



CT-1996/002 – Doc # 165a

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 REGARDING A MOTION BROUGHT BY THE FIRST FIVE RESPONDENTS FOR PRODUCTION OF SECTION 11 TRANSCRIPTS OVER WHICH THE DIRECTOR OF INVESTIGATION AND RESEARCH CLAIMS PUBLIC INTEREST PRIVILEGE**

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**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  
Rocco Di Pucchio  
Russell Cohen

Royal Bank of Canada

Annie M. Finn

**Counsel for the Intervenor:**

**Montreal Port Corporation**

Pierre Grenier

UPON the application of Canadian Pacific et al. ("CP") (with the support of the Royal Bank of Canada ("RBC")) for an order that the Director of Investigation and Research ("Director") produce the *verbatim* transcripts of the examinations of Messrs. Keller and Storozuk taken pursuant to section 11(1)(a) of the *Competition Act*;

AND UPON hearing the oral submissions of counsel for CP and the Director and upon being advised that counsel for RBC adopts CP's submissions;

THE TRIBUNAL ORDERS THAT, for reasons which will be delivered shortly:

1. The Director is to advise the respondents and the intervenor on or before Friday, October 31, 1997, whether he will call Mr. Keller as a witness at the hearing of this application before the Tribunal.
2. The motion for the production of the Keller and Storozuk verbatim transcripts 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