



Reference: *Commissioner of Competition v. Sears Canada Inc.*, 2002 Comp. Trib. 40
File no.: CT2002004
Registry document no.: 0013

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)

Decided on the basis of the written record.
Member: Dawson J. (presiding)
Date of order: 20021023
Order signed by: Dawson J.



**ORDER REGARDING SERVICE OF DISCLOSURE STATEMENTS, PROPOSED
SCHEDULE AND SCHEDULING OF A PRE-HEARING CONFERENCE CALL**

[1] Having read the materials filed in respect of this matter and having particularly considered the Notice of Motion filed by the respondent, dated September 18, 2002, and the submissions of counsel with respect to the provision of the respondent's disclosure statement, which submissions were filed in response to the direction of the Presiding Member, I have not been persuaded the grounds exist which would justify departure from subsection 5.1(1) of the *Competition Tribunal Rules*, SOR/94-290, as amended (the "Rules"), which requires service of the respondent's disclosure statement following the filing of its response.

FOR THESE REASONS THE TRIBUNAL ORDERS THAT:

[2] The respondent shall serve its disclosure statement, and the time for doing so is extended until 14 days from the date of this Order.

[3] The respondent shall, within seven (7) days of the date of this Order, serve and file its comments regarding the Commissioner's proposed schedule.

[4] Within seven (7) days of the date of this Order the parties shall advise as to their availability for a pre-hearing conference to be held the week of November 4, 2002, for the purpose of dealing with the balance of the matters raised in the respondent's Notice of Motion and finalization of an order establishing a schedule for the disposition of this application.

DATED at Ottawa, this 23rd day of October, 2002.

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

(s) Eleanor R. Dawson

COUNSEL

For the applicant:

The Commissioner of Competition

John L. Syme

For the respondent:

Sears Canada Inc.

William W. McNamara

Marvin J. Huberman

Brian A. Facey

Jason Ward