDER

10. The DCO provides for a combination of structural and behavioural obligations to be assumed by the Respondents. The DCO provides for the divestiture of nine superstores and ten mall stores operated by Chapters and four superstores operated by Indigo. Specifically, the DCO provides for the divestiture of: two Chapters superstores in the Vancouver area; one Chapters superstore in Calgary; one Indigo superstore in Edmonton; three Chapters superstores in the Greater Toronto Area (the "GTA"); two Indigo superstores in the GTA; six Chapters mall stores in the GTA; one Chapters superstore in Oakville; one Chapters superstore in Belleville; one Indigo superstore in Kingston; one Chapters mall store in Ottawa; one Chapters superstore in the Montreal area; and three Chapters mall stores in the Montreal area.
11. The Respondents will offer for sale, to any *bona fide* prospective purchaser, all rights, title and interest of whatever character in Indigo Online, including any leasehold interest in equipment, software and portal agreements that the Respondents or any of their affiliates may own in respect of Indigo Online; provided, however, that Indigo Online's tradename, intellectual property rights, brand specific content and customer lists are not required to be offered for sale.
12. The Respondents will offer for sale, to any prospective purchaser, Indigo's distribution facility, located at 6160 Kenway Drive, Mississauga, as long as Indigo has possession of it.
13. The Respondents will offer, to any single purchaser of some or all of the assets, all rights, title and interest of whatever character in one of the following tradenames: "Classic Books", "Prospero" and "SmithBooks".



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December 11, 1998

Mr. John E. Cleghorn
 Chairman and Chief Executive Officer
 Royal Bank of Canada
 Royal Bank Plaza
 South Tower
 200 Bay Street
 Toronto, Ontario
 M5J 2J5

Mr. Matthew W. Barrett
 Chairman and Chief Executive Officer
 Bank of Montreal
 First Bank Tower
 First Canadian Place
 100 King Street
 Toronto, Ontario
 M5X 1A1

c.c. The Honourable Paul Martin, P.C., M.P.
 Minister of Finance

Dear Chairmen:

The mandate of the Competition Bureau is to ensure that Canada has a competitive marketplace and that all Canadians enjoy the benefits of competition. This requires that proposed mergers be reviewed to determine if they are likely to result in a substantial lessening or prevention of competition.

After a comprehensive review, the Bureau has concluded that the merger of the Royal Bank of Canada and the Bank of Montreal (the Banks), as proposed, is likely to lead to a substantial lessening or prevention of competition that would cause higher prices and lower levels of service and choice for several key banking services in Canada.

Traditionally, when the Bureau concludes that a proposed merger is likely to harm competition, it invites the merging parties to propose remedies to remove the likely lessening of competition. Any remedies must ensure that the concerns are removed in all affected markets. Typically, this has involved selling assets and restructuring the proposal.

This is Exhibit J referred to in the affidavit of Nicholas Trebilcock sworn before me, this 22 day of September 20 98

 A COMMISSIONER FOR TAKING AFFIDAVITS

pay bills and collect receivables. Other products, such as night deposit and cash and coin services, are generally linked to this account.

Operating Loans

Operating loans are intended for the short-term operating needs of businesses such as financing receivables and inventory. Banks will generally not give an operating loan unless a business has its transaction account at the same bank. This gives the lending banks the ability to monitor a customer's business on a continuing basis. To gauge the potential impact of the proposed merger in this market, it is necessary to examine the competitive choices available to firms of different sizes.

Since large corporations typically have access to more domestic and foreign suppliers and ready access to capital markets, operating loans to these businesses were not considered problematic. Small and medium-sized(1) businesses generally have fewer choices and rely on banking services at the local level. Operating loans with authorizations up to \$1 million were examined for SMEs. Larger firms in the mid-market tier also face more limited choices than those in the large corporate sector. Loan authorizations in the \$1-million to \$5-million range were examined for these mid-market firms.

GEOGRAPHIC MARKETS

After extensive examination of the records produced by the Banks, interviews with industry participants, econometric analysis prepared by the Bureau, and on the advice of the experts retained by the Bureau, we have concluded that the geographic market is local for the relevant products listed above, for customers of personal financial services, and for SME businesses.

For mid-market loans between \$1 million and \$5 million, the geographic market is regional in scope. The Bureau has used provincial boundaries to approximate these regional geographic markets.

The Bureau identified 112 local markets in urban areas with populations of 10,000 to 100,000, using the integrated economic areas identified by Statistics Canada as census agglomerations (CA), and 25 urban areas of more than 100,000 people identified by Statistics Canada as census metropolitan areas (CMA). In total, there are 137 local urban markets. The operations of the Banks overlap in 125 of these urban markets.

In rural areas, the Bureau examined the competitive environment of all branches of the Royal Bank of Canada and Bank of Montreal within 20 km of each other. This decision was based largely on the banks' documents. As a result, 99 local rural markets were identified for the proposed merger.

In total, the operations of the Royal Bank of Canada and Bank of Montreal overlap in 224 local markets.

The Banks have argued that the market for all banking products is national. As noted above, the evidence gathered by the Bureau, including the records of the Banks, indicates the market is local. In the alternative, the Banks proposed that the Bureau conduct its analysis based on 112 areas which they have argued are integrated economic areas for the purposes of the analysis of financial services.

While the Bureau is not convinced that these areas are appropriate in many cases, it has run a market share analysis based on these proposed geographic areas and found that very similar conclusions are reached compared with those using the Bureau's local market definition. For example, where personal transaction accounts were examined, 63% of these areas exceed the 35% market share threshold, while in the case of the local markets used by the Bureau, 66% of the local markets exceed the 35% market share threshold.



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December 11, 1998

Mr. A. L. Flood
Chairman and Chief Executive Officer
Canadian Imperial Bank of Commerce
Commerce Court West
199 Bay Street, 5th Floor
Toronto, Ontario
M5L 1A2

Mr. A. Charles Baillie
Chairman and Chief Executive Officer
Toronto-Dominion Bank
Toronto-Dominion Tower
55 King Street West, 11th Floor
Toronto, Ontario
M5K 1A2

c.c. The Honourable Paul Martin, P.C., M.P.
Minister of Finance

Dear Chairmen:

The mandate of the Competition Bureau is to ensure that Canada has a competitive marketplace and that all Canadians enjoy the benefits of competition. This requires that proposed mergers be reviewed to determine if they are likely to result in a substantial lessening or prevention of competition.

After a comprehensive review, the Bureau has concluded that the merger of the Canadian Imperial Bank of Commerce (CIBC) and the Toronto-Dominion Bank (TD) (the Banks), as proposed, is likely to lead to a substantial lessening or prevention of competition that would cause higher prices and lower levels of service and choice for several key banking services in Canada.

Traditionally, when the Bureau concludes that a proposed merger is likely to harm competition, it invites the merging parties to propose remedies to remove the likely lessening of competition. Any remedies must ensure that the concerns are removed in all affected markets. Typically, this has involved selling assets and restructuring the proposal.

However, in this case, as stated in the Merger Enforcement Guidelines as Applied to a Bank

than those in the large corporate sector. Loan authorizations in the \$1-million to \$5-million range were examined for these mid-market firms.

GEOGRAPHIC MARKETS

After extensive examination of the records produced by the Banks, interviews with industry participants, econometric analysis prepared by the Bureau, and on the advice of the experts retained by the Bureau, we have concluded that the geographic market is local for the relevant products listed above, for customers of personal financial services and for SME businesses.

For mid-market loans between \$1 million and \$5 million, the geographic market is regional in scope. The Bureau has used provincial boundaries to approximate these regional geographic markets.

The Bureau identified 112 local markets in urban areas with populations of 10,000 to

100,000, using the integrated economic areas identified by Statistics Canada as census agglomerations (CA), and 25 urban areas of more than 100,000 people, identified by Statistics Canada as census metropolitan areas (CMA). In total, there are 137 local urban markets. The operations of the Banks overlap in 111 of these urban markets.

In rural areas, the Bureau examined the competitive environment of all branches of the CIBC and TD within 20 km of each other. This decision was based largely on the banks' documents. As a result, 68 local rural markets were identified for the proposed merger.

In total, the operations of the CIBC and TD overlap in 179 local markets.

MARKET SHARE AND CONCENTRATION LEVELS

Given that the four firm concentration threshold was exceeded for at least one of the products under detailed review in each market, the Bureau's review included all 179 local markets.

For operating loans to mid-market firms in the \$1-million to \$5-million range, the 35% threshold was exceeded in Prince Edward Island, Yukon and the Northwest Territories.

In order to calculate these market shares and concentration levels for branch banking products, the Bureau obtained the market share data base maintained by the Canadian Bankers Association (CBA), and supplemented it with information from many other financial institutions and the Canadian Payments Association. As a result, the data base includes nearly all deposit-taking institutions. For those products where non-deposit taking institutions are significant competitors, such as insurance companies for residential mortgages, further adjustments to the data base have been made.

This data base is the best available in Canada at this time. The Banks have raised a number of issues relating to the CBA data base. For example, the CBA data base does not categorize business transaction account data by size of business. This may result in some market shares being either over- or understated for SME firms. The Bureau is willing to further discuss these issues with the Banks.

COMPETITIVE CRITERIA

Barriers to Entry

In order to assess the effect of the merger on competition, the Bureau must consider the height of entry barriers into banking markets. Even where a merger exceeds the Bureau's initial thresholds, if barriers to entry are low, the merged firms will be constrained by the likelihood of new entrants, and will behave in a manner consistent with a competitive market.

Competition Tribunal



Tribunal de la Concurrence

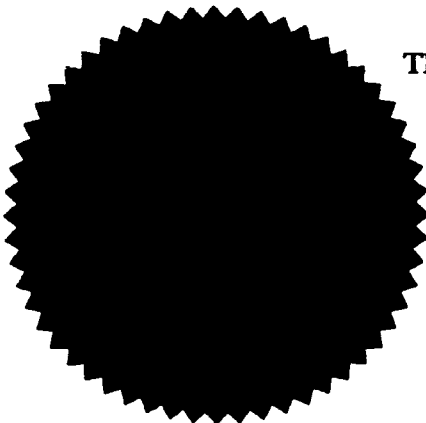
390

CT - 89 / 3

IN THE MATTER OF an application by the Director of Investigation and Research under sections 92 and 105 of the *Competition Act*, R.S.C., 1985, c. C-34, as amended;

AND IN THE MATTER OF the acquisition by Imperial Oil Limited of the shares of Texaco Canada Inc.

B E T W E E N :



The Director of Investigation and Research

Applicant

- and -

Imperial Oil Limited

Respondent

- and -

Attorney General of Quebec
Beacon Hill Service (2000) Ltd.
Atlantic Refining and Marketing Employees Association
and Atlantic Oilworkers Union Local 1
Consumers' Association of Canada
Pioneer Petroleums
Claude Harnois Inc.
Barron Hunter Hargrave Strategic Resources Inc.
Attorney General of Newfoundland and Labrador
Petroles Ronoco Inc.
The City of Victoria
Lyn-Den Distributors
Banff Bulk Fuels Ltd.
Texaco Retail Council, Halifax-Dartmouth Metropolitan Area
Cook's Oil Company Limited

Intervenors

REASONS AND DECISION

This is Exhibit 15 referred to in the
affidavit of Michael Trebilcock
sworn before me, this 23
day of September 2003

A COMMISSIONER FOR TAKING AFFIDAVITS

questioned whether that province is properly a part of an Atlantic market or should have been treated as separate from the Maritime provinces of New Brunswick, Nova Scotia and Prince Edward Island.¹⁰ (The province of Newfoundland and Labrador will hereinafter, for ease of reference, be referred to as "Newfoundland".) In any event, the definition of markets by reference to provincial boundaries automatically carries with it a certain degree of artificiality.

C) Geographic Market - Retail Level

With respect to the geographic extent of the various retail markets, urban areas were chosen by the Director and Imperial as separate markets. As will appear from what is said below, there is only a limited economic rationale for this choice. The choice proceeded on the basis of administrative convenience in the absence of a practical means of identifying the actual markets.

As noted above, identification of a geographic market requires an assessment of the homogeneity of price. In defining an "ideal" geographic market it should be possible to find that all transactions, at a point in time within the defined market, could be at the same price. Since this ideal is rarely met, the question is the extent to which departures are considered sufficiently unimportant so that transactions at different prices are still considered part of the

¹⁰See *infra* at 57ff.

same market. A comparison of retail prices in the greater Toronto area by Professor Waverman and Dr. Yatchew, showed a high degree of uniformity across the urban areas assessed.¹¹

This is not surprising given that consumers of gasoline are inherently mobile and the search for a better price is relatively cost-free -- it can be undertaken while travelling for some other reason. Switches in consumer demand can readily be accommodated on the supply side since virtually all retail gasoline outlets have the capacity to sell more gasoline and they also have the incentive to maximize volume, fixed costs being high. Because of the exposure of consumers to a fairly large number of retail outlets during the period of time when they are considering a purchase, any price change in one part of a city is transmitted rapidly throughout the urban area: the "domino effect". The evidence of Professor Trebilcock described the situation:

While industry data suggest that up to 70% of consumers tend to buy most of their gasoline within two miles of their homes, the structure of this market ensures that price changes move both rapidly and pervasively through most large metropolitan areas. This is because each consumer's two mile radius overlaps with the next consumer's such that a net of interlocking submarkets spans the city. Any price decrease in one area of the

¹¹Affidavit of Prof. M. Trebilcock, dated July 24, 1989, Appendix 3: The Pricing of Gasoline in the Toronto Area (May 29, 1989). A similar, more current study surveying retail gasoline prices in both Toronto and Montreal forms part of the confidential record: A. Yatchew, Retail Prices of Gasoline in Toronto and Montreal (October 5, 1989).

city is transmitted by a domino effect, to other areas of
the city through these interlocking submarkets. ...¹²

Apart from the use of the term submarket, which could create confusion and is somewhat of a contradiction, the description of how a large urban market for gasoline is tied together is a reasonable one. It becomes evident from that description, however, that the choice of urban boundaries is necessarily arbitrary because the interlocking "submarkets" do not stop at those boundaries but interlock with adjacent non-urban areas. The evidence adduced respecting one particular situation in Ancaster, Ontario underlines this fact.¹³ In the case of medium-sized and small communities, equating the geographic market with the boundaries of those communities understates the true size of the relevant market because the purchasers are mobile; they clearly purchase outside the local community as well as within it.

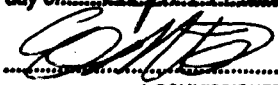
While it is evident that it would be a near impossible task to accurately trace all of the overlapping areas that make up retail gasoline markets in Canada, the deficiencies inherent in choosing arbitrary limits, such as urban boundaries, have to be recognized. This is particularly so given the task which the Director and Imperial

¹²Affidavit of Prof. M. Trebilcock, dated July 24, 1989, Exhibit A at para. 14. See also Notice of application, Appendix 2: Overview of the Industry at para. 115, which is to the same effect.

¹³See *infra* at 106.

Ottawa-Carleton Region Tire Retailers

1. Belisle Chev Olds Cadillac
2. Bytown Auto Menders
3. C P Tire & Auto Refinish
4. Canadian Tire
5. Cantre De Pneus Marion
6. Carlsbad Tire (Inc)
7. Charbonneau Auto Parts & Installations
8. Commercial Tire and Battery
9. Deals 4 Wheels
10. Dickinson Jim
11. Elliott Carl Chevrolet Oldsmobile Ltd
12. Fastlane
13. Frisby Tire Co. (1974) Limited
14. Gary's Automotive
15. GCR Tire Centres
16. Giant Tire Specialist
17. Goodyear Auto Service
18. Grant Street Garage 1974 Ltd
19. Hanks Tire Supply
20. Hodge's Service Centre & Car Clinic
21. In Style Auto
22. J P Tire Service Ltd
23. Jack May Pontiac-Buick Ltd
24. McNeil Motor Sales (Manotick) Ltd Chevrolet Oldsmobile
25. Mister Muffler
26. Myers Chev-Olds-Cadillac Inc
27. OK Tire Stores Inc.
28. Orleans Autopro
29. Orleans Service Centre
30. Osgoode Tire Sales
31. Parker Auto Care
32. Pinkus Tire & Battery Kingdom
33. Pneus Et Accessoires S L
34. Pneus Rockland Tire
35. Robson Racing Inc.
36. Rump Roy & Sons Tire & Auto Centre
37. S & S Auto Parts Ltd.
38. Sears
39. Sunrise Pontiac Buick GMC
40. Tire Plus
41. Tirecraft Commercial
42. Toyo Tire Canada Inc.
43. Treff's Tire Centre
44. Union Auto parts (1997) Ltd.

This is Exhibit L referred to in the
affidavit of Michael Trebilcock
sworn before me, this 22
day of September 2003

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45. Wal-Mart

Source: www.yellowpages.ca

Calgary Region Tire Retailers

1. 1 Stop Service
2. A R Williams Materials Handling Ltd
3. Aa-Auto Inspections
4. Able Tire Services
5. Action Tyre Ltd
6. Bareka Auto Tire Service
7. Blaskin & Lane Tire Centres
8. Bowness Tire 1986
9. Brians Tire & Auto Center Ltd
10. Brooks Tire & Retreading Ltd
11. Canadian Tire
12. Canyon Meadows Tire & Auto Care Ltd
13. Cedar Automotive & Tire Services
14. Commercial Tire
15. Drive On Mobile Tire Services
16. Econo Tire
17. Elrich Tire Ltd
18. Faidinkum Tire Ltd
19. Fast Tire Service Ltd
20. Firestone Tire & Automotive Centres
21. Fountain Tire
22. Globe Steering Clinic Calgary Ltd
23. Gords Tire & Auto Center
24. Harpers Tire (1931) Ltd
25. K I K Tire Technologies Inc
26. Kal Tire
27. Kirks Tire Ltd
28. Leader Tire & Auto Repair Ltd
29. Lyons Tire Centres Ltd
30. Master Tune
31. Mech Check Auto Repair Service
32. Mid-West Tire Processors Ltd
33. MO-Tires Ltd
34. National Car Rental
35. Oil Drop The
36. OK Tire Stores Inc.
37. Payless Tire Sales
38. Pro Tire (Calgary) Ltd
39. Profile Publishing Inc
40. R P M Tire & Auto
41. Remington Tire Distributors (1977) Ltd
42. Shaw G M C Pontiac Buick
43. Siegles Tire Service
44. South Trail Tire Corp

45. Southwestern Tire
46. Stampede Tire & Brake
47. Steves Mobile Tire Service Ltd
48. Summit Tire
49. Tire Direct Canada Ltd
50. Tire Recyclers of Calgary Inc
51. Tire Trax
52. Tirecraft
53. Tiretek Inc
54. Togo Tire Service Ltd
55. Tolleys Tire Centre Ltd
56. Wal-Mart

Source: www.yellowpages.ca

Greater Toronto Area Tire Retailers

1. Active Green & Ross
2. Albion 5 Bay Tire & Auto Centre Inc
3. All Season Tire Centre
4. Ama Tire & Service Centre
5. AMA Tire & Service Centre
6. Automotive Import Market (AIM)
7. Autorite Sales & Services
8. Bento's Auto Service
9. Beverly Tire (Concorde) Inc
10. BFGoodrich
11. Brennan Pontiac Buick GMC Ltd
12. Canada Supply & Tire
13. Canadian Tire Associate Stores
14. City Tire II
15. City Tire Limited
16. Decicco & Sons Ltd
17. Factory Tire & Rubber Inc
18. Firestone Tire And Automotive Centre
19. Frontier Tire Systems Ltd
20. Glendale Tire
21. Goodyear Commercial Tire Centre
22. H P Enterprises
23. High Park Tire & Motor Services Ltd
24. J & M Tire International Inc
25. Kipling Tire Co Ltd
26. Lottridge Tire & Retreading Inc
27. Matharu Service Centre
28. Michelin
29. Mississauga Tire Centre Inc
30. Nantucket Tires' N'Mags
31. National Tire Sales & Service
32. North Toronto Tire
33. OK Tire Stores Inc.
34. Ossington Tire Corp
35. Phil's Tire Service Inc
36. Public Tire Sales & Service Ltd
37. Race Track Auto Centre
38. Rubber Rehab Inc
39. S Koundouros Service Centre Ltd
40. Sammy's Service Centres
41. Second Time Around Tire Sales
42. Service Plus Automotive
43. Sharp Cars
44. SKS Auto Service Centre

45. South Scarborough Auto Service
46. Steelcase Tires N Mags Inc
47. Stevestire.com
48. Sumner Tire
49. Superior Tire
50. The Tire Depot (2002) Inc
51. Tire Canada
52. Tirecraft-Attersley Tire
53. Tiremag (2000) Inc
54. Tires 4 Less
55. Toyo Tire Canada Inc
56. Wal-Mart

Source: www.yellowpages.ca

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Costco Wholesale

Phone: **(905)820-9300**

3025 Ridgeway Drive, Mississauga, ON L5L 5P8

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Result Pages: 1

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Costco

1900 Cyrville Road, Gloucester, ON K1B 1A5

Phone: **(613)748-5973**

Smart Info



Map

Category: [Grocers Retail](#)

Costco Canada

959 boulevard Labrosse, Gatineau, QC J8R 2X5

Phone: **(819)669-4575**

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Costco Pharmacie

1849 Merivale Road, Nepean, ON K2G 1E3

Phone: **(613)727-5822**

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Costco Pharmacy

1849 Merivale Road, Nepean, ON K2G 1E3

Phone: **(613)727-5822**

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Category: [Pharmacies](#)

Costco Wholesale

1849 Merivale Road, Nepean, ON K2G 1E3

Phone: **(613)727-9177**

Smart Info



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Category: [Grocers Whol](#)

Costco Wholesale

1900 Cyrville Road, Gloucester, ON K1B 1A5

Phone: **(613)748-5973**

Smart Info



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Get your own [input field]

Business Finder Simple Search

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[input field]

or Business Name

Costco

City

Calgary

Province (required)

AB

Listings

Pharmacies (1 - 3 of 3)

Costco Wholesale
 2853 32nd Street Northeast, Calgary, AB T1Y6Z7
 (403) 216-6690
[map](#) | [driving directions](#)

Costco Wholesale Corporation
 6880 11st Street Southeast, Calgary, AB T2H2T9
 (403) 255-3923
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Costco Wholesale
 (403) 253-6152

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tire search results

New Search: Search by Vehicle (Recommended) Search by size

Size: Speed Rating:

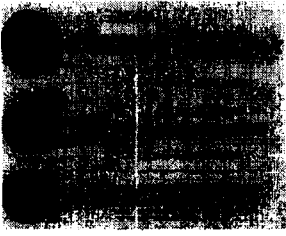
[Click here for information on tire sizing or if you are unsure of your vehicles fitment requirements](#)
 For your safety, Costco only installs authorized tire fitments.
 The final decision to install a tire will be made by the Costco tire center manager or supervisor.

Search Results for 185/70R13. (click tire name to view details)
Note: All Prices Include Shipping, Handling, Installation & Disposal

	Name	Description	Price	
	Bridgestone Potenza RE900 P185/70R13	All Season Performance	\$59.99	add to cart <input type="button" value="4"/> more info

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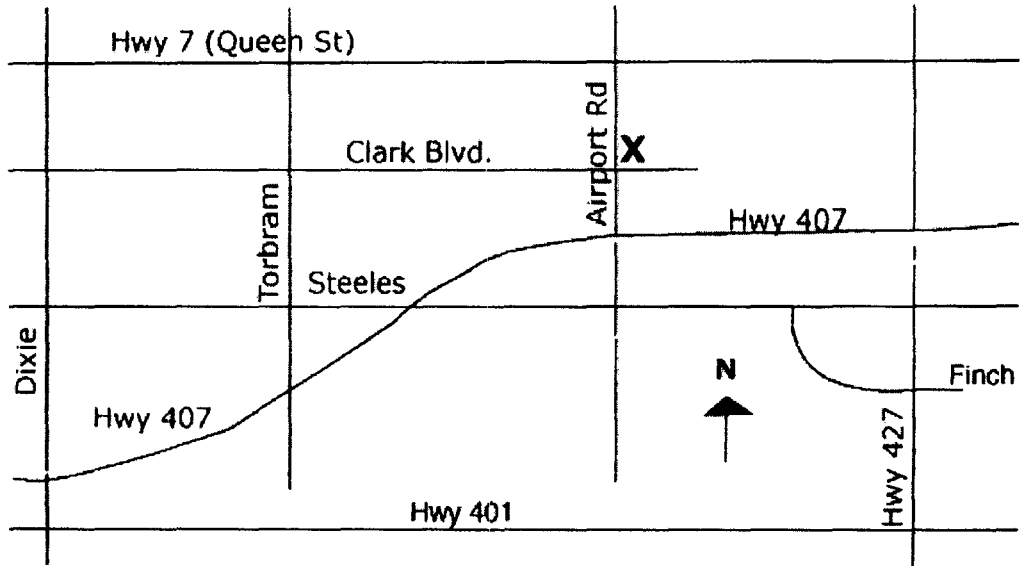
Map and Address



Bramalea Tire
2020 Clark Blvd., Unit #1
Brampton, Ontario
(N.E. corner of Airport Rd.)

Hours
Mon, Tues,..... 8:00-5:30
Thur, Fri:
Wed: 8:00-6:00
Sat: 8:30-2:30

Call: 905.793.1881

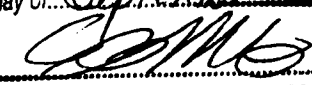


This is Exhibit M referred to in the
affidavit of Michael Trebilcock
sworn before me, this 22
day of September 2003
[Signature]
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**Comparison of Sears' Regular Prices to Manufacturers' Suggested
Retail Prices^{1 2 3}**

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - RoadHandler "T" Plus (Michelin) compared to Michelin X-One:			
P175/70R13	\$146.00	\$94.99 - \$153.99	(34.9%) - 5.5%
P175/70R14	\$159.00	\$100.99 - \$159.99	(36.5%) - 0.6%
P185/70R14	\$164.00	\$106.99 - \$168.99	(34.8%) - 3.0%
P195/70R14	\$174.00	\$112.99 - \$176.99	(35.1%) - 1.7%
P205/70R14	\$183.00	\$120.99 - \$190.99	(33.9%) - 4.4%
P215/70R14	\$196.00	\$126.99 - \$198.99	(35.2%) - 1.5%
P175/65R14	\$167.00	\$109.99 - \$172.99	(34.1%) - 3.6%
P185/65R14	\$176.00	\$114.99 - \$179.99	(34.7%) - 2.3%
P195/65R14	\$185.00	\$119.99 - \$188.99	(35.1%) - 2.2%
P205/65R15	\$197.00	\$126.99 - \$199.99	(35.5%) - 1.5%
P215/65R15	\$205.00	\$132.99 - \$209.99	(35.1%) - 2.4%
P215/60R16	\$210.00	\$134.99 - \$213.99	(35.7%) - 1.9%
P225/60R16	\$217.00	\$139.99 - \$219.99	(35.5%) - 1.4%
P205/70R15	\$191.00	\$129.99 - \$203.99	(31.9%) - 6.8%
P215/70R15	\$201.00	\$133.99 - \$208.99	(33.3%) - 4.0%
P235/70R15	\$221.00	\$144.99 - \$229.99	(34.4%) - 4.1%

This is Exhibit A referred to in the affidavit of Michael Trebilcock sworn before me, this 22 day of September 2000.


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¹ Sears' prices were obtained from "Competitive Profile", x-ref. to Sears Disclosure Statement number 27. Sears' prices are for single and multiple tires.

² Price obtained from Schedule A2 of the Affidavit of Production of Records and Responses by Michelin pursuant to section 11, November 30, 2000. All Michelin manufacturer's suggested retail prices are as of August 1, 1999. All Uniroyla manufacturer's suggested retail prices are as of April 1, 1999. The BF Goodrich manufacturer's suggested retail price is as of March 1, 1999.

³ Where a manufacturer's suggested retail price was not available for a black tire, the whitewall tire price was used.

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Weatherwise (Michelin) compared to Michelin Rainforce MX4:			
P175/70R13	\$136.00	\$83.99 - \$132.99	(38.2%) - (2.2%)
P185/70R13	\$144.00	\$89.99 - \$140.99	(37.5%) - (2.1%)
P185/75R14	\$151.00	\$98.99 - \$149.99	(34.4%) - (0.7%)
P195/75R14	\$159.00	\$101.99 - \$158.99	(35.9%) - 0%
P175/70R14	\$144.00	\$92.99 - \$145.99	(35.4%) - 1.4%
P185/70R14	\$153.00	\$96.99 - \$152.99	(36.6%) - 0%
P205/70R14	\$168.00	\$106.99 - \$167.99	(36.3%) - 0%
P175/65R14	\$149.00	\$94.99 - \$148.99	(36.2%) - 0%
P185/65R14	\$157.00	\$96.99 - \$154.99	(38.2%) - (1.3%)
P205/75R15	\$176.00	\$111.99 - \$174.99	(36.4%) - (0.6%)
P215/75R15	\$182.00	\$117.99 - \$184.99	(35.2%) - 1.6%
P205/70R15	\$179.00	\$114.99 - \$181.99	(35.8%) - 1.7%
P215/70R15	\$187.00	\$118.99 - \$186.99	(36.4%) - 0%
P205/65R15	\$184.00	\$117.99 - \$181.99	(35.9%) - (1.1%)
P215/65R15	\$193.00	\$122.99 - \$192.99	(36.3%) - 0%
Compared to Michelin Symmetry:			
P175/70R13	\$139.00	\$83.99 - \$132.99	(39.6%) - (4.3%)
P185/75R14	\$155.00	\$98.99 - \$149.99	(36.1%) - (3.2%)
P195/75R14	\$162.00	\$101.99 - \$158.99	(37.0%) - (1.9%)
P185/70R14	\$150.00	\$96.99 - \$152.99	(35.3%) - 2.0%
P205/70R14	\$176.00	\$106.99 - \$167.99	(39.2%) - (4.6%)
P175/65R14	\$154.00	\$94.99 - \$148.99	(38.3%) - (3.3%)
P185/65R14	\$162.00	\$96.99 - \$154.99	(40.1%) - (4.3%)
P215/75R15	\$182.00	\$117.99 - \$184.99	(35.2%) - 1.6%
P205/70R15	\$180.00	\$114.99 - \$181.99	(36.1%) - 1.1%
P215/70R15	\$189.00	\$118.99 - \$186.99	(37.0%) - (1.1%)
P205/65R15	\$185.00	\$117.99 - \$181.99	(36.2%) - (1.6%)
P215/65R15	\$191.00	\$122.99 - \$192.99	(35.6%) - 1.0%

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Weatherwise (Michelin) compared to Tiger Paw AWP:			
P175/70R13	\$114.00	\$83.99 - \$132.99	(26.3%) - 16.7%
P185/70R13	\$121.00	\$89.99 - \$140.99	(25.6%) - 16.5%
P185/75R14	\$124.00	\$98.99 - \$149.99	(20.2%) - 21.0%
P195/75R14	\$128.00	\$101.99 - \$158.99	(20.3%) - 24.2%
P185/70R14	\$126.00	\$96.99 - \$152.99	(23.0%) - 21.4%
P205/70R14	\$140.00	\$106.99 - \$167.99	(23.6%) - 20.0%
P185/65R14	\$134.00	\$96.99 - \$154.99	(27.6%) - 15.7%
P205/75R15	\$144.00	\$111.99 - \$174.99	(22.2%) - 21.5%
P215/75R15	\$155.00	\$117.99 - \$184.99	(23.9%) - 19.3%
P205/70R15	\$148.00	\$114.99 - \$181.99	(22.3%) - 23.0%
P215/70R15	\$153.00	\$118.99 - \$186.99	(22.2%) - 22.2%
P205/65R15	\$154.00	\$117.99 - \$181.99	(23.4%) - 18.2%
P215/65R15	\$161.00	\$122.99 - \$192.99	(23.6%) - 19.9%
Compared to Tiger Paw Nailguard:			
P175/70R13	\$132.00	\$83.99 - \$132.99	(36.4%) - 0.8%
P185/75R14	\$146.00	\$98.99 - \$149.99	(32.2%) - 2.7%
P195/75R14	\$154.00	\$101.99 - \$158.99	(33.8%) - 3.2%
P185/70R14	\$147.00	\$96.99 - \$152.99	(34.0%) - 4.1%
P205/70R14	\$163.00	\$106.99 - \$167.99	(34.4%) - 3.1%
P205/75R15	\$171.00	\$111.99 - \$174.99	(34.5%) - 2.3%
P215/75R15	\$179.00	\$117.99 - \$184.99	(34.1%) - 3.3%
P205/70R15	\$175.00	\$114.99 - \$181.99	(34.3%) - 4.0%
P215/70R15	\$181.00	\$118.99 - \$186.99	(34.3%) - 3.3%
P205/65R15	\$182.00	\$117.99 - \$181.99	(35.2%) - 0%
P215/65R15	\$191.00	\$122.99 - \$192.99	(35.6%) - 1.0%
Compared to Tiger Paw Touring TR:			
P175/70R13	\$119.00	\$83.99 - \$132.99	(29.4%) - 11.8%
P185/70R13	\$126.00	\$89.99 - \$140.99	(28.6%) - 11.9%
P175/70R14	\$129.00	\$92.99 - \$145.99	(27.9%) - 13.2%
P185/70R14	\$135.00	\$96.99 - \$152.99	(28.2%) - 13.3%
P175/65R14	\$132.00	\$94.99 - \$148.99	(28.0%) - 12.9%
P205/70R15	\$156.00	\$114.99 - \$181.99	(26.3%) - 16.7%
P205/65R15	\$159.00	\$117.99 - \$181.99	(25.8%) - 14.5%
P215/65R15	\$165.00	\$122.99 - \$192.99	(25.5%) - 17.0%

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Weatherwise (Michelin) compared to Bridgestone Turanza T:			
P175/70R13	\$126.40	\$83.99 - \$132.99	(33.6%) - 5.2%
P185/70R13	\$135.00	\$89.99 - \$140.99	(33.3%) - 4.4%
P185/75R14	\$147.90	\$98.99 - \$149.99	(33.1%) - 1.4%
P195/75R14	\$154.70	\$101.99 - \$158.99	(34.1%) - 2.8%
P185/70R14	\$142.40	\$96.99 - \$152.99	(31.9%) - 7.4%
P205/70R14	\$157.80	\$106.99 - \$167.99	(32.2%) - 6.5%
P175/65R14	\$148.60	\$94.99- \$148.99	(36.1%) - 0.3%
P185/65R14	\$154.50	\$96.99- \$154.99	(37.2%) - 0.3%
P205/75R15	\$170.80	\$111.99 - \$174.99	(34.4%) - 2.5%
P205/70R15	\$171.20	\$114.99- \$181.99	(32.8%) - 6.3%
P215/70R15	\$178.50	\$118.99 - \$186.99	(33.3%) - 4.8%
P205/65R15	\$166.40	\$117.99 - \$181.99	(29.1%) - 9.4%
P215/65R15	\$173.20	\$122.99- \$192.99	(29.0%) - 11.4%
Compared to Bridgestone BT70s:			
P175/70R13	\$123.00	\$83.99 - \$132.99	(31.7%) - 8.1%
P185/70R13	\$130.70	\$89.99 - \$140.99	(31.1%) - 7.9%
P185/70R14	\$136.80	\$96.99 - \$152.99	(29.1%) - 11.8%
P205/70R14	\$153.50	\$106.99 - \$167.99	(30.3%) - 9.4%
P175/65R14	\$137.50	\$94.99- \$148.99	(30.9%) - 8.4%
P185/65R14	\$143.70	\$96.99- \$154.99	(32.5%) - 7.9%
P205/70R15	\$162.69	\$114.99- \$181.99	(29.3%) - 11.9%
P215/70R15	\$167.00	\$118.99 - \$186.99	(28.7%) - 12.0%
P205/65R15	\$164.80	\$117.99 - \$181.99	(28.4%) - 10.4%
P215/65R15	\$173.10	\$122.99- \$192.99	(28.9%) - 11.5%

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Weatherwise (Michelin) compared to Firestone FT70c:			
P175/70R13	\$121.90	\$83.99 - \$132.99	(31.1%) - 9.1%
P185/75R14	\$135.00	\$98.99 - \$149.99	(26.7%) - 11.1%
P195/75R14	\$141.60	\$101.99 - \$158.99	(28.0%) - 12.3%
P175/70R14	\$130.20	\$92.99 - \$145.99	(28.6%) - 12.1%
P185/70R14	\$132.90	\$96.99 - \$152.99	(27.0%) - 15.1%
P205/70R14	\$151.70	\$106.99 - \$167.99	(29.5%) - 10.7%
P175/65R14	\$136.60	\$94.99 - \$148.99	(30.5%) - 9.1%
P185/65R14	\$143.50	\$96.99 - \$154.99	(32.4%) - 8.0%
P205/75R15	\$157.00	\$111.99 - \$174.99	(28.7%) - 11.5%
P215/75R15	\$164.60	\$117.99 - \$184.99	(28.3%) - 12.4%
P205/70R15	\$160.70	\$114.99 - \$181.99	(28.4%) - 13.2%
P215/70R15	\$162.20	\$118.99 - \$186.99	(26.6%) - 15.3%
P205/65R15	\$159.00	\$117.99 - \$181.99	(25.8%) - 14.5%
P215/65R15	\$165.40	\$122.99 - \$192.99	(25.6%) - 16.7%
Compared to Goodyear Regatta 2:			
P185/75R14	\$156.75	\$98.99 - \$149.99	(36.8%) - (4.3%)
P195/75R14	\$164.35	\$101.99 - \$158.99	(37.9%) - (3.3%)
P185/70R14	\$153.35	\$96.99 - \$152.99	(36.8%) - (0.2%)
P205/70R14	\$178.05	\$106.99 - \$167.99	(39.9%) - (5.7%)
P175/65R14	\$161.55	\$94.99 - \$148.99	(41.2%) - (7.8%)
P185/65R14	\$166.55	\$96.99 - \$154.99	(41.8%) - (6.9%)
P205/75R15	\$181.50	\$111.99 - \$174.99	(38.3%) - (3.6%)
P215/75R15	\$190.45	\$117.99 - \$184.99	(38.0%) - (2.9%)
P205/70R15	\$186.65	\$114.99 - \$181.99	(38.4%) - (2.5%)
P215/70R15	\$196.25	\$118.99 - \$186.99	(39.4%) - (4.7%)
P205/65R15	\$182.70	\$117.99 - \$181.99	(35.4%) - (0.4%)
P215/65R15	\$192.40	\$122.99 - \$192.99	(36.1%) - 0.3%

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Response RST Touring 2000 (Cooper)			
compared to Michelin Rainforce MX4:			
P175/70R13	\$136.00	\$69.99 - \$104.99	(48.5%) - (22.8%)
P185/70R13	\$144.00	\$72.99 - \$109.99	(49.3%) - (23.6%)
P175/70R14	\$144.00	\$75.99 - \$114.99	(47.2%) - (20.1%)
P185/70R14	\$153.00	\$78.99 - \$118.99	(48.4%) - (22.2%)
P195/70R14	\$161.00	\$81.99 - \$123.99	(49.1%) - (23.0%)
P205/70R14	\$168.00	\$84.99 - \$128.99	(49.4%) - (23.2%)
P215/70R14	\$177.00	\$87.99 - \$133.99	(50.3%) - (24.3%)
P205/70R15	\$179.00	\$90.99 - \$136.99	(49.2%) - (23.5%)
P215/70R15	\$187.00	\$93.99 - \$141.99	(49.7%) - (24.1%)
P195/65R15	\$177.00	\$89.99 - \$134.99	(49.2%) - (23.7%)
P205/65R15	\$184.00	\$92.99 - \$139.99	(49.5%) - (23.9%)
P215/65R15	\$193.00	\$95.99 - \$144.99	(50.3%) - (24.9%)
P215/60R16	\$191.00	\$93.99 - \$143.99	(50.8%) - (24.6%)
P225/60R16	\$198.00	\$103.99 - \$156.99	(47.5%) - (20.7%)
Compared to Michelin Symmetry:			
P175/70R13	\$139.00	\$69.99 - \$104.99	(49.6%) - (24.5%)
P185/70R14	\$150.00	\$78.99 - \$118.99	(47.3%) - (20.7%)
P205/70R14	\$176.00	\$84.99 - \$128.99	(51.7%) - (26.7%)
P205/70R15	\$180.00	\$90.99 - \$136.99	(49.5%) - (23.9%)
P215/70R15	\$189.00	\$93.99 - \$141.99	(50.3%) - (24.9%)
P195/65R15	\$178.00	\$89.99 - \$134.99	(49.4%) - (24.2%)
P205/65R15	\$185.00	\$92.99 - \$139.99	(49.7%) - (24.3%)
P215/65R15	\$191.00	\$95.99 - \$144.99	(49.7%) - (24.1%)
P215/60R16	\$191.00	\$93.99 - \$143.99	(50.8%) - (24.6%)
P225/60R16	\$201.00	\$103.99 - \$156.99	(48.3%) - (21.9%)

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Response RST Touring 2000 (Cooper)			
compared to Tiger Paw AWP:			
P175/70R13	\$114.00	\$69.99 - \$104.99	(38.6%) - (7.9%)
P185/70R13	\$121.00	\$72.99 - \$109.99	(39.7%) - (9.1%)
P185/70R14	\$126.00	\$78.99 - \$118.99	(37.3%) - (5.6%)
P195/70R14	\$133.00	\$81.99 - \$123.99	(38.4%) - (6.8%)
P205/70R14	\$140.00	\$84.99 - \$128.99	(39.3%) - (7.9%)
P215/70R14	\$151.00	\$87.99 - \$133.99	(41.7%) - (11.3%)
P205/70R15	\$148.00	\$90.99 - \$136.99	(38.5%) - (7.4%)
P215/70R15	\$153.00	\$93.99 - \$141.99	(38.6%) - (7.2%)
P205/65R15	\$154.00	\$92.99 - \$139.99	(39.6%) - (9.1%)
P215/65R15	\$161.00	\$95.99 - \$144.99	(40.4%) - (9.9%)
Compared to Tiger Paw Nailguard:			
P175/70R13	\$132.00	\$69.99 - \$104.99	(47.0%) - (20.5%)
P185/70R14	\$147.00	\$78.99 - \$118.99	(46.3%) - (19.1%)
P195/70R14	\$156.00	\$81.99 - \$123.99	(47.4%) - (20.5%)
P205/70R14	\$163.00	\$84.99 - \$128.99	(47.9%) - (20.9%)
P205/70R15	\$175.00	\$90.99 - \$136.99	(48.0%) - (21.7%)
P215/70R15	\$181.00	\$93.99 - \$141.99	(48.1%) - (21.6%)
P195/65R15	\$170.00	\$89.99 - \$134.99	(47.1%) - (20.6%)
P205/65R15	\$182.00	\$92.99 - \$139.99	(48.9%) - (23.1%)
P215/65R15	\$191.00	\$95.99 - \$144.99	(49.7%) - (24.1%)
P215/60R16	\$201.00	\$93.99 - \$143.99	(53.2%) - (28.4%)
P225/60R16	\$209.00	\$103.99 - \$156.99	(50.2%) - (24.9%)
Compared to Tiger Paw Touring TR:			
P175/70R13	\$119.00	\$69.99 - \$104.99	(41.2%) - (11.8%)
P185/70R13	\$126.00	\$72.99 - \$109.99	(42.1%) - (12.7%)
P175/70R14	\$129.00	\$75.99 - \$114.99	(41.1%) - (10.9%)
P185/70R14	\$135.00	\$78.99 - \$118.99	(41.5%) - (11.9%)
P195/70R14	\$142.00	\$81.99 - \$123.99	(42.3%) - (12.7%)
P205/70R15	\$156.00	\$90.99 - \$136.99	(41.7%) - (12.2%)
P195/65R15	\$154.00	\$89.99 - \$134.99	(41.6%) - (12.3%)
P205/65R15	\$159.00	\$92.99 - \$139.99	(41.5%) - (12.0%)
P215/65R15	\$165.00	\$95.99 - \$144.99	(41.8%) - (12.1%)
P215/60R16	\$170.00	\$93.99 - \$143.99	(44.7%) - (15.3%)
P225/60R16	\$177.00	\$103.99 - \$156.99	(41.2%) - (11.3%)

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Response RST Touring 2000 (Cooper)			
compared to Bridgestone Turanza T:			
P175/70R13	\$126.40	\$69.99 - \$104.99	(44.6%) - (16.9%)
P185/70R13	\$135.00	\$72.99 - \$109.99	(45.9%) - (18.5%)
P185/70R14	\$142.40	\$78.99 - \$118.99	(44.5%) - (16.4%)
P195/70R14	\$152.10	\$81.99 - \$123.99	(46.1%) - (18.5%)
P205/70R14	\$157.80	\$84.99 - \$128.99	(46.1%) - (18.3%)
P215/70R14	\$171.10	\$87.99 - \$133.99	(48.6%) - (21.7%)
P205/70R15	\$171.20	\$90.99 - \$136.99	(46.9%) - (20.0%)
P215/70R15	\$178.50	\$93.99 - \$141.99	(47.3%) - (20.5%)
P205/65R15	\$166.40	\$92.99 - \$139.99	(44.1%) - (15.9%)
P215/65R15	\$173.20	\$95.99 - \$144.99	(44.6%) - (16.3%)
P215/60R16	\$178.40	\$93.99 - \$143.99	(47.3%) - (19.3%)
P225/60R16	183.50	\$103.99 - \$156.99	(43.3%) - (14.4%)
Compared to Bridgestone BT70s:			
P175/70R13	\$123.00	\$69.99 - \$104.99	(43.1%) - (14.6%)
P185/70R13	\$130.70	\$72.99 - \$109.99	(44.2%) - (15.8%)
P185/70R14	\$136.80	\$78.99 - \$118.99	(42.3%) - (13.0%)
P195/70R14	\$145.30	\$81.99 - \$123.99	(43.6%) - (14.7%)
P205/70R14	\$153.50	\$84.99 - \$128.99	(44.6%) - (16.0%)
P205/70R15	\$162.69	\$90.99 - \$136.99	(44.1%) - (15.8%)
P215/70R15	\$167.00	\$93.99 - \$141.99	(43.7%) - (15.0%)
P195/65R15	\$159.10	\$89.99 - \$134.99	(43.4%) - (15.2%)
P205/65R15	\$164.80	\$92.99 - \$139.99	(43.6%) - (15.1%)
P215/65R15	\$173.10	\$95.99 - \$144.99	(44.5%) - (16.2%)

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Response RST Touring 2000 (Cooper) compared to Firestone FT70c:			
P175/70R13	\$121.90	\$69.99 - \$104.99	(42.6%) - (13.9%)
P175/70R14	\$130.20	\$75.99 - \$114.99	(41.6%) - (11.7%)
P185/70R14	\$132.90	\$78.99 - \$118.99	(40.6%) - (10.5%)
P195/70R14	\$143.20	\$81.99 - \$123.99	(42.7%) - (13.4%)
P205/70R14	\$151.70	\$84.99 - \$128.99	(44.0%) - (15.0%)
P215/70R14	\$160.10	\$87.99 - \$133.99	(45.0%) - (16.3%)
P205/70R15	\$160.70	\$90.99 - \$136.99	(43.4%) - (14.8%)
P215/70R15	\$162.20	\$93.99 - \$141.99	(42.1%) - (12.5%)
P195/65R15	\$151.10	\$89.99 - \$134.99	(40.4%) - (10.7%)
P205/65R15	\$159.00	\$92.99 - \$139.99	(41.5%) - (12.0%)
P215/65R15	\$165.40	\$95.99 - \$144.99	(42.0%) - (12.3%)
P215/60R16	\$169.40	\$93.99 - \$143.99	(44.5%) - (15.0%)
P225/60R16	\$176.20	\$103.99 - \$156.99	(41.0%) - (10.9%)
Compared to Goodyear Regatta 2:			
P185/70R14	\$153.35	\$78.99 - \$118.99	(48.5%) - (22.4%)
P195/70R14	\$161.20	\$81.99 - \$123.99	(49.1%) - (23.1%)
P205/70R14	\$178.05	\$84.99 - \$128.99	(52.3%) - (27.6%)
P215/70R14	\$186.45	\$87.99 - \$133.99	(52.8%) - (28.1%)
P205/70R15	\$186.65	\$90.99 - \$136.99	(51.3%) - (26.6%)
P215/70R15	\$196.25	\$93.99 - \$141.99	(52.1%) - (27.6%)
P195/65R15	\$179.00	\$89.99 - \$134.99	(49.7%) - (24.6%)
P205/65R15	\$182.70	\$92.99 - \$139.99	(49.1%) - (23.4%)
P215/65R15	\$192.40	\$95.99 - \$144.99	(50.1%) - (24.6%)
P215/60R16	\$207.50	\$93.99 - \$143.99	(54.7%) - (30.6%)
P225/60R16	\$217.90	\$103.99 - \$156.99	(52.3%) - (28.0%)

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Silverguard Ultra IV compared to Michelin Symmetry:			
P185/75R14	\$155.00	\$72.99 - \$109.99	(52.9%) - (29.0%)
P195/75R14	\$162.00	\$76.99 - \$116.99	(52.5%) - (27.8%)
P205/75R14	\$172.00	\$79.99 - \$123.99	(53.5%) - (27.9%)
P215/75R15	\$182.00	\$87.99 - \$134.99	(51.7%) - (25.8%)
P175/70R13	\$139.00	\$66.99 - \$99.99	(51.8%) - (28.1%)
P185/70R14	\$150.00	\$75.99 - \$113.99	(49.3%) - (24.0%)
P205/70R14	\$176.00	\$81.99 - \$123.99	(53.4%) - (29.6%)
P205/70R15	\$180.00	\$87.99 - \$133.99	(51.1%) - (25.6%)
P205/65R15	\$185.00	\$89.99 - \$139.99	(51.4%) - (24.3%)
Compared to Tiger Paw ASC:			
P185/75R14	\$97.00	\$72.99 - \$109.99	(24.8%) - 13.4%
P195/75R14	\$101.00	\$76.99 - \$116.99	(23.8%) - 15.8%
P205/75R14	\$105.00	\$79.99 - \$123.99	(23.8%) - 18.1%
P215/75R15	\$116.00	\$87.99 - \$134.99	(24.1%) - 16.4%
P175/70R13	\$88.00	\$66.99 - \$99.99	(23.9%) - 13.6%
P185/70R14	\$103.00	\$75.99 - \$113.99	(26.2%) - 10.7%
P205/70R14	\$115.00	\$81.99 - \$123.99	(28.7%) - 7.8%
P205/70R15	\$120.00	\$87.99 - \$133.99	(26.7%) - 11.7%
Compared to Tiger Paw Aquagrip:			
P185/75R14	\$134.00	\$72.99 - \$109.99	(45.5%) - (17.9%)
P195/75R14	\$140.00	\$76.99 - \$116.99	(45.0%) - (16.4%)
P205/75R14	\$147.00	\$79.99 - \$123.99	(45.6%) - (15.7%)
P215/75R15	\$163.00	\$87.99 - \$134.99	(46.0%) - (17.2%)
P175/70R13	\$118.00	\$66.99 - \$99.99	(43.2%) - (15.3%)
P185/70R14	\$130.00	\$75.99 - \$113.99	(41.5%) - (12.3%)
P205/70R14	\$145.00	\$81.99 - \$123.99	(43.5%) - (14.5%)
P205/70R15	\$157.00	\$87.99 - \$133.99	(44.0%) - (14.7%)
P205/65R15	\$159.00	\$89.99 - \$139.99	(43.4%) - (12.0%)

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Silverguard Ultra IV compared to Bridgestone B420 (S):			
P185/75R14	\$116.30	\$72.99 - \$109.99	(37.2%) - (5.4%)
P195/75R14	\$121.60	\$76.99 - \$116.99	(36.7%) - (3.8%)
P205/75R14	\$129.80	\$79.99 - \$123.99	(38.4%) - (4.5%)
P215/75R15	\$142.60	\$87.99 - \$134.99	(38.3%) - (5.3%)
P175/70R13	\$103.40	\$66.99 - \$99.99	(35.2%) - (3.3%)
P185/70R14	\$119.50	\$75.99 - \$113.99	(36.4%) - (4.6%)
P205/70R14	\$134.20	\$81.99 - \$123.99	(38.9%) - (7.6%)
P205/70R15	\$142.10	\$87.99 - \$133.99	(38.1%) - (5.7%)
P205/65R15	\$146.10	\$89.99 - \$139.99	(38.4%) - (4.2%)
Compared to Firestone FT70c:			
P185/75R14	\$135.00	\$72.99 - \$109.99	(45.9%) - (18.5%)
P195/75R14	\$141.60	\$76.99 - \$116.99	(45.6%) - (17.4%)
P205/75R14	\$148.70	\$79.99 - \$123.99	(46.2%) - (16.6%)
P215/75R15	\$164.60	\$87.99 - \$134.99	(46.5%) - (18.0%)
P175/70R13	\$121.90	\$66.99 - \$99.99	(45.0%) - (18.0%)
P185/70R14	\$132.90	\$75.99 - \$113.99	(42.8%) - (14.2%)
P205/70R14	\$151.70	\$81.99 - \$123.99	(46.0%) - (18.3%)
P205/70R15	\$160.70	\$87.99 - \$133.99	(45.2%) - (16.6%)
P205/65R15	\$159.00	\$89.99 - \$139.99	(43.4%) - (12.0%)
Compared to Firestone FR480:			
P215/75R15	\$150.10	\$87.99 - \$134.99	(41.4%) - (10.1%)
P185/70R14	\$125.80	\$75.99 - \$113.99	(39.6%) - (9.4%)
P205/70R15	\$146.30	\$87.99 - \$133.99	(39.9%) - (8.4%)
Compared to Firestone FR680:			
P205/70R14	\$138.20	\$81.99 - \$123.99	(40.7%) - (10.3%)
P205/70R15	\$146.30	\$87.99 - \$133.99	(39.9%) - (8.4%)

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - Silverguard Ultra IV compared to Goodyear			
Integrity:			
P185/75R14	\$134.90	\$72.99 - \$109.99	(45.9%) - (18.5%)
P195/75R14	\$142.00	\$76.99 - \$116.99	(45.8%) - (17.6%)
P205/75R14	\$149.05	\$79.99 - \$123.99	(46.3%) - (16.8%)
P215/75R15	\$163.30	\$87.99 - \$134.99	(46.1%) - (17.3%)
P175/70R13	\$123.55	\$66.99 - \$99.99	(45.8%) - (19.1%)
P185/70R14	\$142.00	\$75.99 - \$113.99	(46.5%) - (19.7%)
P205/70R14*	\$151.95	\$81.99 - \$123.99	(46.0%) - (18.4%)
P205/70R14**	\$159.00	\$81.99 - \$123.99	(48.4%) - (22.0%)
P205/70R15	\$163.30	\$87.99 - \$133.99	(46.1%) - (17.9%)
P205/65R15	\$163.30	\$89.99 - \$139.99	(44.9%) - (14.3%)
Compared to Goodyear			
Invicta GL:			
P195/75R14	\$139.35	\$76.99 - \$116.99	(44.8%) - (16.0%)
P215/75R15	\$174.55	\$87.99 - \$134.99	(49.6%) - (22.7%)

* *Variable Depth Serration*

** *Extra Narrow White*

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - BF Goodrich Plus compared to Momenta S/E:			
P155/80R13	\$71.00	\$44.99 - \$55.99	(36.6%) - (21.1%)
P165/80R13	\$85.00	\$53.99 - \$63.99	(36.5%) - (24.7%)
P175/80R13	\$89.00	\$56.99 - \$69.99	(36.0%) - (21.4%)
P185/80R13	\$93.00	\$60.00 - \$74.99	(34.4%) - (19.4%)
P185/75R14	\$97.00	\$63.99 - \$78.99	(34.0%) - (18.6%)
P195/75R14	\$101.00	\$65.99 - \$79.99	(34.7%) - (20.8%)
P205/75R14	\$105.00	\$69.99 - \$83.99	(33.3%) - (20.0%)
P205/75R15	\$110.00	\$73.99 - \$87.99	(32.7%) - (20.0%)
P215/75R15	\$116.00	\$76.99 - \$91.99	(33.6%) - (20.7%)
P225/75R15	\$122.00	\$80.99 - \$97.99	(33.6%) - (19.7%)
P235/75R15	\$128.00	\$86.99 - \$103.99	(32.0%) - (18.8%)
P175/70R13	\$88.00	\$57.99 - \$71.99	(34.1%) - (18.2%)
P185/70R13	\$93.00	\$60.99 - \$75.99	(34.4%) - (18.3%)
P195/70R14	\$107.00	\$68.99 - \$85.99	(35.5%) - (19.6%)
 Compared to Tiger Paw ASC:			
P155/80R13	\$71.00	\$44.99 - \$55.99	(36.6%) - (21.1%)
P165/80R13	\$85.00	\$53.99 - \$63.99	(36.5%) - (24.7%)
P175/80R13	\$89.00	\$56.99 - \$69.99	(36.0%) - (21.4%)
P185/80R13	\$93.00	\$60.00 - \$74.99	(34.4%) - (19.4%)
P185/75R14	\$97.00	\$63.99 - \$78.99	(34.0%) - (18.6%)
P195/75R14	\$101.00	\$65.99 - \$79.99	(34.7%) - (20.8%)
P205/75R14	\$105.00	\$69.99 - \$83.99	(33.3%) - (20.0%)
P205/75R15	\$110.00	\$73.99 - \$87.99	(32.7%) - (20.0%)
P215/75R15	\$116.00	\$76.99 - \$91.99	(33.6%) - (20.7%)
P225/75R15	\$122.00	\$80.99 - \$97.99	(33.6%) - (19.7%)
P235/75R15	\$128.00	\$86.99 - \$103.99	(32.0%) - (18.8%)
P175/70R13	\$88.00	\$57.99 - \$71.99	(34.1%) - (18.2%)
P185/70R13	\$93.00	\$60.99 - \$75.99	(34.4%) - (18.3%)
P195/70R14	\$107.00	\$68.99 - \$85.99	(35.5%) - (19.6%)

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple - Single)	Percentage Difference Between MSRP and Retail
Sears - BF Goodrich Plus			
compared to Firestone			
FR410:			
P155/80R13	\$80.60	\$44.99 - \$55.99	(44.2%) - (30.5%)
P165/80R13	\$92.40	\$53.99 - \$63.99	(41.6%) - (30.7%)
P175/80R13	\$98.40	\$56.99 - \$69.99	(42.1%) - (28.9%)
P185/80R13	\$102.70	\$60.99 - \$74.99	(40.6%) - (27.0%)
P185/75R14	\$108.20	\$63.99 - \$78.99	(40.9%) - (27.0%)
P195/75R14	\$113.00	\$65.99 - \$79.99	(41.6%) - (29.2%)
P205/75R14	\$120.80	\$69.99 - \$83.99	(42.1%) - (30.5%)
P205/75R15	\$127.90	\$73.99 - \$87.99	(42.2%) - (31.2%)
P215/75R15	\$133.90	\$76.99 - \$91.99	(42.5%) - (31.3%)
P225/75R15	\$139.50	\$80.99 - \$97.99	(41.9%) - (29.8%)
P235/75R15	\$147.20	\$86.99 - \$103.99	(40.9%) - (29.4%)
P175/70R13	\$94.10	\$57.99 - \$71.99	(38.4%) - (23.5%)
Compared to Firestone			
FR480:			
P205/75R15	\$155.50	\$73.99 - \$87.99	(52.4%) - (43.4%)
P215/75R15	\$150.10	\$76.99 - \$91.99	(48.7%) - (38.7%)
P235/75R15	\$176.20	\$86.99 - \$103.99	(50.6%) - (41.0%)
P195/70R14	\$135.30	\$68.99 - \$85.99	(49.0%) - (36.4%)

Retailer - Tire	Manufacturer's Suggested Retail Price	Sears Actual Regular Retail Price (Multiple – Single)	Percentage Difference Between MSRP and Retail
Sears – BF Goodrich Plus compared to Goodyear Integrity:			
P185/75R14	\$134.90	\$63.99 - \$78.99	(52.6%) – (41.4%)
P195/75R14	\$142.00	\$65.99 - \$79.99	(53.5%) – (43.7%)
P205/75R14	\$149.05	\$69.99 - \$83.99	(53.0%) – (43.6%)
P205/75R15	\$156.25	\$73.99 - \$87.99	(52.6%) – (43.7%)
P215/75R15	\$163.30	\$76.99 - \$91.99	(52.9%) – (43.7%)
P225/75R15	\$170.40	\$80.99 - \$97.99	(52.5%) – (42.5%)
P175/70R13	\$123.55	\$57.99 - \$71.99	(53.1%) – (41.7%)
P185/70R13	\$130.60	\$60.99 - \$75.99	(53.3%) – (41.8%)
P195/70R14*	\$149.05	\$68.99 - \$85.99	(53.7%) – (42.3%)
P195/70R14**	\$144.85	\$68.99 - \$85.99	(52.4%) – (40.6%)

* *Extra Narrow White*

** *Vertical Serrated Band*

SALES NUMBERS AND PERCENTAGES FOR THE SUBJECT TIRES (the "Tires")

Line #	Time-frame	1 What was the total number of the Tires sold by Sears in the year before the representation?	2 How many of the Tires were sold as "singles", that is, not as part of a bundle of two or more?	3 As a percentage of the total number of Tires sold, how many were sold as singles? (col. 2 as a % of col. 1)	4 Of all the singles sold, how many were sold where the Price Look Up (PLU) = Regular 'Each' Price = Selling Price?	5 What percentage of the total Tires sold were sold where the Price Look Up (PLU) = Regular 'Each' Price = Selling Price? (col. 4 as a % of col. 1)	6 What percentage of all single units sold were sold where the Price Look Up (PLU) = Regular 'Each' Price = Selling Price? (col. 4 as a % of col. 2)
36 BF Goodrich Plus	12/18/98 - 12/18/99	[REDACTED]	[REDACTED]	6.53%	[REDACTED]	2.29%	35.15%
51 Michelin Roadhandler 'T' Plus	11/08/98 - 11/08/99	[REDACTED]	[REDACTED]	3.84%	[REDACTED]	1.30%	33.87%
58 Michelin Weatherwise RH Sport	12/18/98 - 12/18/99	[REDACTED]	[REDACTED]	3.81%	[REDACTED]	0.82%	21.72%
59 Response RST Touring 2000	11/08/98 - 11/08/99	[REDACTED]	[REDACTED]	2.19%	[REDACTED]	0.51%	23.52%
68 Silverguard Ultra IV	11/22/98 - 11/22/99	[REDACTED]	[REDACTED]	3.22%	[REDACTED]	1.21%	37.53%
Totals		[REDACTED]	[REDACTED]	4.03%	[REDACTED]	1.28%	31.78%

This is a true and correct copy of the original as shown to me by Michael Trebilcock on this day of 22 September 2003
[Signature]
 A COMMISSIONER FOR TAKING AFFIDAVITS

MODERN INDUSTRIAL ORGANIZATION


Dennis W. Carlton
University of Chicago

Jeffrey M. Perloff
University of California, Berkeley

This is Exhibit P referred to in the
affidavit of Michael Trebilcock
sworn before me, this 22
day of September, 2003



A COMMISSIONER FOR TAKING AFFIDAVITS

 HarperCollins Publishers

Second, where consumers can verify whether or not a firm tests, it does not test and disclose if it fears bad results. Third, since a mandatory disclosure law allows consumers to determine whether or not a firm has tested, a firm may not test under such a law. Fourth, if testing is costly, a firm conducts less than the optimal amount of testing, so disclosure laws may be desirable.

Empirical Evidence. Disclosure laws are common in financial markets, housing markets, and other markets where the quality of products is complex and sellers have substantially more information than buyers. These markets do not satisfy all of the assumptions of the previous sections: there are many firms, consumers differ in knowledge and reasoning ability, quality means different things to different consumers, firms can change quality, and antifraud laws are not always enforced. Thus, disclosure laws may be useful in these markets. We now review empirical studies in two areas where disclosure laws are important.

Federal securities legislation was designed to prevent the overpricing of new stock issues resulting from buyers' ignorance about undesirable attributes of these new stocks (Benston 1973, Hilke 1984). Stigler (1964) and Jarrell (1981) compare the rates of return and the associated risks of investing in new issues before and after the 1933 Securities Act that imposed stringent disclosure requirements. They find, at most, small differences in relative performance across periods, although one researcher finds that fewer risky new stocks were available after the disclosure requirements.²⁵

Another type of study examines the purchase of consumer durables. McNeil et al. (1978) find that the poor pay more for used cars, are less likely to receive redress for defects discovered after purchase, and are less satisfied and more likely to believe something was misrepresented. That is, consumers may differ in their abilities to determine quality before purchasing, in their bargaining power, and in the gains they provide to firms when they are satisfied. This study finds that the adoption of disclosure regulations in Wisconsin, however, did not help. In short, there is little evidence to show that disclosure laws have been useful in either financial or used car markets.

■ SUMMARY

Firms have an incentive to inform consumers about the strengths of their products and to try to shift their tastes. In addition to advertising in newspapers, on radio, and on television, firms may advertise indirectly by establishing brand names or otherwise establishing positive reputations.

A firm determines the profit-maximizing amount of advertising by setting the marginal cost of advertising equal to the marginal benefit stemming from increased sales. Existing empirical studies find that firms generally spend more on advertising for experience goods (goods that the consumer must try in order to determine if they are desirable) than on search goods (goods that consumers can instantly appraise).

²⁵ Hilke (1984), commenting on these studies, questions whether the mandatory disclosure requirements of the 1933 Security Act significantly increased disclosure requirements.

The welfare effects of advertising are complex and depend on the type of product and type of advertising. Advertising about prices of homogeneous products typically lowers the average price consumers pay, as shown in studies of eyeglasses and other products. These studies only show, however, that some advertising is desirable; they do not show that firms engage in the socially optimal amount of advertising. When persuasive advertising changes consumers' utility, one cannot determine if there is too much or too little advertising.

Advertising that leads to the spurious differentiation of goods and results in higher prices for consumers is harmful. Advertising may also be a barrier to entry, but the evidence supporting this view is mixed. Thus, the effects of advertising on consumer welfare are generally ambiguous. In some markets, advertising can make entry easier for a firm without a reputation, but it can also lead to the creation of market power.

Skepticism by consumers discourages false advertising. Paradoxically, antifraud laws can increase the amount of both truthful and false advertising. Society must, therefore, trade off the cost of enforcing antifraud laws and the harm of false advertising against the benefit from an increase in truthful advertising in order to determine how strictly to enforce these laws.

When antifraud laws are fully enforced, firms generally have an incentive to disclose relevant information to consumers. Surprisingly, under some circumstances, mandatory disclosure laws can reduce the extent of such disclosures. The empirical studies of mandatory disclosure laws fail to reveal a beneficial effect in securities or used car markets.

Based on the theory and empirical work to date, three tentative policy conclusions can be drawn. First, advertising about price levels is desirable, as it often leads to lower prices. Second, partial enforcement of antifraud laws may lead to increased deception. Third, care must be shown in requiring mandatory disclosures, as such laws sometimes may be counterproductive.


■ Key Terms

experience qualities
informational advertising
persuasive advertising

search qualities
spurious product differentiation

■ Discussion Questions

1. Which industries do you think advertise excessively? Which do too little advertising? Why?
2. What are the advantages and disadvantages of truth-in-advertising or antifraud laws? Can these laws serve as a substitute for disclosure laws?
3. Is there too little or too much advertising of prices? Why?
4. On balance, are more mandatory disclosure laws desirable? Why?
5. If it is not practical to enforce the laws fully, how should antifraud and mandatory disclosure laws be changed?

This is Exhibit.....0.....referred to in the
affidavit of...Michael Trebilcock
sworn before me, this...22.....
day of...September.....20...23

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FOCUS - 11 of 39 DOCUMENTS

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Tire Business

February 18, 2002, Monday

SECTION: Pg. 15

LENGTH: 393 words

HEADLINE: Michelin, Yokohama tops in J.D. Power Canadian study AGOURA HILLS,
Calif.

BODY:

The inaugural J.D. Power and Associates Canadian Replacement Tire and Retailer Customer Satisfaction Study has ranked Michelin and Yokohama brand passenger and light truck tires in a tie for highest customer satisfaction for 2001.

Michelin also earned the best customer satisfaction scores among light truck and sport-utility vehicle owners replacing tires, Agoura Hills-based J.D. Power said.

'As a testament to their top-ranked positions and strong product reputations, buyers of Michelin and Yokohama tires are more likely than owners of other brands to say they purchased these brands because they wanted a better quality tire,' a J.D. Power spokesman said. 'Additionally, nine out of 10 Michelin and Yokohama owners indicate that they will either probably or definitely repurchase these brands the next time they are in the market for tires.'

The Michelin and Yokohama brands perform strongest in areas of 'situational performance, such as emergency handling and traction on wet and snow-covered roads,' J.D. Power said, adding that, among light truck tires, Michelin excels in driveability-such as noise level and ride characteristics at highway speeds-and styling.

In the area of winter tire performance, Michelin's Arctic Alpine and Bridgestone/Firestone's Blizzak winter tire lines received high scores by owners for traction on snow- and ice-covered roads, J.D. Power said.

The Power survey also revealed that the service received at tire retailers is highly important in terms of overall consumer satisfaction. The survey indicated that staff and service comprises 73 percent of customer satisfaction, outpacing such aspects as competitive pricing and selection.

It also said independent tire dealers ranked highest in customer satisfaction among places to purchase replacement tires. Tire makers' company-owned stores and tire chain outlets followed.

'Customers rate the independents favorably in terms of staff knowledge and expertise as well as in the quality of work performed,' the spokesman said. He also noted that '53 percent of customers say they definitely intend to go to these establishments to acquire new tires.'

Tire Business February 18, 2002

The 2001 study is based on responses from more than 4,200 vehicle owners who recently purchased replacement tires for their passenger cars, vans, trucks and sport-utility vehicles.

LOAD-DATE: February 21, 2002

**CONTACT: Michael P. Greywitt (818) 889-6330, West Coast
or John Tews (248) 267-6800, East Coast**

**J.D. Power and Associates Reports:
Michelin and Yokohama Brands Rank Highest as Replacement Tires in
Canadian Customer Satisfaction**

Independent Tire Dealers Lead in Satisfying Customers

FOR IMMEDIATE RELEASE: January 17, 2002

AGOURA HILLS, Calif.—Michelin and Yokohama brand tires rank highest in customer satisfaction in a tie among passenger car and light-van owners replacing their tires, according to the inaugural J.D. Power and Associates 2001 Canadian Replacement Tire and Retailer Customer Satisfaction StudySM released today. Michelin brand tires also earn the highest customer satisfaction scores among light-truck and SUV owners replacing tires.

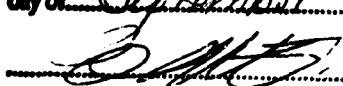
“As a testament to their top-ranked positions and strong product reputations, buyers of Michelin and Yokohama tires are more likely than owners of other brands to say they purchased these brands because they wanted a better quality tire,” said Mike Tamayo, manager of research projects at J.D. Power and Associates in Toronto. “Additionally, nine out of 10 Michelin and Yokohama owners indicate that they will either ‘probably’ or ‘definitely’ repurchase these brands the next time they are in the market for tires.”

The Michelin and Yokohama brands perform strongest in the areas of situational performance (such as emergency handling and traction on wet and snow-covered roads) and product quality (including resistance to blow-outs and the perceived safety of tires).

In the light-truck/SUV segment, top-ranked Michelin excels in driveability (e.g., tire quietness and ride at highway speeds) and styling.

(Page 1 of 2)

30401 Agoura Road • Agoura Hills, California 91301
818-889-6330 • Fax 818-889-3719 • www.jdpca.com

This is Exhibit R referred to in the
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sworn before me, this 22
day of September 2003

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In terms of winter tire performance, Michelin's Arctic Alpin and Bridgestone's Blizzak line of winter tires received high scores by owners for traction on snow- and ice-covered roads.

"These tires also received strong ratings for their tread design, which is important because customers often associate a particular tread design with a tire's ability to provide good grip on snow and ice," said Tamayo.

The service customers receive at a tire retailer is highly important to consumers in terms of their overall satisfaction. The staff and service of a tire retailer comprise 73 percent of overall customer satisfaction, far outweighing factors such as competitive pricing and selection. Independent tire dealers offer the best customer service, ranking highest in customer satisfaction among replacement tire purchasers, followed by stores owned by tire companies and tire chain outlets.

"Customers rate the independents favourably in terms of staff knowledge and expertise as well as in the quality of work performed," Tamayo said. "This high customer satisfaction with independent tire retailers is further reinforced with the highest rate of repurchase intent—53 percent of customers say they definitely intend to go to these establishments to acquire new tires."

The 2001 Canadian Replacement Tire and Retailer Customer Satisfaction Study is based on responses from more than 4,200 vehicle owners who recently purchased replacement tires for their passenger cars, light vans, trucks and SUVs.

Headquartered in Agoura Hills, Calif., J.D. Power and Associates is a global marketing information services firm operating in key business sectors including market research, forecasting, consulting, training and customer satisfaction. The firm's quality and satisfaction measurements are based on actual responses from millions of consumers annually. J.D. Power and Associates can be accessed through the Internet at www.jdpa.com. Media e-mail contact: michael.greywitt@jdpa.com or john.tews@jdpa.com

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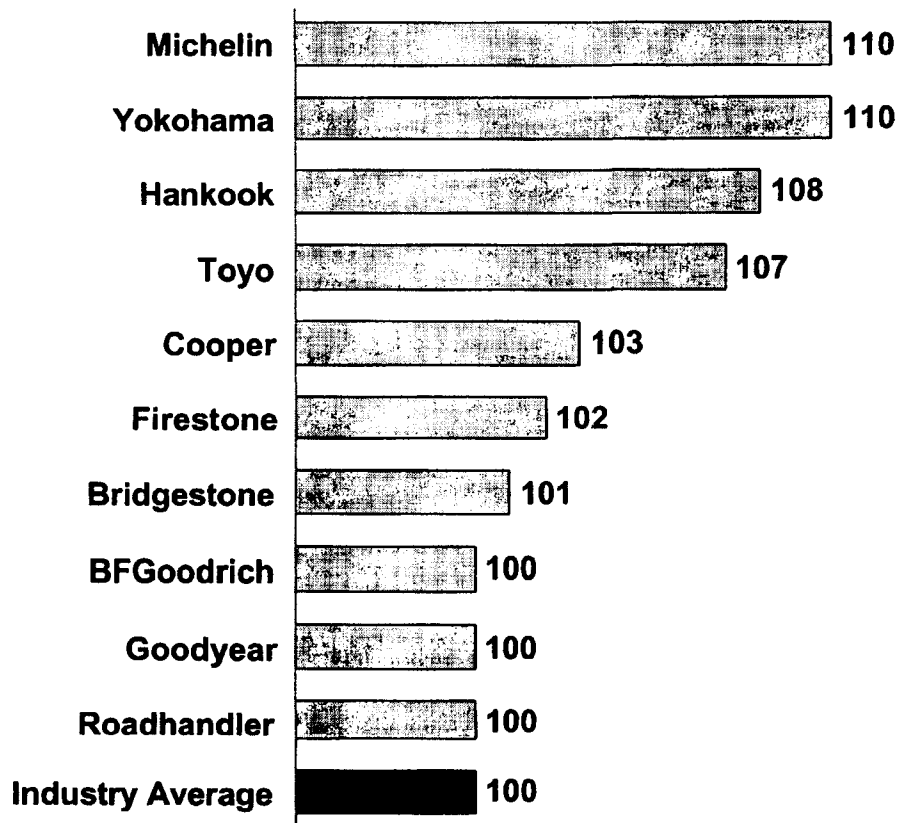
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(Page 2 of 2)

Note: Three charts follow.

J.D. Power and Associates 2001 Canadian Replacement Tire and Retailer Customer Satisfaction StudySM

Overall Satisfaction—Car/Light-Van Segment



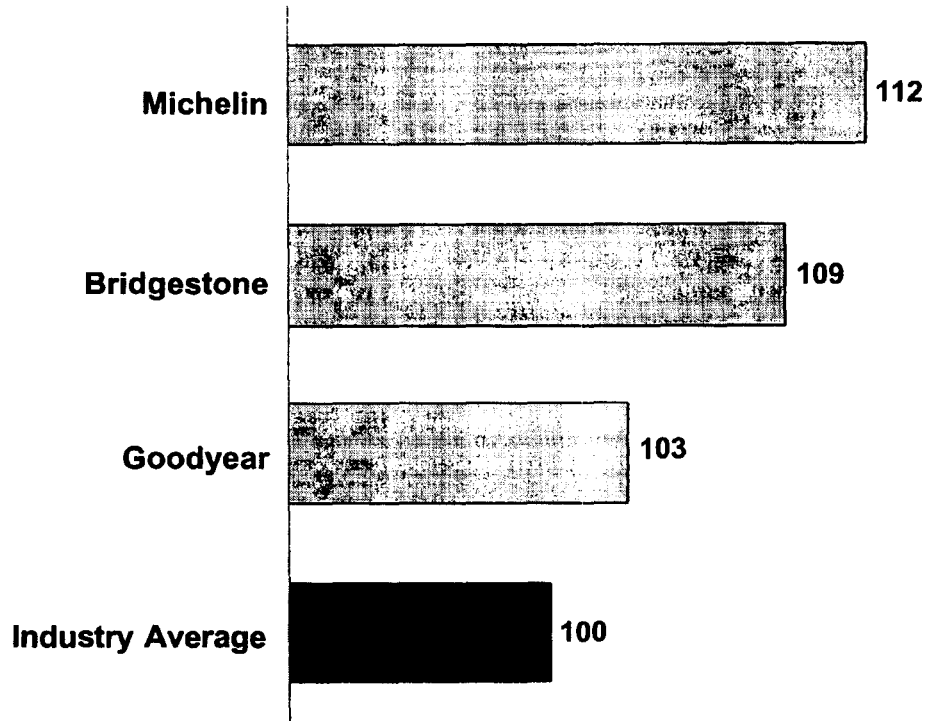
Finishing at or below industry average in alphabetical order are: Motomaster and Uniroyal

Source: J.D. Power and Associates 2001 Canadian Replacement Tire and Retailer Customer Satisfaction StudySM

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J.D. Power and Associates 2001 Canadian Replacement Tire and Retailer Customer Satisfaction StudySM

Overall Satisfaction—Light-Truck/SUV Segment



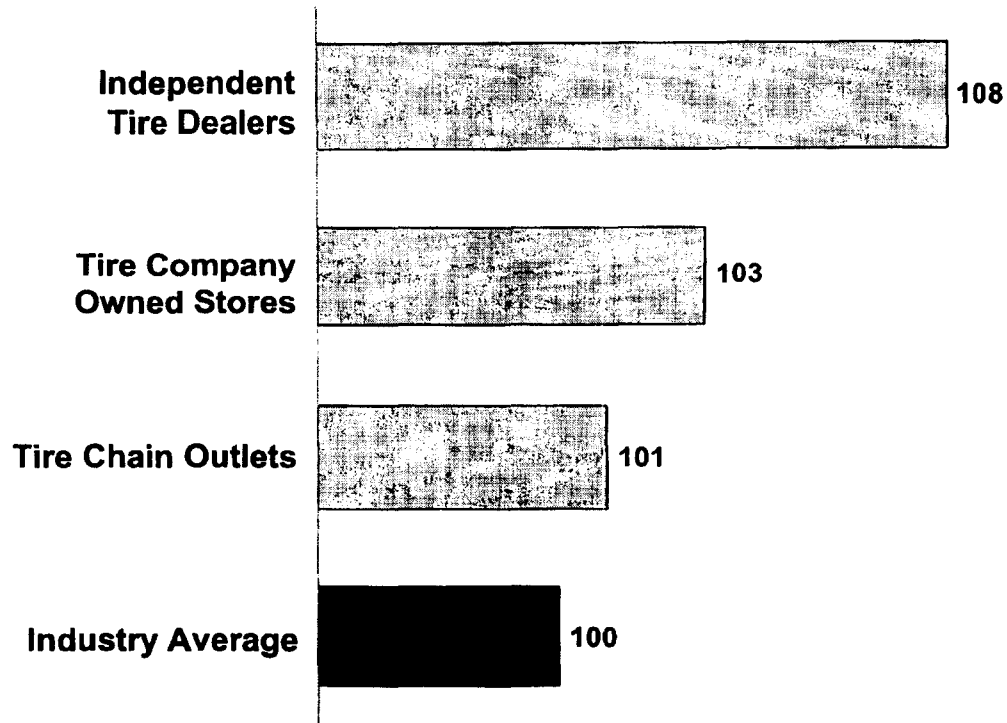
Finishing at or below industry average in alphabetical order are: BFGoodrich and Motomaster

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J.D. Power and Associates 2001 Canadian Replacement Tire and Retailer Customer Satisfaction StudySM

Overall Satisfaction—Tire Retailers



Finishing at or below industry average in alphabetical order are: Canadian Tire, Costco and Wal-Mart

Source: J.D. Power and Associates 2001 Canadian Replacement Tire and Retailer Customer Satisfaction StudySM

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THE COMMISSIONER OF COMPETITION
Applicant

- and -

SEARS CANADA INC.
Respondent

Tribunal File No: CT-2002-004

THE COMPETITION TRIBUNAL

**AFFIDAVIT OF
MICHAEL TREBILCOCK
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