

**Competition Tribunal**



**Tribunal de la Concurrence**

Reference: *Commissioner of Competition v. Air Canada*, 2001 Comp. Trib. 020

File no.: CT2001002

Registry document no.: 025

IN THE MATTER of an application by the Commissioner of Competition under section 79 of the *Competition Act*, R.S.C. 1985, c. C-34;

AND IN THE MATTER of the *Regulations Respecting Anti-Competitive Acts of Persons Operating a Domestic Service*, SOR/2000-324 made pursuant to subsection 78(2) of the *Competition Act*;

AND IN THE MATTER of certain practices of anti-competitive acts by Air Canada.

B E T W E E N:

**The Commissioner of Competition**  
(applicant)

and

**Air Canada**  
(respondent)

and

**WestJet Airlines Ltd.**  
(intervenor)



Date of pre-hearing conference call: 20010531

Member: Simpson J. (Presiding)

Date of order: 20010531

Order signed by: Simpson J.

**AMENDED SCHEDULING ORDER DATED MAY 31, 2001 DELETING  
MONDAY, OCTOBER 22, 2001 AS A HEARING DATE**

[1] FURTHER TO the application brought by the Commissioner of Competition (the "Commissioner") pursuant to section 79 of the Competition Act, R.S.C. 1985, c. C-34 (the "Act") for an order prohibiting Air Canada from engaging in anti-competitive practices;

[2] AND FURTHER TO the proposed schedule filed by the Commissioner on May 24, 2001;

[3] AND UPON DISCUSSING this order with counsel for all parties by conference call on May 24, 2001;

THE TRIBUNAL ORDERS THAT:

[4] The schedule for pre-hearing procedures shall be as follows:

June 2001	Documentary and oral discovery
Monday, June 25, 2001 or Wednesday, July 4, 2001	Pre-hearing conference call at 10:00 a.m. (EDT) (discovery issues), if requested by counsel
Monday, July 30, 2001	Exchange and filing of expert reports and underlying data in an electronic format, and delivery of witness will-says
Week of August 7, 2001	Pre-hearing conference (conduct of hearing), if requested by counsel
Friday, August 17, 2001	Exchange and filing of reply expert reports, delivery of reply will-says
Wednesday, August 22, 2001	Document brief to be filed.

[5] The schedule for the hearing of the application shall be as follows:

Monday, August 27 to Friday, August 31, 2001 (inclusive)

Wednesday, September 5 to Friday, September 7, 2001 (inclusive)

Monday, September 10 to Thursday, September 13, 2001 (inclusive)

Tuesday, October 23 to Friday, October 26, 2001 (inclusive)

Tuesday, November 20 to Friday, November 23, 2001 (inclusive)

Monday, November 26 to Friday, November 30, 2001 (inclusive)

DATED at Ottawa, this 31<sup>st</sup> day of May, 2001.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Sandra J. Simpson

APPEARANCES:

For the applicant:

The Commissioner of Competition

Donald B. Houston  
Suzanne Legault  
Michael Osborne

For the respondent:

Air Canada

Katherine L. Kay  
Eliot N. Kolers

For the intervenor:

WestJet Airlines Ltd.

Daniel J. McDonald, Q.C.