



CT - 1996 / 001 – Doc # 86

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



FURTHER ORDER REGARDING SCHEDULING

Date of Pre-hearing Conference:

July 4, 1996

Members:

Rothstein, J. (presiding)
Dr. Frank Roseman

Counsel for the Applicant:

Director of Investigation and Research

Michael L. Phelan
M. Lynn Starchuk
William J. Miller

Counsel for the Respondents:

Dennis Washington
K & K Enterprises
C.H. Cates and Sons Ltd.
Norsk Pacific Steamship Company, Limited
Seaspan International Ltd.

Nils E. Daugulis
Douglas G. Morrison

Genstar Capital Corporation

Robyn M. Bell

TD Capital Group Ltd.

Linda S. Abrams

Coal Island Ltd.
314873 B.C. Ltd.
Management Shareholders
Preference Shareholders

Not represented

Fletcher Challenge Limited
Jessica A. Kimmel

COMPETITION TRIBUNAL

FURTHER ORDER REGARDING SCHEDULING

The Director of Investigation and Research

v.

Dennis Washington et al.

FURTHER TO the Order Regarding Scheduling dated May 31, 1996 and the Order Amending Order Regarding Scheduling dated June 18, 1996;

AND ON reading the submission of the Director of Investigation and Research and hearing the submissions of counsel for the parties;

THE TRIBUNAL ORDERS THAT:

1. The hearing of the application shall commence on Monday, January 13, 1997 at 10:00 a.m. before the Competition Tribunal sitting at the Federal Court of Canada, 700 W. Georgia Street, Vancouver, British Columbia.

2. The following schedule for pre-hearing procedures shall be observed:

August 12, 1996	The pre-hearing conference that was to be held on August 7-8, 1996 is rescheduled and shall be held by conference call on August 12, 1996 at 12 noon (EDT).
September 13, 1996	Pre-hearing conference (Ottawa or conference call at 12 noon (EDT)) re issues arising from examinations for discovery to date
October 11, 1996	Pre-hearing conference (conference call at 12 noon (EDT)) re issues arising from examinations for discovery to date

October 28 1996	Examinations for discovery to be completed
November 13-14, 1996	Pre-hearing conference (Vancouver) re all outstanding issues arising from examinations for discovery, and conduct of the hearing
December 2, 1996	Exchange of expert affidavits pursuant to section 47 of the Competition Tribunal Rules
December 18, 1996	Exchange of rebuttal expert affidavits pursuant to section 47 of the <i>Competition Tribunal Rules</i>
December 23, 1996	Pre-hearing conference (conference call at 12 noon (EDT))
December 30, 1996	Filing of all expert affidavits pursuant to section 48 of the <i>Competition Tribunal Rules</i>

3. It is understood that if in the course of the proceedings counsel for the parties agree that any of the pre-hearing conferences listed above become unnecessary, counsel shall so inform the Registrar.

DATED at Ottawa, this 4th day of July, 1996.

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

(s) Marshall Rothstein

Marshall Rothstein