



CT-1996/002 – Doc # 163a

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 ADJOURNING THE RESPONDENTS' MOTIONS CONCERNING THE REFUSAL BY THE DIRECTOR OF INVESTIGATION AND RESEARCH'S REPRESENTATIVE TO ANSWER CERTAIN QUESTIONS ON HIS EXAMINATION FOR DISCOVERY

Date of Pre-hearing Conference:

July 29, 1997

Member:

Simpson J. (presiding)

Counsel for the Applicant:

Director of Investigation and Research

Benjamin T. Glustein
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
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Russell Cohen

Royal Bank of Canada

Peter L. Roy
Annie M. Finn

Counsel for the Intervenor:

Montreal Port Corporation

Pierre Grenier

COMPETITION TRIBUNAL
ORDER OF SIMPSON J. DATED JULY 29, 1997 ADJOURNING THE
RESPONDENTS' MOTIONS CONCERNING THE REFUSAL BY THE DIRECTOR OF
INVESTIGATION AND RESEARCH'S REPRESENTATIVE TO ANSWER CERTAIN
QUESTIONS ON HIS EXAMINATION FOR DISCOVERY

The Director of Investigation and Research

v.

Canadian Pacific Limited et al.

UPON reading the written submissions filed by counsel for the Director of Investigation and Research ("Director") and by Canadian Pacific et al. ("CP") and by the Royal Bank of Canada ("RBC") on the issue of whether the respondents' motions are "urgent" and therefore may be heard today because they fall within the exception for urgent matters in the Chairman's order of July 4, 1997;

AND UPON hearing brief oral submissions from counsel;

AND UPON noting that counsel for the Director submits that the respondents' motions are not urgent and that counsel for CP and RBC submit that they are urgent;

AND UPON determining that the said motions are not urgent;

THE TRIBUNAL ORDERS THAT the said motions are hereby adjourned to the pre-hearing conference scheduled to commence on September 15, 1997 in Ottawa, Ontario.

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