

Competition Tribunal



Tribunal de la concurrence

Reference: *The Commissioner of Competition v Live Nation Entertainment, Inc et al*, 2018 Comp Trib 21

File No: CT-2018-005

Registry Document No: 50

IN THE MATTER OF an application by the Commissioner of Competition for orders pursuant to section 74.1 of the *Competition Act*, RSC 1985, c C-34 regarding conduct allegedly reviewable pursuant to paragraph 74.01(1)(a) and section 74.05 of the Act;

AND IN THE MATTER OF an informal request to amend the Scheduling Order issued on April 17, 2018.

BETWEEN:

The Commissioner of Competition
(applicant)

and

Live Nation Entertainment, Inc, Live Nation Worldwide, Inc, Ticketmaster Canada Holdings ULC, Ticketmaster Canada LP, Ticketmaster L.L.C., The V.I.P. Tour Company, Ticketsnow.com, Inc, and TNOW Entertainment Group, Inc
(respondents)



Decided on the basis of the written record
Before Judicial Member: D. Gascon J. (Chairperson)
Date of Order: December 21, 2018

ORDER AMENDING THE SCHEDULING ORDER

[1] **FURTHER TO** the application filed by the applicant, the Commissioner of Competition (“**Commissioner**”), against the respondents, Live Nation Entertainment, Inc et al (“**Respondents**”), for orders pursuant to section 74.1 of the *Competition Act*, RSC, c C-34, as amended (“**Act**”) regarding conduct allegedly reviewable under paragraph 74.01(1)(a) and section 74.05 of the Act (“**Application**”);

[2] **AND FURTHER TO** the Scheduling Order issued by the Tribunal on April 17, 2018;

[3] **AND WHEREAS** counsel for the parties have advised the Tribunal that they have reached an agreement on a modified timetable for the disposition of the Application;

[4] **AND WHEREAS** the Tribunal has examined the proposed timetable and, in the particular circumstances of this case, is satisfied that it is appropriate and respects the principles found in subsection 9(2) of the *Competition Tribunal Act*, RSC 1985, c 19 (2nd Supp);

THE TRIBUNAL ORDERS THAT:

[5] The schedule for the remaining pre-hearing steps shall now be as follows:

January 25, 2019	Deadline for completion of examinations for discovery, in accordance with a schedule to be settled between counsel
March 1, 2019	Deadline for fulfilling answers to discovery undertakings
March 25, 2019	Last day to file motions arising from answers to undertakings or refusals
April 1, 2019	Deadline to file any responses to motions arising from answers to undertakings or refusals
April 4, 2019	Hearing of any motions arising from answers to undertakings or refusals
March 3, 2019	Last day for follow-up examinations for discovery
May 17, 2019	Deadline to provide and deliver mediation briefs
May 30, 2019	Case management conference on pre-hearing disclosure steps and preliminary issues
June 3-4, 2019	Mediation

June 28, 2019	<p>Commissioner to serve his documents relied upon and witness statements, and to serve and file his expert reports, if any</p> <p>Commissioner to serve his list of documents proposed to be admitted without further proof</p> <p>Commissioner to indicate documents on which privilege is waived</p>
July 11, 2019	<p>Last day to file motions for further examination for discovery following waivers of privilege</p>
July 18, 2019	<p>Deadline to file any responses to motions for further examination for discovery following waivers of privilege</p>
July 26, 2019	<p>Hearing of any motions for further examination for discovery following waivers of privilege</p>
August 23, 2019	<p>Respondents to serve their documents relied upon and witness statements, and to serve and file their expert reports, if any</p> <p>Deadline for delivering any requests for admissions</p>
September 10, 2019	<p>Commissioner to serve his reply documents relied upon and reply witness statements, and to serve and file his reply expert reports, if any</p> <p>Last day to file motions for summary disposition and/or any motions related to the evidence (documents relied upon, witness statements and expert reports)</p>
September 17, 2019	<p>Deadline to file any responses to motions for summary disposition and/or motions related to the evidence (documents relied upon, witness statements and expert reports)</p> <p>Deadline for responding to any requests for admissions</p>
September 18, 2019	<p>Pre-hearing case management conference</p>
September 23, 2019	<p>Hearing of any motions for summary disposition and/or any motions related to the evidence (documents relied upon, witness statements and expert reports)</p>
September 30, 2019	<p>Deadline to provide documents to the Tribunal for use at the hearing (e.g., witness statements, agreed books of documents and joint books of authorities)</p> <p>Deadline for delivering any agreed statement of facts</p>

[6] The hearing of the Application shall commence at 9:30 a.m. on Tuesday, October 8, 2019, in the hearing room of the Tribunal located at 610-90 Sparks Street, Ottawa, and the schedule for the hearing shall be as follows:

October 8-11, 2019	First week of hearing (4 days in Ottawa)
October 15-18, 2019	Second week of hearing (4 days in Ottawa)
October 22-25, 2019	Third week of hearing (4 days in Ottawa)
October 30-31, 2019	Oral arguments (2 days in Ottawa)

DATED at Ottawa, this 21st day of December 2018.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

COUNSEL OF RECORD:

For the applicant:

The Commissioner of Competition

François Joyal
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Ryan Caron

For the respondents:

Live Nation Entertainment, Inc et al

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