



Reference: *Commissioner of Competition v. Sears Canada Inc.*, 2002 Comp. Trib. 22
File no.: CT2002004
Registry document no.: 0095

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

AND IN THE MATTER OF an inquiry pursuant to subparagraph 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 74.01 of the *Competition Act*.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Sears Canada Inc.
(respondent)

Date of hearing: 20031022
Member: Dawson J. (presiding)
Date of order: 20031023
Order signed by: Madam Justice Eleanor R. Dawson



ORDER REGARDING SEARS' MOTION TO AMEND ITS DISCLOSURE STATEMENT

[1] FURTHER to a motion in writing filed on Friday, October 17, 2003 by respondent Sears Canada Inc. (“Sears”) for an order that:

1. Sears be granted leave to amend its disclosure statement to:
 - (a) amend the will-say statements of William McMahon (General Manager of Automotive), Harry McKenna (Retail Marketing Manager), and Paul Cathcart (Home & Hardlines Group Manager) in the form attached at Schedule “A” to the notice of motion (“Schedule “A””); and
 - (b) include will-say statements of Vince Power (Director of Corporate Communications) and Bonnie Drever (Business Analyst) in the form also set out in Schedule “A”.
2. In the alternative, providing directions to clarify that Sears may lead evidence from McMahon, McKenna, Cathcart, Power and Drever, including evidence as disclosed in Schedule “A”.
3. Sears receive the costs of this motion.

[2] AND UPON hearing the submissions of counsel orally on October 22, 2003;

IT IS ORDERED THAT, for reasons to be delivered in writing:

[3] Sears is given leave to amend its disclosure statement to amend the will-say statements of Messrs. McMahon, McKenna and Cathcart as set out in Schedule “A”.

[4] In all other respects the motion is dismissed.

[5] The issue of costs is reserved for further submissions to be made at a time and in a manner directed by the Tribunal.

DATED at Ottawa, this 23rd day of October, 2003.

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

(s) Eleanor R. Dawson

COUNSEL

For the applicant:

The Commissioner of Competition

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For the respondent:

Sears Canada Inc.

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