

**FILED / PRODUIT**

Date: July 29, 2022

CT- 2022-002

Annie Ruhlmann for / pour  
REGISTRAR / REGISTRARE

CT-2022-002

OTTAWA, ONT.

Doc. # 141

**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, **DEAN SHAIKH**, of the City of Ottawa, in the Province of Ontario,  
**SOLEMNLY AFFIRM THAT:**

1. I am the Vice President, Regulatory Affairs, of the Respondent, Shaw Communications Inc. ("**Shaw**"), and I am duly authorized to execute this Affidavit on behalf of Shaw.
2. I have conducted or caused to be conducted a diligent search of the potentially relevant documents of Shaw 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 Shaw.

4. I have listed in Schedule "A" those documents that are in the possession, power or control of Shaw 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 Shaw 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 Shaw 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, Shaw 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** Dean Shaikh stated as being located at the City of Ottawa, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, this 15<sup>th</sup> day of July, 2021, in accordance with O. Reg. 431/20, administering Oath or declaration remotely

*Sarah Cormack*

\_\_\_\_\_  
Commissioner for taking affidavits

*Dean Shaikh*

\_\_\_\_\_  
Dean Shaikh

**CERTIFICATE OF SOLICITOR**

I, **DEREK RICCI**, **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



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**SCHEDULE “A”**

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

- Documents produced by Shaw to the Commissioner of Competition (the “**Commissioner**”) on or about August 16, 2021, in response to the Commissioner’s Supplementary Information Request to Shaw dated June 3, 2021;
- Documents produced by Shaw to the Commissioner of Competition in response to paragraph 7(b) of the Discovery Plan that were provided through secure file transfers using Davies Sharefile and a Snowflake data transfer on or about July 15, 2022; and
- Documents listed in the attached table.

## 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, power or control of Shaw and that it objects to producing on the basis of privilege:

- Please see the attached list.

PUBLIC

**SCHEDULE "C"**

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

None.

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**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

**BETWEEN:**

**THE COMMISSIONER OF COMPETITION**

**Applicant**

- and -

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

**Respondents**

**AFFIDAVIT OF DEAN SHAIKH  
(Sworn July 15, 2022)**

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