



**CT - 1995 /002 – Doc # 39**

IN THE MATTER OF an application by the Director of Investigation and Research under sections 79 and 105 of the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER OF an abuse of dominant position in the supply of shared electronic network services for consumer-initiated shared electronic financial services.

B E T W E E N:

The Director of Investigation and Research

Applicant

- and –

Bank of Montreal  
The Bank of Nova Scotia  
Canada Trustco Mortgage Company  
Canadian Imperial Bank of Commerce  
La Confédération des caisses populaires  
et d'économie Desjardins du Québec  
Credit Union Central of Canada  
National Bank of Canada  
Royal Bank of Canada  
The Toronto-Dominion Bank  
Interac Inc.

Respondents

- and –

TelPay, A Division of CTI-Comtel Inc.  
Retail Council of Canada  
Canadian Life and Health Insurance Association Inc.  
Midland Walwyn Capital Inc., Richardson Greenshields of Canada Limited,  
MacKenzie Financial Corporation and Trimark Investment Management Inc.

Intervenors



**FURTHER SCHEDULING ORDER**

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**Date of Pre-hearing Conference:**

February 2, 1996

**Presiding Member:**

The Honourable Mr. Justice William P. McKeown

**Lay Member:**

Dr. Frank Roseman

**Counsel for the Applicant:**

**Director of Investigation and Research**

D. Martin Low, Q.C.

Peter A. Vita, Q.C.

John D. Bodrug

**Counsel for the Respondents:**

**Bank of Montreal**

**The Bank of Nova Scotia**

**Canada Trustco Mortgage Company**

**Canadian Imperial Bank of Commerce**

**La Confédération des caisses populaires et d'économie Desjardins du Québec**

**Credit Union Central of Canada**

**National Bank of Canada**

**Royal Bank of Canada**

**The Toronto-Dominion Bank**

**Interac Inc.**

John J. Quinn

Steven G. Thompson

**Counsel for the Intervenors:**

**TelPay, A Division of CTI-Comtel Inc.**

Harold K. Irving, Q.C.

**Retail Council of Canada**

S. John Page  
Frank P. Monteleone

**Canadian Life and Health Insurance Association Inc.**

James B. Musgrove

**Midland Walwyn Capital Inc., Richardson Greenshields of Canada Limited,  
MacKenzie Financial Corporation and Trimark Investment Management Inc.**

Lorie Waisberg, Q.C.  
Laura Stuart

**COMPETITION TRIBUNAL**  
**FURTHER SCHEDULING ORDER**

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*The Director of Investigation and Research*

v.

*Bank of Montreal et al.*

FURTHER TO the Scheduling Order issued on December 27, 1995;

AND ON HEARING the submissions of the parties and intervenors at the pre-hearing conference held on February 2, 1996;

THE TRIBUNAL ORDERS THAT:

1. Paragraph 1 of the Scheduling Order dated December 27, 1995 is revoked. The hearing of the application shall commence on Monday, March 4, 1996 at 10:00 a.m. at 600-90 Sparks Street, Ottawa, Ontario, to continue until Friday, March 8, 1996. The hearing shall continue during the week of April 15, 1996 and, if necessary, shall be completed the week of April 22, 1996.

2. The Retail Council of Canada ("RCC"), the Canadian Life and Health Insurance Association Inc. ("CLHIA") and Midland Walwyn Capital Inc., Richardson Greenshields of Canada Limited., MacKenzie Financial Corporation and Trimark Investment Management Inc. ("Midland et al.") shall serve and file their affidavits of expert evidence by March 4, 1996. The

parties shall serve and file their rebuttal expert affidavits by April 1, 1996.

3. CLHIA and Midland et al. shall, at least two business days before their respective fact witnesses will be called to testify, serve on the parties a brief outline of the testimony of each witness.

4. Any of RCC, CLHIA and Midland et al. that wishes to submit in evidence a summary of non-controversial, background information relevant to the issues within the scope of its intervention shall serve and file the summary by February 21, 1996. Either party may, by motion, challenge the filing of the summary on the grounds that it does not comply with this paragraph or exceeds the scope of the intervention. Any motion shall be served and filed by February 27, 1996 and will be decided by the Tribunal at the pre-hearing conference referred to in paragraph 5.

5. A pre-hearing conference shall be held on March 1, 1996, if necessary, to deal with a motion filed pursuant to paragraph 4 or any other matter that counsel for a participant wishes to raise in advance of the hearing. If all counsel agree that it is not necessary to hold a pre-hearing conference on that date, counsel for the Director of Investigation and Research shall so advise the Registrar.

DATED at Ottawa, this 6<sup>th</sup> day of February, 1996.

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

(s) W.P. McKeown

W.P. McKeown