

PUBLIC

File No. CT-2017-008

THE COMPETITION TRIBUNAL

IN THE MATTER OF an application for orders pursuant to section 74.1 of the *Competition Act* for conduct reviewable pursuant to paragraph 74.01(1)(a) and subsection 74.01(3) of the *Competition Act*;

BETWEEN:

THE COMMISSIONER OF COMPETITION

COMPETITION TRIBUNAL
TRIBUNAL DE LA CONCURRENCE

FILED / PRODUIT

Date: October 30, 2018
CT-2017-008

Andrée Bernier for / pour
REGISTRAR / REGISTRAIRE

OTTAWA, ONT.

80

Applicant

- and -

HUDSON'S BAY COMPANY

Respondent

NOTICE OF MOTION OF THE RESPONDENT

(Re: Answers to Questions from the Examination for Discovery of the Applicant)

TAKE NOTICE THAT the Respondent, will make a motion to the Competition Tribunal ("**Tribunal**") on November 20, 2018, at 10:00 a.m. or as soon thereafter as the motion may be heard.

THE MOTION IS FOR:

1. An Order compelling the Applicant, the Commissioner of Competition (the “**Commissioner**”) to answer the questions asked during the Examination for Discovery of Adam Zimmerman, held from September 6, 2018 to September 7, 2018 (the “**Zimmerman Examination**”) which are set out in Schedule “A” to this Notice of Motion, forthwith;
2. An Order compelling the representative of the Commissioner, Adam Zimmerman, to re-attend an examination for discovery, at the expense of the Commissioner, and provide answers to further questions the Respondent may pose arising out of the answers that this Tribunal may compel pursuant to this motion;
3. Costs of this motion; and
4. Such further and other relief as counsel may request and the Tribunal deems just.

THE GROUNDS FOR THE MOTION ARE:

5. The Zimmerman Examination took place in Ottawa from September 6, 2018 to September 7, 2018. The Commissioner delivered answers to undertakings, under advisements and refusals on October 15, 2018;
6. The questions set out in Schedule “A” have been refused by the Commissioner;
7. The questions in Schedule “A” are proper questions, seek relevant information, and should be answered;
8. The *Competition Tribunal Rules*, Rules 2, 34(1), 60, 64, 83; and the *Federal Court Rules*, Rules 97, 240, 241, 242 and 245; and
9. Such further or other grounds as counsel may advise and the Tribunal may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The chart attached at Schedule "A" hereto;
2. The pleadings and prior proceedings herein;
3. Such further or other material as counsel may advise and this Tribunal may permit.

DATED AT TORONTO, ONTARIO this 30th day of October, 2018

SIGNED BY:



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