

Competition Tribunal



Tribunal de la concurrence

Citation: *The Commissioner of Competition v Nuvocare Health Sciences Inc. and Ryan Foley*,
2020 Comp Trib 6

File No.: CT-2020-003

Registry Document No.: 44

IN THE MATTER OF an application by the Commissioner of Competition for a temporary order pursuant to section 74.11 of the *Competition Act*, RSC 1985, c C-34 as amended, regarding conduct reviewable pursuant to paragraph 74.01(1)(b);

BETWEEN:

The Commissioner of Competition
(applicant)

and

**Nuvocare Health Sciences Inc. and
Ryan Foley**
(respondents)



Decided on the basis of the written record

Before: D. Gascon J. (Chairperson)

Date of order: May 11, 2020

ORDER ADJOURNING THE MAY 11, 2020 HEARING

[1] **FURTHER TO** the Notice of Application for a Temporary Order (“**Application**”) filed on March 4, 2020 by the Commissioner of Competition (“**Commissioner**”) against Nuvocare Health Sciences Inc. and Ryan Foley (together, the “**Respondents**”);

[2] **AND FURTHER TO** the Order issued by the Tribunal on April 30, 2020 fixing the hearing of the Commissioner’s Application on a preemptory basis for Monday May 11, 2020, at 9:30 am, by way of telephone conference;

[3] **AND FURTHER TO** the May 9, 2020 e-mail written jointly by counsel for the Commissioner and counsel for the Respondents, informing the Tribunal that the Commissioner and the Respondents have reached an agreement in this matter, that they anticipate filing a Temporary Consent Agreement with the Tribunal as soon as possible, and that, in light of this development, the hearing scheduled for Monday May 11, 2020 will not be required;

[4] **AND WHEREAS** the Tribunal is satisfied that, in these circumstances, it is in the interest of the administration of justice to cancel the hearing scheduled for May 11, 2020 and that adjourning the hearing of the Commissioner’s Application *sine die*, pending the registration of the Temporary Consent Agreement, 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 hearing of the Commissioner’s Application scheduled for May 11, 2020 is adjourned *sine die*, pending the registration of a Temporary Consent Agreement;

[6] The parties shall file their Temporary Consent Agreement for registration with the Tribunal as soon as possible.

DATED at Montreal, this 11th day of May 2020.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

COUNSEL OF RECORD:

For the applicant:

The Commissioner of Competition

Talitha Nabbali
Ellé Nekiari

For the respondents:

Nuvocare Health Sciences Inc. and Ryan Foley

John Syme