# Competition Tribunal



# Tribunal de la concurrence

Citation: Canada (Commissioner of Competition) v Rogers Communications Inc., 2025 Comp

Trib 2

File No.: CT-2024-012 Registry Document No.: 10

**IN THE MATTER OF** an application by the Commissioner of Competition for one or more orders under section 74.1 of the *Competition Act*, RSC 1985, c C-34 as amended.

## BETWEEN:

**Commissioner of Competition** (applicant)

and

**Rogers Communications Inc.** (respondent)



Date of case management conference: March 11, 2025 Before: Madam Justice J. Gagné (Presiding Member)

Date of order: March 26, 2025

## **SCHEDULING ORDER**

- [1] **FURTHER TO** an application filed by the Commissioner of Competition (the "**Applicant**") on December 23, 2024, against Rogers Communications Inc. (the "**Respondent**"; collectively, the "**Parties**"), for an order pursuant to section 74.1 of the *Competition Act*, RSC, c C-34, as amended (the "**Application**");
- [2] **AND CONSIDERING** the Tribunal's *Practice Direction Regarding Timelines and Scheduling for Proceedings before the Tribunal* (the "**Timelines Direction**");
- [3] AND CONSIDERING the Parties' proposed schedules dated March 7, 2025, for the prehearing steps and the hearing of the Application; the discussions that took place during a Case Management Conference held on March 11, 2025; the Tribunal's oral direction to the Parties to revise their proposals; the Parties' revised, joint schedule dated March 20, 2025; and the Parties' joint proposed edits to their revised schedule communicated by way of email to the Registry on March 25, 2025;
- [4] AND WHEREAS the Tribunal and the Parties agreed to reconvene by the end of the summer 2025 to revisit and confirm the dates where the hearing will take place;
- [5] AND BEING SATISFIED that the schedule in this Order is appropriate and respects the principles found in subsection 9(2) of the *Competition Tribunal Act*, RSC 1985, c 19 (2<sup>nd</sup> supp), which direct the Tribunal to deal with all matters as informally and expeditiously as the circumstances and considerations of fairness permit, as well as the Timelines Direction;

#### THE TRIBUNAL ORDERS THAT:

[6] The schedule for the discovery and pre-hearing disclosure steps of the Application shall be as follows:

Friday, June 13, 2025	Service of Affidavits of Documents and delivery of documents by both Parties
Monday, June 30, 2025	Deadline for filing any motions arising from Affidavits of Documents and/or productions, including motions challenging claims of privilege
Monday, July 14, 2025	Hearing of any motions arising from Affidavits of Documents, productions and/or claims of privilege
Monday, July 28, 2025	Deadline for delivery of any additional productions resulting from any Affidavits of Documents, productions and/or claims of privilege motions (or such other date as may be ordered by the Tribunal)
Monday, August 25, 2025 – Friday, September 5, 2025	Examinations for discovery according to a schedule to be settled between counsel

Counsel for each Party shall have a maximum of three days

to conduct oral examination for discovery of a representative
of the other Party

The Tribunal will have a judicial member available on dates							
and at times to be agreed to with counsel for the Parties to							
rule	on	objections	arising	during	the	examinations	for
disco	ver	y					

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Friday, September 19, 2025	Deadline for fulfilling answers to discovery undertakings
By Tuesday, September 30, 2025	Parties to attend a Case Management Conference to review availability for hearing dates
Friday, October 3, 2025	Deadline for filing any motions arising from examinations for discovery, answers to undertakings or refusals
Friday, October 17, 2025	Hearing of any motions arising from examination for discovery, answers to undertakings or refusals
Monday, October 20, 2025	Parties to exchange proposed Agreed Statements of Fact, if any
Friday, October 31, 2025	Last day for follow-up examinations for discovery arising from undertakings given
Friday, November 7, 2025	Deadline for Parties to exchange Mediation Briefs and to deliver them to the Mediator via the Tribunal Registry
Friday, November 14, 2025	Mediation
Friday, January 9, 2026	Applicant to serve documents relied upon and witness statements
	Applicant to serve and file expert report(s), if any

Witness statements and experts reports to include confidentiality designations; confidentiality designations shall be supported by affidavit evidence justifying confidentiality designations, and the affidavit evidence shall

be filed with the Tribunal

Wednesday, February 18, 2026 Respondent to serve documents relied upon and witness statements.

Respondent to serve and file expert report(s), if any, on all matters

Witness statements and expert reports to include confidentiality designations; confidentiality designations shall be supported by affidavit evidence justifying confidentiality designations, and the affidavit evidence shall be filed with the Tribunal

Deadline to serve and file Requests to Admit

Wednesday, March 11, 2026

Applicant to serve reply documents relied upon and reply witness statements

Applicant to serve and file reply expert report(s), if any

Reply witness statements and expert reports to include confidentiality designations; confidentiality designations shall be supported by affidavit evidence justifying confidentiality designations, and the affidavit evidence shall be filed with the Tribunal

Applicant to serve list of documents proposed to be admitted without proof

Monday, March 16, 2026

Deadline for filing any motions related to the evidence (documents relied upon, witness statements and expert reports, and confidentiality designations)

Deadline to provide witness statements to the Tribunal

Thursday, March 19 2026 – Friday, March 20, 2026

Hearing of any motions related to the evidence (documents relied upon, witness statements and expert reports, and confidentiality designations)

Pre-hearing Case Management Conference

Deadline to provide documents to the Tribunal for use at the hearing (e.g., Agreed Books of Documents and Joint Briefs of Authorities), including read-ins from examinations for discovery

The Tribunal will also hear Parties' submissions on their respective proposed confidentiality designations to determine whether they should be maintained

Deadline for delivering any Agreed Statement of Facts

[7] Unless the parties and the Tribunal agree otherwise, the Tribunal shall hear all motions virtually;

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[8] The evidentiary portion of the hearing of the Application shall commence at 10:00 am on Monday, March 30, 2026, and shall be held in-person in the Hearing Room of the Tribunal located at 600-90 Sparks Street, Ottawa, Ontario. The schedule shall be as follows:

Monday, March 30, 2026 – First week of hearing (4 days)

Thursday, April 2, 2026

Tuesday, April 7, 2026 – Second week of hearing (4 days)

Friday, April 10, 2026

Tuesday, April 14, 2026 – Third week of hearing (4 days)

Friday, April 17, 2026

[9] Parties will serve and file written argument as directed by the Tribunal (but no later than noon on Monday, April 27, 2026). The Tribunal will hear oral argument on Wednesday, April 29, 2026, and Thursday, April 30, 2026, in person in Ottawa, Ontario.

[10] Alternatively, the Tribunal has also reserved June 1-18, 2026, as alternative hearing dates in the event that Rogers' legal counsel remains unavailable for the hearing to take place in March/April 2026.

DATED at Ottawa this 26th day of March 2025

SIGNED on behalf of the Tribunal by the Presiding Member.

(s) Jocelyne Gagné

### **COUNSEL OF RECORD:**

For the applicant:

Commissioner of Competition

Jonathan Hood Tanis Halpape Irene Cybulsky Kendra Wilson

# For the respondent:

Rogers Communications Inc.

Jonathan Lisus Crawford Smith Bradley Vermeersch John Carlo Mastrangelo Anita Banicevic Teraleigh Stevenson