

Competition Tribunal



Tribunal de la Concurrence

Citation: *Canada (Commissioner of Competition) v Parrish & Heimbecker, Limited*, 2020 Comp Trib 10

File No.: CT-2019-005

Registry Document No.:63

IN THE MATTER OF an application by the Commissioner of Competition for one or more orders pursuant to section 92 of the *Competition Act*, RSC 1985, c C-34 as amended.

BETWEEN:

The Commissioner of Competition
(applicant)

and

Parrish & Heimbecker, Limited
(respondent)



Date of case management conference: October 7, 2020

Before: D. Gascon J. (Chairperson)

Date of order: October 9, 2020

ORDER AMENDING THE AMENDED SCHEDULING ORDER

[1] **FURTHER TO** the application filed by the Commissioner of Competition (“**Applicant**”) on December 19, 2019 against the Respondent Parrish & Heimbecker, Limited (“**Respondent**”), pursuant to section 92 of the *Competition Act*, RSC 1985, c C-34, with respect to the acquisition by the Respondent of a primary grain elevator located in Virden, Manitoba (“**Application**”);

[2] **AND FURTHER TO** the Scheduling Order issued by the Tribunal on March 4, 2020;

[3] **AND FURTHER TO** the Order Amending the Scheduling Order dated April 21, 2020 (“**Amended Scheduling Order**”);

[4] **AND FURTHER TO** the parties’ request, made on consent on September 30, 2020, to make minor changes to the dates of the remaining pre-hearing steps;

[5] **AND WHEREAS** the Tribunal informally advised the parties, on October 1, 2020, that it would grant the parties’ request except for their proposed revised dates for the delivery to the Tribunal of witness statements and documents for use at the hearing;

[6] **AND FURTHER TO** the Case Management Conference held on October 7, 2020 where the scheduling issues were further discussed;

[7] **AND FURTHER TO** the email received from counsel for the Applicant indicating that the parties have agreed to additional changes to be made to the dates for the delivery of documents for use at the hearing;

[8] **AND FURTHER TO** other exchanges between counsel for the parties and the Tribunal regarding other agreed-upon minor changes to be made to the Amended Scheduling Order;

[9] **AND WHEREAS** the Tribunal has examined the proposed revised dates and is satisfied that the minor amendments suggested by counsel and/or discussed at the Case Management Conference (underlined in paragraph 10 of this Order) 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:

[10] The Amended Scheduling Order is further amended as follows:

<u>Friday, October 9, 2020</u>	Respondent to serve documents relied upon and witness statements except for the witness statement of Mr. Heimbecker
	Respondent to serve and file confidential expert report(s), if any, on all matters including efficiencies
<u>Tuesday, October 13, 2020</u>	<u>Deadline for the Respondent to serve the witness statement of Mr. Heimbecker</u>

<u>Wednesday, October 14, 2020</u>	<u>Deadline to provide the Applicant's and the Respondent's witness statements to the Tribunal</u>
<u>Friday, October 16, 2020</u>	<u>Respondent to serve and file redacted version(s) of expert report(s)</u>
<u>Monday, October 19, 2020</u>	Deadline for delivering any Requests for Admissions
<u>Thursday, October 22, 2020</u>	Applicant to serve reply documents relied upon and reply witness statements Applicant to serve and file reply expert report(s), if any, and responding expert report on efficiencies
<u>Monday, October 26, 2020</u>	<u>Deadline to provide the Applicant's reply witness statements to the Tribunal</u>
<u>Friday, October 30, 2020</u>	<u>Deadline to provide the Agreed Books of Documents to the Tribunal</u>
<u>Monday, November 2, 2020</u>	Respondent to serve and file reply expert report(s), if any, on matters related to efficiencies
<u>Wednesday, November 4, 2020</u>	Deadline for filing any motions related to the evidence (documents relied upon, witness statements and expert reports) Deadline for responding to any Requests for Admission
<u>Thursday, November 5, 2020</u>	Pre-hearing case management conference
<u>Tuesday, November 10, 2020</u>	Hearing of any motions related to the evidence (documents relied upon, witness statements and expert reports)
<u>Thursday, November 12, 2020</u>	<u>Deadline to provide the read-ins from examinations on discovery to the Tribunal</u> Deadline for delivering any agreed statement of facts
<u>Friday, November 13, 2020</u>	<u>Deadline to provide the Joint Briefs of Authorities to the Tribunal.</u>

[11] The Tribunal will shortly issue another order to specify, after consultations with the parties, where the evidentiary portion of the hearing of the Application will take place in light of the developments that are occurring regarding the COVID-19 pandemic, as well as the hearing format.

[12] The dates currently scheduled for the hearing of the evidence and the oral argument remains unchanged.

DATED at Montreal, this 9th day of October 2020.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Denis Gascon

COUNSEL OF RECORD:

For the applicant:

The Commissioner of Competition

Jonathan Hood
Ellé Nekiar

For the respondent:

Parrish & Heimbecker, Limited

Robert S. Russell
Davit Akman