

**FILED / PRODUIT**

Date: July 29, 2022

CT- 2022-002

Annie Ruhlmann for / pour  
REGISTRAR / REGISTRAIRE

CT-2022-002

OTTAWA, ONT.

Doc. # 130

**THE COMPETITION TRIBUNAL**

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

**AND IN THE MATTER OF** the proposed acquisition by Rogers  
Communications Inc. of Shaw Communicates Inc.; and

**AND IN THE MATTER OF** an application by the Commissioner of Competition  
for one or more orders pursuant to section 92 of the *Competition Act*

B E T W E E N:

**COMMISSIONER OF COMPETITION**

Applicant

- and -

**ROGERS COMMUNICATIONS INC. and  
SHAW COMMUNICATIONS INC.**

Respondents

### **AFFIDAVIT OF DOCUMENTS**

I, **Marisa Wyse**, of the City of Toronto, in the Province of Ontario,  
**SOLEMNLY AFFIRM THAT:**

1. I am the Chief Legal Officer, of the Respondent, Rogers Communications Inc. ("**Rogers**"), and I am duly authorized to execute this Affidavit on behalf of Rogers.
2. I have conducted or caused to be conducted a diligent search of the potentially relevant documents of Rogers and have made appropriate inquiries of others to inform myself in order to make this Affidavit.
3. This Affidavit discloses, to the full extent of my knowledge, information and belief, all of the documents relevant to any matter in issue in this proceeding that are or have been in the possession, power or control of Rogers.

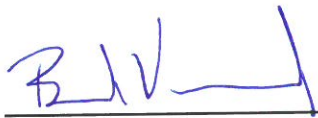
4. I have listed in Schedule "A" those documents that are in the possession, power or control of Rogers and that it does not object to producing for inspection.

5. I have listed and described in Schedule "B" those relevant documents that are or were in the possession, power or control of Rogers and that it objects to producing on the basis of privilege, and I have stated in Schedule "B" the grounds for each such claim.

6. I have listed in Schedule "C" those documents that were formerly in the possession, power or control of Rogers but are no longer in its possession, power or control, and I have stated in Schedule "C" when and how it lost possession, power over or control of them and their present location (if known).

7. To my knowledge, information and belief, Rogers has never had in its possession, power or control any documents relevant to any matter in issue in this proceeding other than those listed in Schedules "A", "B" and "C".

**DECLARED REMOTELY BY** Marisa Wyse at the City of Toronto, in the Province of Ontario, before me on the 15<sup>th</sup> day of July, 2021, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for taking affidavits  
~~Matthew R. Law~~, LSO# 59856A

Bradley Vermeersch



Marisa Wyse

CERTIFICATE OF SOLICITOR

BRADLEY VERMEERSCH

I, ~~MATTHEW R. LAW~~, CERTIFY that I have explained to the deponent of this Affidavit of Documents the necessity of making full disclosure and the possible consequences of failing to do so.

July 15, 2022



~~Matthew R. Law~~

Bradley Vermeersch

**SCHEDULE “A”**

The following are the documents that are in the possession, control or power of Rogers and that it does not object to producing for inspection:

- Documents produced by Rogers to the Commissioner of Competition (the “**Commissioner**”) on August 11, 16 and 17, 2021, in response to the Commissioner’s Supplementary Information Request to Rogers dated June 3, 2021 (“**SIR**”);
- Data produced by Rogers to the Commissioner by way of secure hard drive on or about July 11, 2022, in response to the request set out in paragraph 7(b) of the Discovery Plan dated June 28, 2022;
- Data produced by Rogers to the Commissioner on July 29, 2021, in response to the SIR; and
- Documents listed in the attached table as Schedule “A”.

**SCHEDULE “B”**

In this Schedule “B” to the Affidavit of Documents:

- **“Solicitor-client privilege”** means the privilege attaching to documents that constitute, contain or reflect confidential communications passing between a client, or an expert retained on behalf of a client, and the client’s lawyers, where the communications were made in the course of the obtaining or providing of legal advice, and the lawyers were acting in a professional capacity as lawyers;
- **“Litigation privilege”** means the privilege attaching to documents that were created or came into existence for the dominant purpose of assisting a party or its lawyers in the conduct of pending or reasonably anticipated litigation; and
- **“Without prejudice privilege”** means the privilege attached to documents constituting communications between the parties or their lawyers made for the purpose of attempting to compromise or settle the litigation or the issues between them, or expressing opinion or views on the merits of the litigation.

The following are the relevant documents that are or were in the possession, control or power of Rogers and that it objects to producing on the basis of privilege:

- Please see the attached list as Schedule “B”.

PUBLIC

**SCHEDULE "C"**

The following are the documents that were formerly in the possession, power or control of Rogers but are no longer in its possession, power or control:

None.

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**AND IN THE MATTER OF** an application by the Commissioner of Competition for one or more orders pursuant to section 92 of the Competition Act

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

- and -

ROGERS COMMUNICATIONS INC. and  
SHAW COMMUNICATIONS INC.

Respondents

**AFFIDAVIT OF MARISA WYSE  
(Sworn July 15, 2022)**

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