



Registry Doc. No.: 147

**Date:** December 3, 2020

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

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

**Re:** Chess clock and sitting times

As the parties are aware and as is the usual practice in proceedings before the Tribunal in accordance with the *Notice on “Chess Clock” Proceedings*, the hearing scheduled to start on January 6, 2021 will proceed using the chess-clock method of managing the hearing time. Given the total time set aside for the hearing (i.e., 10 days for the evidentiary portion and 2 days for final oral argument), the Tribunal directs as follows:

1. The Tribunal typically allocates 4.5 hours per hearing day to the parties, with some additional time set aside for panel questions and procedural or housekeeping matters.
2. The total time available to the parties for the evidentiary portion of the hearing is therefore 10 days x 4.5 hours per day, for a total of 45 hours. The allotted time will be evenly divided between the two parties, and each party will therefore have a total of 22.5 hours for the evidentiary portion of the hearing. This evidentiary portion includes time that a party may wish to spend on an opening statement.
3. The total time available for the final oral argument portion of the hearing is 2 days x 4.5 hours per day, for a total of 9 hours. The allotted time will be evenly divided between the two parties, and each party will therefore have a total of 4.5 hours for the final oral argument portion of the hearing.
4. Save for the first two weeks of hearing (where the hearing days shall start at 10:00 am), the hearing days will typically be as follows (all times are Ottawa EST time) :
  - a. 9:30 am Hearing starts
  - b. 11:00 am 20-minute health break
  - c. 11:20 am Hearing resumes
  - d. 12:50 pm 80-minute lunch break
  - e. 2:10 pm Hearing resumes
  - f. 3:30 pm 20-minute health break
  - g. 3:50 pm Hearing resumes
  - h. 5:00 pm Hearing ends.

5. The Tribunal may however consider modifying the starting time of the hearing days when witnesses are testifying from a different time zone.
6. The total daily hearing time adds up to 5.5 hours, leaving one hour daily for panel questions, procedural / housekeeping matters and technical issues that may arise in relation to the videoconferencing platform.
7. The time for the health and lunch breaks are indicative only and it will be up to counsel who will be examining / cross-examining / arguing at that time to determine the appropriate moment at which to break around those indicative times.
8. As indicated in the Tribunal Order of November 13, 2020, the Tribunal will also be available on Monday, January 18, 2021 and Monday, January 25, 2021 should it not be possible, due to technical difficulties or delays that may arise in light of the hearing format, to have 4.5 hours of daily hearing time for the parties in the evidentiary portion of the hearing and additional days be required to use the time allotted for the hearing of the evidence.

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