



CT-1996/002 – Doc # 190a

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 GRANTING STAY OF PROCEEDINGS**

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**Decided on the basis of the written record.**

**Members:**

Noël J. (presiding)  
Simpson J.  
Mr. André Côté

**Counsel for the Applicant:**

**Director of Investigation and Research**

Robert S. Russell  
Adam F. Fanaki

**Counsel for the Respondents:**

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

Neil R. Finkelstein  
Jeffrey W. Galway  
Russell Cohen

**Royal Bank of Canada**

Peter L. Roy  
David F. O'Connor  
Annie M. Finn

**Counsel for the Intervenor:**

**Montreal Port Corporation**

Gil Rémillard  
Sébastien Grammond

**COMPETITION TRIBUNAL**  
**ORDER GRANTING STAY OF PROCEEDINGS**

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*The Director of Investigation and Research*

v.

*Canadian Pacific Limited et al.*

FURTHER TO the notice of motion filed by the Director of Investigation and Research («Director») seeking a stay of the proceedings commenced by the notice of application filed on December 20, 1996 («application»);

AND FURTHER TO the pre-hearing conference memorandum of the Director and the affidavit of Stephen Peters sworn on September 9, 1997 and filed on September 9, 1997;

AND ON READING the pleadings and proceedings in this matter;

AND ON CONSIDERING the comments of counsel made at the pre-hearing conference held on September 15, 1997;

AND ON CONSENT of the parties and intervenor, by their counsel;

THE TRIBUNAL ORDERS THAT:

1. The proceedings commenced by the Director's application are stayed until March 31, 1998.
2. In the event that the Director has not been granted an order lifting the stay granted herein on or before March 31, 1998, the Director's application be and is hereby dismissed without the necessity of any further steps, proceedings or order of this Tribunal.

DATED at Ottawa, this 17<sup>th</sup> day of September, 1997.

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

(s)Marc Noël  
Marc Noël