



CT-1996/002 – Doc # 189a

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 SEPTEMBER 10, 1997
ADJOURNING HEARING OF MOTIONS**

Date of Conference Call:

September 10, 1997

Member:

Simpson J. (presiding)

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
Mark C. Katz
Russell Cohen

Royal Bank of Canada

Peter L. Roy
David F. O'Connor
Jon J. Holmstrom

Counsel for the Intervenor:

Montreal Port Corporation

Sébastien Grammond

UPON the Tribunal's request for a conference call with counsel for all parties and the intervenor in response to the filing of motions G and H described in the schedule attached hereto (the "Schedule");

AND UPON hearing from all counsel who wished to make submissions during the said conference call which was held at 2:45 p.m. on Wednesday, September 10, 1997;

THE TRIBUNAL ORDERS THAT:

1. Motions A, B, C, D, E and F on the Schedule which were to have been heard at the pre hearing conference scheduled to commence at 9:30 a.m. on Monday, September 15, 1997, are adjourned sine die pending a resolution of motions G and H of the Schedule.
2. The pre-hearing conference will now commence on Monday, September 15, 1997 at 2:00 p.m. in the hearing room of the Tribunal at 90 Sparks Street, Ottawa, Ontario. Its purpose is to discuss the procedure for the disposition of all or parts of motions G and H of the Schedule.

DATED at Ottawa, this 10th day of September, 1997.

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

(s) Sandra J. Simpson _____
Sandra J. Simpson

SCHEDULE

- A. Motions of the Director of Investigation and Research ("Director") and the Royal Bank of Canada ("RBC") filed on June 27, 1997 and June 26, 1997, respectively, regarding further and better affidavits of documents.
- B. Motions of Canadian Pacific Limited et al. and RBC filed on July 17, 1997 regarding refusals at the examination for discovery of the Director.
- C. That portion of the motion filed by the Director on August 1, 1997 regarding timing of discovery matters.
- D. Motion filed by the Director on August 21, 1997 regarding an additional representative for discovery.
- E. Motion filed by Canadian Pacific Limited et al. on September 3, 1997 regarding production of documents obtained by the Director from third parties.
- F. Motion filed by the Director on September 3, 1997 regarding refusals at the examination for discovery of Canadian Pacific Limited et al.
- G. Motion filed by the Director on September 9, 1997 for a stay of the application.
- H. Cross-motion filed by Canadian Pacific Limited et al. on September 10, 1997 in response to the Director's motion for a stay of the application.