



CT-1990 / 001 – Doc # 361

IN THE MATTER of an application by Southam Inc. et al.  
under section 106 of the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER of the direct and indirect acquisitions by  
Southam Inc. of equity interests in the business of publishing  
*The Vancouver Courier*, the *North Shore News* and the *Real Estate Weekly*.

B E T W E E N:

Southam Inc.  
Lower Mainland Publishing Ltd.  
Rim Publishing Inc.  
Yellow Cedar Properties Ltd.  
North Shore Free Press Ltd.  
Specialty Publishers Inc.  
Ely Publications Ltd.

Applicants

and

The Director of Investigation and Research

Respondent



**ORDER ARISING FROM PRE-HEARING CONFERENCE ON OCTOBER 28, 1997**

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**Date of Pre-hearing Conference Call:**

October 28, 1997

**Member:**

Rothstein J. (presiding)

**Counsel for the Applicants:**

**Southam Inc.**  
**Lower Mainland Publishing Ltd.**  
**Rim Publishing Inc.**  
**Yellow Cedar Properties Ltd.**  
**North Shore Free Press Ltd.**  
**Specialty Publishers Inc.**  
**Elty Publications Ltd.**

John J. Quinn  
Mark J. Nicholson

**Counsel for the Respondent:**

**The Director of Investigation and Research**

Stanley Wong  
J. Kevin Wright

COMPETITION TRIBUNAL

ORDER ARISING FROM PRE-HEARING CONFERENCE ON OCTOBER 28, 1997

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*Southam Inc. et al.*

v.

*The Director of Investigation and Research*

FURTHER TO the motion by the applicants to amend further the amended statement of grounds and material facts, appended as Schedule A-1 to the notice of application;

AND FURTHER TO the Order Regarding Pre-hearing Memoranda dated October 16, 1997;

AND ON hearing the submissions of counsel and with their consent;

THE TRIBUNAL ORDERS THAT:

1. The motion to amend further the amended statement of grounds and material facts is granted on condition that the respondent is entitled to examine for discovery the applicants on the new matters raised in the amendment. The second amended statement of grounds and material facts, titled Schedule A, which was served and filed as part of the motion dated October 27, 1997, shall replace Schedule A-1 to the notice of application.

2. The respondent may file a second amended response to replace the amended response filed on September 15, 1997. Any second amended response shall be served and filed by 12 noon PST on Monday, November 3, 1997.

3. The deadline for the service and filing of the pre-hearing memorandum of the respondent is extended from October 30, 1997 to November 3, 1997 at 12 noon PST.

4. The applicants may file a second amended reply to replace the amended reply dated September 29, 1997 and filed on October 3, 1997. Any second amended reply shall be served and filed by 5 p.m. EST on Monday, November 10, 1997. The deadline for the pre-hearing memorandum in reply by the applicants remains November 10, 1997.

5. The applicants shall give the respondent the names and “will-say” statements of the applicants’ witnesses at least one week prior to the date on which each witness will be called at the hearing. The respondent shall give the applicants the names and “will-say” statements of the respondent’s witnesses as far in advance as possible and at least 24 hours prior to the time at which each witness will be called.

DATED at Calgary, this 28<sup>th</sup> day of October, 1997.

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

(s) Marshall Rothstein  
Marshall Rothstein