



Reference: *B-Filer Inc. et al. v. The Bank of Nova Scotia*, 2006 Comp. Trib. 31  
File No.: CT-2005-006  
Registry Document No.: 0128

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER OF an application by B-Filer Inc., B-Filer Inc. doing business as GPAY GuaranteedPayment and Npay Inc. for an order pursuant to section 75 of the *Competition Act*.

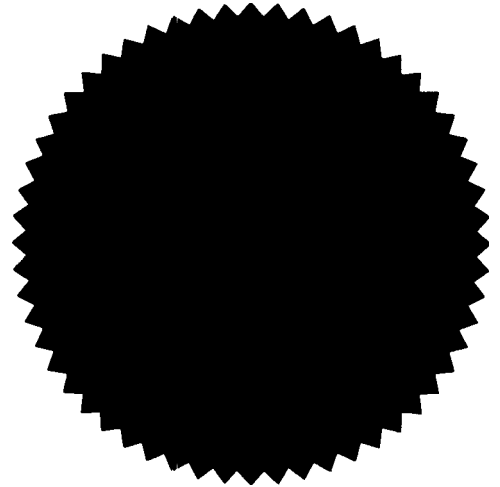
B E T W E E N :

B-Filer Inc.,  
B-Filer Inc. doing business as GPAY GuaranteedPayment and  
Npay Inc.  
(applicants)

and

The Bank of Nova Scotia  
(respondent)

Date of hearing management conference call: 20060818  
Presiding Judicial Member: Dawson J.  
Date of Order: August 21, 2006  
Order signed by: Madam Justice E. Dawson



ORDER RELATING TO MATTERS CONSIDERED AT THE HEARING  
MANAGEMENT CONFERENCE OF AUGUST 18, 2006

[1] FURTHER TO the amended notice of application filed by the Applicants pursuant to section 75 of the *Competition Act*, R.S.C. 1985, c. C-34;

[2] AND FURTHER TO the request made by counsel for the Applicants to extend the time for filing a responding expert affidavit;

[3] AND FURTHER TO the agreement of counsel to consider the preparation of a statement of agreed facts;

[4] AND FURTHER TO the agreement of counsel to consider the preparation of a joint brief of authorities;

[5] AND FURTHER TO the agreement of counsel to consider the possibility of tendering evidence in chief by affidavit;

[6] AND FURTHER TO the discussion held with counsel during the hearing management conference of August 18, 2006.

**THE TRIBUNAL ORDERS THAT :**

[7] A jointly prepared witness schedule containing the names of the witnesses and when each witness is scheduled to be called shall be filed on or before Wednesday, August 23, 2006.

[8] The Applicants shall file any written submissions with respect to the admissibility of the affidavit of David Stewart on or before Wednesday, August 23, 2006. The Respondent shall file its responding written submissions on or before Wednesday, August 30, 2006. On August 31, 2006, the Applicants will advise the Tribunal if reply submissions are required.

[9] The Applicants shall serve and file the expert affidavit of Jack. J. Bensimon on Monday, August 21, 2006.

[10] The Respondent shall serve and file any reply expert affidavits on or before Friday, August 25, 2006.

[11] Counsel for the Respondent shall advise the Tribunal on or before Friday, September 1, 2006, whether they wish to make oral submissions with respect to the Applicants' motion to declare the affidavit of Stanley Sadinsky inadmissible.

[12] At the close of the second week of the hearing, counsel shall consider and discuss with the presiding member the possibility of submitting written argument.

DATED at Ottawa, this 21<sup>st</sup> day of August, 2006.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Eleanor R. Dawson

APPEARANCES:

For the applicants:

B-Filer Inc.,  
B-Filer Inc. doing business as GPAY GuaranteedPayment  
and Npay Inc.

Michael Osborne  
Jennifer Cantwell

For the respondent:

The Bank of Nova Scotia

F. Paul Morrison  
Lisa M. Constantine  
Tanya Pagliaroli