



CT - 1996 / 001 – Doc # 254

IN THE MATTER OF an application by Dennis Washington et al., for an order pursuant to section 106 of the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER OF the merger whereby Dennis Washington and K & K Enterprises acquired a significant interest in, and control of, Seaspan International Ltd.

B E T W E E N:

Dennis Washington
K & K Enterprises
Seaspan International Ltd.
C.H. Cates and Sons, Ltd.

Applicants

- and -

The Director of Investigation and Research
Norsk Pacific Steamship Company, Limited

Respondents



**ORDER ARISING FROM PRE-HEARING CONFERENCE
ON FEBRUARY 3, 1998: AMENDMENT TO PLEADINGS
AND SCHEDULING OF CONSENT VARIATION APPLICATION**

Date of Pre-hearing Conference Call:

February 3, 1998

Member:

McKeown J. (presiding)

Counsel for the Applicants:

**Dennis Washington
K & K Enterprises
Seaspan International Ltd.
C.H. Cates and Sons, Ltd.**

Nils E. Daugulis
Sharon Dos Remedios

Counsel for the Respondents:

Director of Investigation and Research

William J. Miller

Norsk Pacific Steamship Company, Limited

Nils E. Daugulis
Sharon Dos Remedios

COMPETITION TRIBUNAL

**ORDER ARISING FROM PRE-HEARING CONFERENCE
ON FEBRUARY 3, 1998: AMENDMENT TO PLEADINGS
AND SCHEDULING OF CONSENT VARIATION APPLICATION**

Dennis Washington et al.

v.

Director of Investigation and Research

FURTHER TO the motion filed by Dennis Washington, K & K Enterprises, Seaspan International Ltd., C.H. Cates and Sons ("Washington et al.") and the Director of Investigation and Research ("Director") to amend the December 1, 1997 application to vary the January 29, 1997 Consent Order ("Consent Order") from a contested application to an application to vary the Consent Order on consent ("consent variation application");

AND FURTHER TO the motion brought by Norsk Pacific Steamship Company, Limited ("Norsk") for an order striking it out as a respondent to the consent variation application;

AND FURTHER TO the submissions filed by the parties with respect to scheduling;

AND CONSIDERING the Director's submission, agreed to by Washington et al., regarding the appropriate manner for effecting notice of the consent variation application to industry participants that might reasonably be expected to be affected and of the schedule for the disposition of the consent variation application;

THE TRIBUNAL ORDERS THAT:

1. The parties' motion to amend the December 1, 1997 contested application to vary the Consent Order to an application to vary the Consent Order on consent is granted.
2. Norsk is struck out as a respondent to the consent variation application.
3. The Director shall forthwith provide a letter by fax or, if necessary, by regular mail, to all persons that may be affected by the consent variation application of whom the Director has notice. The letter shall briefly describe the amendment to the December 1, 1997 contested application to vary the Consent Order and the nature of the remedy proposed in the consent variation application and shall indicate the deadlines for filing comments and requests for leave to intervene and that the consent variation application and accompanying documents may be examined at the office of the Registrar.
4. The hearing of the consent variation application shall be held on March 9, 1998 at 10:00 a.m. in the hearing room of the Tribunal at 90 Sparks Street, Ottawa, Ontario.
5. The following schedule for pre-hearing procedures shall be observed:

February 20, 1998	Deadline for comments or requests for leave to intervene
February 25, 1998	Responses to comments and requests for leave to intervene served and filed
March 2, 1998	Pre-hearing conference re requests for leave to intervene

6. It shall be understood that the Tribunal will, by March 2, 1998, provide the parties with any questions it has in relation to the consent variation application. This shall not foreclose the possibility that further questions may arise and will be put to the parties at the earliest convenient time.

DATED at Ottawa, this 3rd day of February, 1998.

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

(s) W.P. McKeown

W.P. McKeown