



Fogler,
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LLP

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July 2, 2009

Reply To: Joshua R. Freeman
Direct Dial: 416.864.7621
E-mail: jfreeman@foglers.com
Our File No. 07/5264

VIA EMAIL

Honourable Justice Blanchard
Competition Tribunal
Thomas D'Arcy McGee Building
#600- 90 Sparks Street
Ottawa, Ontario
K1P 5B4

Competition Tribunal Tribunal de la concurrence	
FILED / PRODUIT July 2, 2009 CT-2008-004	
Chantal Fortin for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT.	# 0483

Dear Mr. Justice Blanchard:

**Re: Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited ("Nadeau")
CT-2008-004**

We write to you in response to the letter of Mr. Éric Lefebvre, dated June 29, 2009.

Service of Documents on June 19th, 2009

In his penultimate paragraph, Mr. Lefebvre alleges that Westco has "not yet in fact received the 'expert' witness statement of the individual that Nadeau intends to call as an expert witness." Counsel further alleges that "numerous other relevant documents that were intended to be disclosed by Nadeau have not yet been received by Westco."

Attached to the Affidavit of Service of Jessica Petrie dated June 19th, 2009, filed, are copies of each of the filing emails sent to the offices of Ogilvy Renault on that day. Also attached are two delivery failure notifications, which were the only such notifications received from their offices on that day, neither of which related to the witness statement of Dr. Rachel Oukama. Upon receipt of the two delivery failure notifications, the size of the documents attached to these emails were reduced and each was resent successfully. Attached hereto is a duplicate copy of this Affidavit of Service.

The final email sent to Ogilvy Renault on June 19th, 2009, contained the following: "We now confirm that all documents have successfully been sent." Furthermore, each service email of June 19th, 2009, contained the following statement: "If you experience any transmission problems please contact the undersigned *immediately*" (emphasis added). Our firm received no reply to any of its service emails indicating any transmission problems, save the two automatically generated notifications earlier described.

On June 26, 2009, I had a telephone conversation with Mr. Alexandre Bourbonnais of Ogilvy Renault in order to discuss the issue of redactions to the Tribunal's Order. At the conclusion of our conversation, Mr. Bourbonnais advised, for the very first time, that he was told that there may have been some errors in the transmission of documents sent via email one week prior, but had not yet confirmed same to be true. Although we had no reason to believe that the delivery of any of the documents had failed, as a courtesy to counsel I agreed to forward to Mr. Bourbonnais a CD containing electronic copies of each document served and filed on June 19th, 2009. That same day, this CD was sent via overnight courier to the address noted on counsel's letterhead, being: Ogilvy Renault, #1100-1981 McGill College Avenue, Montreal, Québec, H3A 3C1. On June 28th, 2009, we were advised by our courier that the office of Ogilvy Renault could not be found at that address and thus delivery could not be effected. After confirming that the address to which our correspondence was sent was the same as that shown on Mr. Lefebvre's letter of June 28th, 2009, we contacted Ogilvy Renault and only then learned that they had recently moved to a new location. We advised our courier of the change in address and have received confirmation that delivery was effected on the morning of June 29th, 2009 at approximately 11:45 am.

As can be seen from the foregoing, service was in fact properly effected in accordance with the *Competition Tribunal Rules*. We consider the implied accusation to the contrary in Mr. Lefebvre's letter to be inappropriate. We also request that counsel communicate with *us* in future in respect of any transmission issues or concerns, and also that they advise us of any address changes.

Dr. Ouckama Witness Statement

Nadeau's submissions of May 21st, 2009 outlined the nature of the evidence proposed to be given by Dr. Ouckama. The Tribunal's Disclosure Order required that Nadeau provide either a detailed witness statement or an expert report. As Dr. Ouckama is an employee of a corporation related to Nadeau, and could be said to have some direct knowledge, her evidence was provided by way of a detailed witness statement, with attachments, as permitted by the Disclosure Order.

As noted above, as far as we were aware, Westco has had full disclosure of this evidence since June 19th, 2009. We do not know what technical or formal objection Westco intends to raise about Nadeau "not filing an expert report". We ask in fairness, however, that it give us its position on *all* the disclosure issues well in *advance* of July 13th, 2009. We are concerned that Westco intends to again raise new issues in scheduling conference calls that we have had no opportunity to consider in advance, and about the unfairness or delay that may ensue if it is permitted to do so.

Disclosure of the Witness Statement of the Respondent Westco's Expert

Our submissions in respect of the requirement that Westco provide a witness statement for any expert it intends to call in these proceedings were made in our letter to the Competition Tribunal dated June 19th 2009, a copy of which was provided to Ogilvy Renault on that date. Our

previous submissions on the issue of disclosure dealt solely with the disclosure obligations of the Applicant, as this is the context within which Ogilvy Renault raised its concerns on the conference call of May 11th, 2009 (not by way of a formal motion), as well as within which the Competition Tribunal issued its Direction in respect of same. For that reason, the Order of the Competition Tribunal dated June 4th, 2009, entitled: "Order Regarding Disclosure by *the Applicant* in the Contempt Proceeding" (emphasis added), was silent on the issue of the disclosure obligations of the Respondent Westco. The following is provided as our Reply Submissions on this issue, which we provide in response to the submissions of the Respondent Westco served and filed on June 29, 2009.

In its Disclosure Order, this Tribunal rejected Westco's submission that contempt proceedings are in all respects analogous to true criminal proceedings, and held that the procedure is "quasi-criminal". As such, we submit it is perfectly reasonable to require Westco to disclose the substance of the proposed testimony of its expert(s) by way of provision of expert report(s).

We do not accept that any requirement to produce an expert report would "utterly vacate Westco's fundamental right to remain silent", as suggested by Mr. Lefebvre. The *Apple Computer* case he cites is not relevant to our situation, as it did not relate to expert reports at all. It was a case heard under the previous provisions of the *Federal Courts Rules*, whereunder all the evidence of both sides was given by way of affidavit only. (The Federal Court of Appeal was concerned about credibility determinations made in the absence of *viva voce* testimony.) Nadeau accepts that Westco has, as stated in the *Apple Computer* case, the right to "know the particulars of the accusation." Indeed, the essentially uncontested particulars have been known for many months as a result of the extensive pre-show-cause order process. As well, Westco retains the right, should it choose to do so, to ultimately call no defence at the hearing.

Even in true criminal proceedings, pursuant to s. 657.3(3) of the *Criminal Code*, the defence must, at least thirty days *in advance* of the hearing (or such other period as fixed by the judge), provide *notice* to the other party of his or her intention to call an expert, along with the expert's name, area of expertise, and qualifications. Accordingly, contrary to Mr. Lefebvre's suggestion, the defence is not at liberty to wait until after the prosecution has led *viva voce* evidence, "to assess whether or not expert evidence will be necessary", even in true criminal proceedings. Further, pursuant to subsection 657.3(3)(c) of the *Criminal Code*, the defence must *not later than* the close of the prosecutor's case, provide a copy of the report itself (or a summary of the opinion anticipated to be given, and the grounds therefor). Clearly, the *Criminal Code* contemplates earlier disclosure of expert reports than that sought by Westco.

In *R. v. Mousseau*, 2003 ABQB 624, the court noted that these amendments to the *Criminal Code* were aimed at ensuring fairness to the prosecution, because the defence is already protected by *Charter* disclosure requirements. The court states:

"28. It is clear that the amendments to the *Criminal Code* were intended to produce more fairness for the Crown, that is, to ensure that the Crown would get notice of expert evidence to be called by the defence. Prior to the enactment of s.

657.3, trials would often have to be adjourned because the Crown would be taken by surprise when defence would call an expert witness and the Crown would have to obtain their own expert in rebuttal or even to obtain the advice of an expert before the Crown could cross-examine the expert. This meant that there would be sometimes long delays in a trial where the guilt or innocence of an accused was at issue.

29. For a trial to be fair, each party must have notice of the nature of expert evidence to be called. For a fair trial to be efficient and orderly, that notice must be timely."

The *Mousseau* case has been referred to with approval of a number of times¹, and is a leading case on the meaning and purpose of section 657.3.

In the circumstances, Nadeau submits that it would be fair and appropriate to require Westco to produce its expert report prior to the July 13th, 2009 conference call, or in the alternative, at least two weeks prior to the commencement of the hearing. In any event, Westco should be required at a minimum to provide the basic information referred to in s. 657.3(3)(a) of the *Criminal Code* prior to July 13th, 2009. The calling of experts by Westco will undoubtedly affect the scheduling of the hearing, as well as impact the pre-hearing matters to be dealt with on that day.

Yours truly,

FOGLER, RUBINOFF LLP



Joshua R. Freeman
JRF/ma

cc: Leah Price, Fogler, Rubinoff LLP
cc: Éric Lefebvre, Ogilvy Renault LLP

¹ See, for example, *R. v. Mombourquette*, 2003 CarswellOnt 5860 (Ont. S.C.J.)
R. v. Rahman, 2008 CarswellBC 2929 (B.C.S.C.)

COMPETITION TRIBUNAL

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

AND IN THE MATTER of an Application by Nadeau Ferme Avicole Limitée/Nadeau Poultry Farm Limited for an Order pursuant to section 75 of the *Competition Act*.

BETWEEN:

**NADEAU FERME AVICOLE LIMITÉE/
NADEAU POULTRY FARM LIMITED**

Applicant

AND

**GROUPE WESTCO INC. AND GROUPE DYNACO, COOPÉRATIVE
AGROALIMENTAIRE AND VOLAILLES ACADIA S.E.C. AND
VOLAILLES ACADIA INC./ACADIA POULTRY INC.**

Respondents

**AFFIDAVIT OF SERVICE
Sworn June 19, 2009**

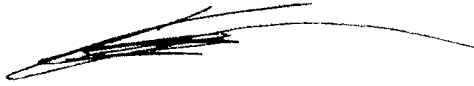
I, Jessica Petrie, of the City of Mississauga, in the Province of Ontario, swear that:

1. On Friday, June 19, 2009, I served the Respondent, Groupe Westco Inc., with the following:
 - (a) List of Witnesses to be called by the Applicant (Public);
 - (b) Witness Statement of Ms. Denise Boucher (Confidential Level A and Public);
 - (c) Witness Statement of Mr. Yves Landry (Public);
 - (d) Witness Statement of Dr. Rachel Oukama (Confidential Level A and Public);
 - (e) List of Relevant Documents (Confidential Level A); and
 - (f) Copies of all documents listed in the List of Relevant Documents which are not in the Tribunal Record (confidentiality level for each noted in the List of Relevant Documents)

by sending copies of same by electronic mail to Ogilvy Renault, S.E.N.C.R.L., s.r.l., the solicitors for Groupe Westco, to the attention of Éric Lefebvre at elefbvre@ogilvyrenault.com, Denis Gascon at dgascon@ogilvyrenault.com, Alexandre Bourbonnais at abourbonnais@ogilvyrenault.com, Geoffrey Conrad at gconrad@ogilvyrenault.com and Martha Healey at mhealey@ogilvyrenault.com.

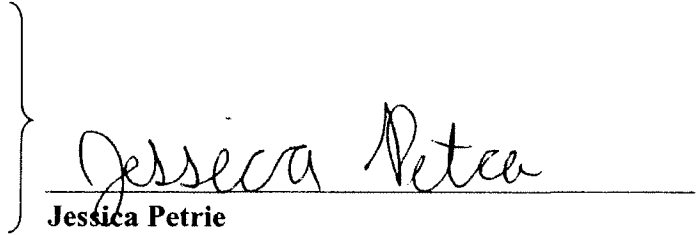
2. Copies of the e-mails are attached.

SWORN before me at the City of Toronto, in the Province of Ontario, this 19th day of June, 2009.



A Commissioner for taking affidavits.

Jessica R. FREEMAN



Jessica Petrie

Petrie, Jessica

From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 4:48 PM
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com';
'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 1
Attachments: Letter to Westco Counsel (Jun 19 2009).PDF




Dear Counsel:

Attached please find a letter from Joshua Freeman regarding the service of documents pursuant to the Order Regarding Disclosure by the Applicant in the Contempt Proceeding dated June 4th, 2009. Attached to the emails which follow will be the items enumerated therein.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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Suite 1200
Toronto, Ontario
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 (416) 941-8852
 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 4:48 PM
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com';
'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 2
Attachments: List of Witnesses.PDF; Denise Boucher Witness Statement (Level A).pdf; Denise Boucher
Witness Statement (Public).pdf

Please see attached.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




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Sent: Friday, June 19, 2009 4:48 PM
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com';
'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 3
Attachments: Yves Landry Witness Statement.PDF; Dr Ouckama Witness Statement (Level A).pdf; Dr Ouckama Witness Statement (Public).pdf

Please see attached.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 4:49 PM
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com';
'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 4
Attachments: List of Relevant Documents.pdf

Please see attached.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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 jpetrie@foglerrubinoff.com

6/19/2009

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 4:49 PM
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com';
'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 5
Attachments: Tab 15 of Document List.pdf; Tab 38 of Document List.pdf; Tab 40 of Document List.pdf; Tab 51 of Document List.pdf

Please see attached.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 4:50 PM
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com';
'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 6
Attachments: A86-1.pdf; A86-2.pdf; A86-3.pdf; A86-4.pdf; A86-5.pdf; A86-6.pdf; A86-7.pdf; A86-8.pdf

Please see the attached documentation listed as Document 3 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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 (416) 864-9700 Ext. #243
 (416) 941-8852
 jpetrie@foglerrubinoff.com

Petrie, Jessica

From: System Administrator
To: abourbonnais@ogilvyrenault.com; dgascon@ogilvyrenault.com;
elefebvre@ogilvyrenault.com; gconrad@ogilvyrenault.com; mhealey@ogilvyrenault.com
Sent: Friday, June 19, 2009 4:50 PM
Subject: Undeliverable: Delivery Status Notification (Failure)

Your message did not reach some or all of the intended recipients.

Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 6

The following recipient(s) could not be reached:

'abourbonnais@ogilvyrenault.com' on 6/19/2009 4:50 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

'dgascon@ogilvyrenault.com' on 6/19/2009 4:50 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

'elefebvre@ogilvyrenault.com' on 6/19/2009 4:50 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

'gconrad@ogilvyrenault.com' on 6/19/2009 4:50 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

'mhealey@ogilvyrenault.com' on 6/19/2009 4:50 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 4:56 PM
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 6

Dear Counsel:

Due to transmission errors caused by the size of certain items enumerated in the List of Relevant Documents which the Applicant has attempted to produce we will re-send these documents in smaller parts shortly.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:02 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 7
Attachments: A86-1.pdf; A86-2.pdf

Please see attached part 1 of the documentation listed as Document 3 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:03 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 8
Attachments: A86-3.pdf; A86-4.pdf

Please see attached part 2 of the documentation listed as Document 3 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:05 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 9
Attachments: A86-5.pdf; A86-6.pdf

Please see attached part 3 of the documentation listed as Document 3 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:06 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 10
Attachments: A86-7.pdf; A86-8.pdf

Please see attached part 4 of the documentation listed as Document 3 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com';
'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 7
Attachments: A87-1.pdf; A87-2.pdf; A87-3 page 23.pdf; A87-3.pdf; A87-4.pdf; A87-5.pdf; A87-6.pdf; A87-7.pdf

Please see the attached documentation listed as Document 4 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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Barristers and Solicitors
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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:07 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'aboutbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 11
Attachments: A87-1.pdf; A87-2.pdf

Please see attached part 1 of the documentation listed as Document 4 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:13 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'aboutbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 12
Attachments: A87-3 page 23.pdf; A87-3.pdf; A87-4.pdf

Please see attached part 2 of the documentation listed as Document 4 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
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Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:15 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'aboutbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 13
Attachments: A87-5.pdf; A87-6.pdf

Please see attached part 3 of the documentation listed as Document 4 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 (416) 941-8852
 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:16 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 14
Attachments: A87-7.pdf; A87-8.pdf

Please see attached part 4 of the documentation listed as Document 4 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 (416) 941-8852
 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 4:51 PM
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com';
'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 8
Attachments: A88-1.pdf; A88-2.pdf; A88-3.pdf; A88-4.pdf; A88-5.pdf; A88-6.pdf; A88-7.pdf; A88-8.pdf

Please see the attached documentation listed as Document 5 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 (416) 864-9700 Ext. #243
 (416) 941-8852
 jpetrie@foglerrubinoff.com

Petrie, Jessica

From: System Administrator
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com';
'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Sent: Friday, June 19, 2009 4:51 PM
Subject: Undeliverable: Delivery Status Notification (Failure)

Your message did not reach some or all of the intended recipients.

Subject: Nadeau - Westco - CT-2008-004 - Service of Documents 8

The following recipient(s) could not be reached:

'abourbonnais@ogilvyrenault.com' on 6/19/2009 4:51 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

'dgascon@ogilvyrenault.com' on 6/19/2009 4:51 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

'elefebvre@ogilvyrenault.com' on 6/19/2009 4:51 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

'gconrad@ogilvyrenault.com' on 6/19/2009 4:51 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

'mhealey@ogilvyrenault.com' on 6/19/2009 4:51 PM

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<fr_exchange.frllpw2k3.com #5.2.3 smtp;450 5.2.3 Msg Size greater than allowed by Remote Host>

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:18 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 15
Attachments: A88-1.pdf; A88-2.pdf

Please see attached part 1 of the documentation listed as Document 5 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:19 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com';
'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com';
'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 16
Attachments: A88-3.pdf; A88-4.pdf

Please see attached part 2 of the documentation listed as Document 5 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:20 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'aboutbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 17
Attachments: A88-5.pdf; A88-6.pdf

Please see attached part 3 of the documentation listed as Document 5 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:22 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 18
Attachments: A88-7.pdf; A88-8.pdf

Please see attached part 4 of the documentation listed as Document 5 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:23 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'aboutbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 19
Attachments: A89-1.pdf, A89-2.pdf

Please see attached part 1 of the documentation listed as Document 6 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:24 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 20
Attachments: A89-3.pdf; A89-4.pdf

Please see attached part 2 of the documentation listed as Document 6 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:25 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 21
Attachments: A89-5.pdf; A89-6.pdf

Please see attached part 3 of the documentation listed as Document 6 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:27 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 22
Attachments: A89-7.pdf; A89-8.pdf

Please see attached part 4 of the documentation listed as Document 6 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:28 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 23
Attachments: A90-1.pdf; A90-2.pdf

Please see attached part 1 of the documentation listed as Document 7 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:30 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'aboutbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefbvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 24
Attachments: A90-3.pdf, A90-4.pdf

Please see attached part 2 of the documentation listed as Document 7 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:31 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 25
Attachments: A90-5.pdf; A90-6.pdf

Please see attached part 3 of the documentation listed as Document 7 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:32 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 26
Attachments: A90-7.pdf; A90-8.pdf

Please see attached part 4 of the documentation listed as Document 7 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:33 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 -- Filing/Service of Documents 27
Attachments: A91-1.pdf; A91-2.pdf

Please see attached part 1 of the documentation listed as Document 8 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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 (416) 941-8852
 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:35 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefevre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 28
Attachments: A91-3.pdf; A91-4.pdf

Please see attached part 2 of the documentation listed as Document 8 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

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 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:36 PM
To: 'Filing_Depot@ct-tc.gc.ca'; 'jos.larose@ct-tc.gc.ca'
Cc: Price, Leah; Freeman, Joshua R.; 'aboutbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Subject: Nadeau - Westco - CT-2008-004 – Filing/Service of Documents 29
Attachments: A91-5.pdf; A91-6.pdf

Please see attached part 3 of the documentation listed as Document 8 to the List of Relevant Documents.

If you experience any transmission problems please contact the undersigned immediately.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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 (416) 864-9700 Ext. #243
 (416) 941-8852
 jpetrie@foglerrubinoff.com

Petrie, Jessica




From: Petrie, Jessica on behalf of Freeman, Joshua R.
Sent: Friday, June 19, 2009 5:39 PM
To: 'abourbonnais@ogilvyrenault.com'; 'dgascon@ogilvyrenault.com'; 'elefebvre@ogilvyrenault.com'; 'gconrad@ogilvyrenault.com'; 'mhealey@ogilvyrenault.com'
Cc: Price, Leah; Freeman, Joshua R.
Subject: Nadeau - Westco - CT-2008-004 – Service of Documents 30

Dear Counsel:

We now confirm that all documents have successfully been sent. We apologize for any inconvenience you may have experienced as a result of the delay in service caused by the transmission errors.

Jessica Petrie
Legal Assistant to Joshua Freeman, Rodney Northey and Andrea McCrae

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