



Registry Doc. No.: 187

Date: December 16, 2020

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

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

Re: P & H reply on efficiencies (2)

FURTHER TO the Direction issued by the Tribunal on December 15, 2020 regarding the reply witness statement of Mr. Heimbecker (“**Reply Witness Statement**”) delivered by Parrish & Heimbecker, Limited (“**P & H**”) and the informal motion filed by the Commissioner of Competition (“**Commissioner**”) requesting that the Tribunal strike portions of the Reply Witness Statement as inappropriate lay opinion evidence (“**Motion**”);

AND FURTHER TO the email of December 16, 2020 from counsel for the Commissioner sent on behalf of both parties;

THE TRIBUNAL DIRECTS AS FOLLOWS:

1. The hearing of the Motion scheduled for Friday, December 18, 2020 at 1:00 p.m. is cancelled and the motion is adjourned *sine die*.
2. If the parties agree on statements to be removed from the Reply Witness Statement to resolve the Commissioner’s concerns, P & H shall serve and provide to the Tribunal revised public and confidential versions of the Reply Witness Statement by January 4, 2021 at the latest.
3. If the Commissioner’s concerns with the Reply Witness Statement are not fully resolved further to the discussions between the parties, the Commissioner shall have the right to challenge the admissibility and/or weight to be given to the contents of the Reply Witness Statement at the hearing of the Application.
4. The parties shall provide a written update on the status of their discussions by the end of the day on January 4, 2021.

Annie Ruhlmann
Registry Officer
Competition Tribunal
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