



CT - 1996 / 001 – Doc # 64

IN THE MATTER of an application by the Director of Investigation
and Research for orders under 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 SCHEDULING

Date of Conference Call:

May 30, 1996

Chairman:

McKeown J.

Counsel for the Applicant:

Director of Investigation and Research

Michael L. Phelan

Counsel for the Respondents:

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

Nils E. Daugulis
Douglas G. Morrison

**Seaspan International Ltd.
Genstar Capital Corporation**

Robyn M. Bell

TD Capital Group Ltd.

Bradley P. Martin

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

Charles F. Willms

Fletcher Challenge Limited

Jessica A. Kimmel

COMPETITION TRIBUNAL

ORDER REGARDING SCHEDULING

The Director of Investigation and Research

v.

Dennis Washington et al.

FURTHER TO the proposed schedule filed by the Director of Investigation and Research ("Director") and the comments on the proposed schedule filed by the respondents;

AND UPON consultation with the parties;

THE TRIBUNAL ORDERS THAT:

1. The hearing of the application shall commence on
 - (a) November 11, 1996 (with a possibility of commencement on November 6, 1996 if the Tribunal so advises), continue until December 6, 1996 and resume on January 13, 1997 until completed; or
 - (b) January 13, 1997 and continue until completed.

The hearing shall take place in Vancouver, British Columbia. The date for the commencement of the hearing shall be finally determined at the pre-hearing conference

to be held on June 19 and 20, 1996, once the parties have considered the alternatives in light of their review of the necessity for and timing of examinations for discovery and their estimation of the length of the hearing and the risk of splitting the hearing.

2. The following schedule for pre-hearing procedures has been determined and shall be followed:

June 7, 1996	Exchange of documents listed in affidavits of documents to be completed.
June 14, 1996	The Director to provide summaries of privileged documents to respondents.
June 19-20, 1996	Pre-hearing conference (Ottawa)
August 7-8, 1996	Pre-hearing conference (Ottawa)

3. The pre-hearing conference on Wednesday and Thursday, June 19 and 20, 1996 shall convene at 9:30 a.m. (EDT) in the hearing room of the Competition Tribunal at 90 Sparks Street, Ottawa, Ontario. The following matters shall be resolved at that pre-hearing conference:

(a) the appropriate confidentiality levels for documents and the form of a final confidentiality (protective) order, if necessary;

(b) the necessity for and timing of examinations for discovery;

(c) the commencement date of the hearing;

(d) the schedule for further pre-hearing procedures, including the date for completion of examinations for discovery, if determined to be necessary, the date for an additional pre-hearing conference and the dates for the exchange and filing of expert affidavits; and

(e) any other matters raised by counsel that can conveniently be dealt with.

4. When setting a date for an additional pre-hearing conference to take place shortly after the completion of examinations for discovery, to resolve all outstanding issues arising from discoveries, counsel are reminded to allow sufficient time between the date of the pre-hearing conference and the date for the exchange of expert affidavits in accordance with the Competition Tribunal Rules.

5. In considering whether the hearing should commence on November 11, 1996 and the scheduling of further pre-hearing procedures leading up to that date of commencement, counsel for the parties shall make every effort to complete examinations for discovery by September 13, 1996.

6. Any pre-hearing conference memoranda for the pre-hearing conference on June 19 and 20, 1996 shall be served and filed by 12 noon (EDT) on Friday, June 14, 1996. Any memoranda in response shall be served and filed by 5:00 p.m. (EDT) on Monday, June 17, 1996.

DATED at Ottawa, this 31st day of May, 1996.

(s) W.P. McKeown
Chairman