



CT - 1996 / 001 – Doc # 165

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 Dennis Washington and K & K Enterprises acquired a significant interest in, and propose to acquire control of, Seaspan International Ltd.;

AND IN THE MATTER of the merger whereby Dennis Washington acquired Norsk Pacific Steamship Company, Limited;

B E T W E E N:

The Director of Investigation and Research

Applicant

- and -

Dennis Washington
K & K Enterprises
Seaspan International Ltd.
Genstar Capital Corporation
TD Capital Group Ltd.
Coal Island Ltd.
314873 B.C. Ltd.
C.H. Cates and Sons Ltd.
Management Shareholders
Preference Shareholders
Norsk Pacific Steamship Company, Limited
Fletcher Challenge Limited

Respondents



**ORDER REGARDING SECOND AMENDED APPLICATION
DATED NOVEMBER 22, 1996**

COMPETITION TRIBUNAL
ORDER REGARDING SECOND AMENDED APPLICATION
DATED NOVEMBER 22, 1996

The Director of Investigation and Research

v.

Dennis Washington et al.

FURTHER TO the motion filed by the respondents Dennis Washington, K & K Enterprises, Seaspan International Ltd., C.H. Cates and Sons Ltd., and Norsk Pacific Steamship Company, Limited on November 27, 1996, seeking an order that the Tribunal reconsider paragraph 1 of the Miscellaneous Orders Arising from the Pre-hearing Conference on November 13-14, 1996, dated November 22, 1996, and that the Director of Investigation and Research ("Director") seek leave to file a second amended notice of application;

AND ON the consent of these respondents and the Director;

THE TRIBUNAL ORDERS THAT:

1. The Director shall withdraw her second amended notice of application filed on November 25, 1996 and shall serve and file a motion seeking leave to amend the Amended Notice of Application by 5:00 p.m. (EST) on Monday, December 2, 1996. Any affidavits and memoranda in response to the motion shall be served and filed by 5:00 p.m. (EST) on Wednesday, December 4, 1996.
2. The motion is set down for hearing on Friday, December 6, 1996 at 9:30 a.m. (EST) in hearing room no. 2 of the Federal Court of Canada located on the 8th Floor, Canada Life Building, 330 University Avenue, Toronto, Ontario.

DATED at Ottawa, this 28th day of November, 1996.

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

(s) W.P. McKeown

W.P. McKeown