



CT-1996/002 – Doc # 164a

IN THE MATTER OF an application by the Director of Investigation and Research for orders pursuant to section 92 of the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER OF the merger whereby CP Containers (Bermuda) Limited acquired certain assets held by The Cast Group Limited and of the acquisition by 3041123 Canada Inc. of all the shares of Cast North America Inc. by way of agreements entered into between or among Royal Bank of Canada, The Cast Group Limited, 3041123 Canada Inc., CP Containers (Bermuda) Limited and Canadian Pacific Limited.

B E T W E E N:

The Director of Investigation and Research

Applicant

- and -

Canadian Pacific Limited
Canada Maritime Limited
CP Containers (Bermuda) Limited
3041123 Canada Inc.
Cast North America Inc.
Royal Bank of Canada

Respondents

- and -

Montreal Port Corporation

Intervenor



**ORDER OF SIMPSON J. DATED JULY 29, 1997 DISMISSING THE MOTION
BROUGHT BY THE DIRECTOR OF INVESTIGATION AND RESEARCH SEEKING
SUMMARIES OF THE FACTS OBTAINED BY THE RESPONDENTS THROUGH
INTERVIEWS AND DISCUSSIONS WITH INDUSTRY PARTICIPANTS**

Date of Pre-hearing Conference:

July 29, 1997

Member:

Simpson J. (presiding)

Counsel for the Applicant:

Director of Investigation and Research

Adam F. Fanaki
Benjamin T. Glustein

Counsel for the Respondents:

**Canadian Pacific Limited
Canada Maritime Limited
CP Containers (Bermuda) Limited
3041123 Canada Inc.
Cast North America Inc.**

Brenda Hollingsworth
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Russell Cohen

Royal Bank of Canada

Annie M. Finn

Counsel for the Intervenor:

Montreal Port Corporation

Pierre Grenier

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The Director of Investigation and Research

v.

Canadian Pacific Limited et al.

UPON the Director of Investigation and Research's (« Director ») motion seeking an order that Canadian Pacific et al. (« CP ») and the Royal Bank of Canada (« RBC ») produce, in a summary and aggregated form, the facts obtained by them during interviews and discussions with industry participants;

AND UPON hearing the submissions of counsel for the Director and for CP and upon hearing a very brief submission from counsel for RBC which included advice that RBC adopts CP's position;

THE TRIBUNAL ORDERS THAT, for reasons which will be delivered shortly, the motion is dismissed.

DATED at Toronto, this 29th day of July, 1997.

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

(s) Sandra J. Simpson

Sandra J. Simpson