



Registry Doc. No.: 138

**Date:** December 1, 2020

**Matter:** CT-2019-005 – *The Commissioner of Competition v Parrish & Heimbecker, Limited*

**Direction to Counsel (from Mr. Justice Gascon, Chairperson)**

**FURTHER TO** the Tribunal’s Direction issued on November 13, 2020;

**AND UPON CONSIDERING** the November 27, 2020 email from counsel for the Commissioner of Competition (“**Commissioner**”) requesting that the identities of five farmer witnesses be designated as confidential “Level B Protected” (as the term is defined in the Confidentiality Order of March 4, 2020);

**AND UPON CONSIDERING** the November 27, 2020 and November 30, 2020 letters from counsel for Parrish & Heimbecker, Limited (“**P & H**”) submitting that the Commissioner’s request ought to be made by way of a motion with a proper evidentiary record;

**AND UPON CONSIDERING** the November 30, 2020 letter from counsel for the Commissioner;

**THE TRIBUNAL DIRECTS AS FOLLOWS:**

1. In order for the Tribunal to determine whether the Commissioner’s confidentiality requests for the five farmer witnesses should be granted, the Commissioner shall file a formal motion with supporting affidavits and any other evidence.
2. The Commissioner shall serve and file his motion record and memorandum of fact and law by 4:30 p.m. on Monday, December 7, 2020.
3. P & H shall serve and file its responding record and its memorandum of fact and law by 4:30 p.m. on Friday, December 11, 2020.
4. Should a hearing be needed for this motion, it shall be held by video conference during the week of December 14, 2020, at a time to be determined by the Tribunal at a case management conference.

Annie Ruhlmann  
Registry Officer  
Competition Tribunal  
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