

File No.

THE COMPETITION TRIBUNAL

IN THE MATTER OF an Application by the Commissioner of Competition for an Interim Order pursuant to section 100 of the *Competition Act*, R.S.C 1985, c. C-34, as amended;

AND IN THE MATTER OF an Inquiry pursuant to subsection 10(1)(b) of the *Competition Act*, R.S.C 1985, c. C-34, as amended, into the proposed acquisition by Labatt Brewing Company Limited of all of the outstanding units of Lakeport Brewing Income Fund.

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

- and -

LABATT BREWING COMPANY LIMITED

LAKEPORT BREWING INCOME FUND

LAKEPORT BREWING LIMITED PARTNERSHIP

ROSETO INC.

TERESA CASCIOLI

Respondents

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE FILED / PRODUIT CT-2007-003 March 22, 2007 Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 0001

NOTICE OF APPLICATION

TAKE NOTICE THAT the Commissioner of Competition will make application, on Monday, the 26th day of March, 2007, at the Competition Tribunal,

Thomas D'Arcy McGee Building, Suite 600, 90 Sparks Street, Ottawa, Ontario, at 10:00 a.m. or as soon as possible thereafter.

1. THE APPLICATION IS FOR:

- (a) an Order prohibiting Labatt Brewing Company Limited ("Labatt") from accepting for payment, taking up, purchasing or paying for any units of Lakeport Brewing Income Fund ("Lakeport Fund");
- (b) an Order prohibiting the Respondents Teresa Cascioli and Roseto Inc. from converting their respective interests in Lakeport Brewing Limited Partnership into units of the Lakeport Fund and from depositing their interests or units in acceptance of Labatt's offer to purchase, as set out in the Founder's Agreement dated January 31, 2007, between Labatt, Teresa Cascioli and Roseto Inc. ("**Founder's Agreement**");
- (c) an Order pursuant to section 100 of the *Competition Act* forbidding any other act or thing which the Tribunal considers may constitute or be directed toward the completion or implementation of the proposed acquisition by Labatt of all of the outstanding units of the Lakeport Fund ("**Proposed Acquisition**") ; and
- (d) such further and other order as this Honourable Tribunal deems appropriate.

2. THE GROUNDS OF THE APPLICATION ARE:

- (a) the parties to the Proposed Acquisition and the Founder's Agreement have advised that they intend to complete the Proposed Acquisition on Thursday, March 29, 2007;
 - (b) an inquiry is being made under section 10(1)(b) of the *Competition Act* into the Proposed Acquisition;
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- (c) in the Commissioner's opinion more time is required to complete the inquiry;
 - (d) the Tribunal's ability to remedy the effects of the Proposed Acquisition on competition will be substantially impaired because the Proposed Acquisition will be difficult to reverse; and
 - (e) such further and other grounds as counsel may advise and this Honourable Tribunal permit.
3. The Applicant relies on sections 10 and 100 of the *Competition Act* and Rules 23, 24, 25 and 26 of the *Competition Tribunal Rules*, S.O.R. 94/290, as amended.
 4. The Commissioner requests that this application be held in the English language.
 5. The documents for the hearing shall be filed in paper format.

DATED at Gatineau, Quebec, this 19th Day of March, 2007.



Sheridan Scott
Commissioner of Competition
Place du Portage, Phase I
21st Floor – 50 Victoria Street
Gatineau, Quebec K1A 0C9

Telephone: (819) 997-3301
Facsimile: (819) 953-5013

TO: THE REGISTRAR OF THE COMPETITION TRIBUNAL

AND TO THE RESPONDENTS:

Labatt Brewing Company Ltd.
299-207 Queen's Quay West
P.O. Box 133
Toronto, Ontario M5J 1A7

Lakeport Brewing Income Fund
201 Burlington Street East
Hamilton, Ontario L8L 4H2

Lakeport Brewing Limited Partnership
201 Burlington Street East
Hamilton, Ontario L8L 4H2

Roseto Inc.
201 Burlington Street East
Hamilton, Ontario L8L 4H2

Teresa Cascioli
201 Burlington Street East
Hamilton, Ontario L8L 4H2

THE COMMISSIONER OF COMPETITION

and

LABATT BREWING COMPANY LTD. *et al.*

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THE COMPETITION TRIBUNAL

Proceeding commenced at Ottawa

NOTICE OF APPLICATION

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**Solicitors for the Applicant,
The Commissioner of Competition**

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