

Competition Tribunal



Tribunal de la concurrence

Reference: *The Commissioner of Competition v Live Nation Entertainment, Inc et al*, 2019 Comp Trib 1

File No: CT-2018-005

Registry Document No: 56

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 agreement to further amend the Order amending the Scheduling Order issued on December 21, 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: February 11, 2019

ORDER FURTHER 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 FURTHER TO** the Order amending the Scheduling Order issued by the Tribunal on December 21, 2018;

[4] **AND WHEREAS** the Tribunal has asked the parties to modify the date set for the hearing of potential motions arising from answers to undertakings and refusals, and counsel for the parties have advised the Tribunal of their availability for April 2, 2019;

[5] **AND WHEREAS** counsel for the parties have proposed related amendments to the steps leading to the hearing of such motion, which are agreeable to the Tribunal;

[6] **AND WHEREAS**, further to a typographical error, the date set for the last day for follow-up examinations for discovery needs to be changed from March 3, 2019 to May 3, 2019;

[7] **AND WHEREAS** the Tribunal is satisfied that these minor date amendments (underlined hereafter) are appropriate and respect the principles found in subsection 9(2) of the *Competition Tribunal Act*, RSC 1985, c 19 (2nd Supp);

THE TRIBUNAL ORDERS THAT:

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

March 1, 2019	Deadline for fulfilling answers to discovery undertakings
<u>March 21</u> , 2019	Last day to file motions arising from answers to undertakings or refusals
<u>March 28</u> , 2019	Deadline to file any responses to motions arising from answers to undertakings or refusals
<u>April 2</u> , 2019	Hearing of any motions arising from answers to undertakings or refusals
<u>May 3</u> , 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	Commissioner to serve his documents relied upon and witness statements, and to serve and file his expert reports, if any Commissioner to serve his list of documents proposed to be admitted without further proof Commissioner to indicate documents on which privilege is waived
July 11, 2019	Last day to file motions for further examination for discovery following waivers of privilege
July 18, 2019	Deadline to file any responses to motions for further examination for discovery following waivers of privilege
July 26, 2019	Hearing of any motions for further examination for discovery following waivers of privilege
August 23, 2019	Respondents to serve their documents relied upon and witness statements, and to serve and file their expert reports, if any Deadline for delivering any requests for admissions
September 10, 2019	Commissioner to serve his reply documents relied upon and reply witness statements, and to serve and file his reply expert reports, if any Last day to file motions for summary disposition and/or any motions related to the evidence (documents relied upon, witness statements and expert reports)
September 17, 2019	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) Deadline for responding to any requests for admissions
September 18, 2019	Pre-hearing case management conference
September 23, 2019	Hearing of any motions for summary disposition and/or any motions related to the evidence (documents relied upon, witness statements and expert reports)

September 30, 2019 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)

Deadline for delivering any agreed statement of facts

[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 11th day of February 2019.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

COUNSEL OF RECORD:

For the applicant:

The Commissioner of Competition

François Joyal
Derek Leschinsky
Kenneth Jull
Ryan Caron

For the respondents:

Live Nation Entertainment, Inc et al

Mark Opashinov
David W. Kent
Guy Pinsonnault
Adam D.H. Chisholm
Joshua Chad