



IN THE MATTER OF an application by the Director of Investigation and Research under subsection 64(1) of the *Competition Act*, R.S.C. 1970, c. C-23, as amended;

AND IN THE MATTER OF a Limited Partnership formed to combine the operations of the Reservec and Pegasus computer reservation systems;

AND IN THE MATTER OF The Gemini Group Automated Distribution Systems Inc.;

AND IN THE MATTER OF an application by the Director of Investigation and Research under section 106 of the *Competition Act*, R.S.C. 1985, c. C-34, as amended, to vary the Consent Order of the Tribunal dated July 7, 1989.

BETWEEN :

The Director of Investigation and Research

Applicant

- and -

Air Canada  
PWA Corporation  
Canadian Airlines International Ltd.  
The Gemini Group Limited Partnership  
The Gemini Group Automated Distribution Systems Inc.  
Covia Canada Corp.  
Covia Canada Partnership Corp.

Respondents

- and -

Consumers' Association of Canada  
American Airlines, Inc.  
Attorney General of Manitoba  
Alliance of Canadian Travel Associations  
Bios Computing Corporation

Intervenors

**ORDER REGARDING SCHEDULING:  
EXPERT AFFIDAVITS AND EXAMINATIONS FOR DISCOVERY**

**Date of Hearing:**

December 21, 1992

**Presiding Member:**

The Honourable Mr. Justice Barry L. Strayer

**Counsel for the Applicant:**

**Director of Investigation and Research**

L. Yves Fortier, Q.C.  
Donald B. Houston  
Jean G. Bertrand

**Counsel for the Respondents:**

**Air Canada**

J. William Rowley, Q.C.

**Canadian Airlines International Ltd. and PWA Corporation**

Robert W. Thompson  
Jo'Anne Strekaf  
Myron Tetreault  
Richard Low

**The Gemini Group Limited Partnership and The Gemini Group  
Automated Distribution Systems Inc.**

Michael L. Phelan  
Timothy J. McCunn  
Timothy Kennish

**Covia Canada Corp. and Covia Canada Partnership Corp.**

William L. Vanveen  
Todd J. Burke

**Counsel for the Intervenors:**

**Consumers' Association of Canada**

Not represented

**American Airlines, Inc.**

Colin L. Campbell, Q.C.  
Lisa Clarkson

**Attorney General of Manitoba**

Not represented

**Alliance of Canadian Travel Associations**

Douglas Crozier

**COMPETITION TRIBUNAL**

**ORDER REGARDING SCHEDULING:  
EXPERT AFFIDAVITS AND EXAMINATIONS FOR DISCOVERY**

*The Director of Investigation and Research*

v.

*Air Canada et al.*

FURTHER TO the Order Regarding Scheduling dated  
December 11, 1992;

AND ON HEARING the submissions of counsel for the parties;

THE TRIBUNAL ORDERS THAT:

1. The parties shall serve their expert affidavits, if any, on the other parties and intervenors and file those affidavits with the Registrar in accordance with the following schedule:

December 30, 1992 - Director of Investigation and Research ("Director");

January 6, 1993 - PWA Corporation ("PWA") and Canadian Airlines International Ltd ("Canadian");

January 25, 1993 - Air Canada, The Gemini Group Limited Partnership and The Gemini Group Automated Distribution Systems Inc. ("Gemini"), Covia Canada Corp. and Covia Canada Partnership Corp. ("Covia"); and

January 28, 1993 - Director, PWA and Canadian (reply).

2. The expert affidavits to be filed by Air Canada, Gemini and Covia on January 25, 1993 shall include both direct expert evidence and any reply to the expert affidavits filed by the Director, PWA and Canadian. The expert affidavits to be filed by the Director, PWA and Canadian on January 28, 1993 shall reply to the expert affidavits filed by the other respondents.

3. Examination for discovery is authorized of:

- (1) the Director or his representative;
- (2) a representative or representatives of PWA and Canadian;
- (3) a representative of each of the other respondents.

4. Counsel for American Airlines, Inc. may be present at the examination of the Director or his representative and of the representative(s) of PWA and Canadian in order that such counsel may assist the examinees where possible by producing relevant information. Any possible examination of American Airlines, Inc. will depend on an application being made successfully in accordance with the requirements of Rule 466.3 of the Federal Court Rules.

5. Examination for discovery of the Director, PWA and Canadian by those parties adverse in interest shall be completed by January 20, 1993. Examination for discovery of Air Canada, Gemini and Covia by those parties adverse in interest shall be completed by January 22, 1993.

6. Counsel for the parties shall determine the timetable for the examinations, the appropriate representatives to be examined and the place of the examinations. If counsel are unable to agree on these matters, the Tribunal will give further directions at the pre-hearing conference to be held on January 6, 1993 or at some earlier date by request of a party.

7. The Director shall provide summary witness statements ("will-says") to all other parties on or before January 22, 1993.

DATED at Ottawa, this 22nd day of December, 1992.

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

(s) B.L. Strayer  
B.L. Strayer