



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Dumping and Subsidizing

ORDER

Inquiry No. NQ-2005-001

Grain Corn

*Order issued
Tuesday, February 14, 2006*

IN THE MATTER OF an inquiry, pursuant to section 42 of the *Special Import Measures Act*, concerning unprocessed grain corn, excluding seed corn (for reproductive purposes), sweet corn and popping corn, originating in or exported from the United States of America;

AND IN THE MATTER OF a request from counsel for Maple Leaf Foods Inc. and its affiliates that Prof. Colin Carter be permitted, as an expert in agricultural economics, access to all confidential information on the record.

ORDER

WHEREAS, pursuant to subsection 45(3) of the *Canadian International Trade Tribunal Act*, the Canadian International Trade Tribunal (the Tribunal) may authorize disclosure of confidential information by counsel to experts acting under the control or direction of counsel, subject to directives from the Tribunal governing the use of such information;

UPON reading the representations of counsel for Maple Leaf Foods Inc. (Maple Leaf) and counsel for Canadian Corn Producers; and

UPON being satisfied that access to confidential information of record in this matter is reasonably required to assist in the preparation of an expert report for use in these proceedings and that Prof. Colin Carter will be acting under the direction and control of counsel for Maple Leaf;

THE TRIBUNAL ORDERS THAT:

1. Counsel may disclose to Prof. Carter the confidential information on the record.
2. In order to draft his report, Prof. Carter shall have access to the said confidential information at the Ottawa office of the law firm of Stikeman, Elliott, under the direction and control of Ms. Susan Hutton, prior to and during the hearing.
3. Prior to obtaining access to the said confidential information, Prof. Carter shall sign the attached Undertaking and Acknowledgement. Lead counsel for Maple Leaf shall countersign the said document to acknowledge that Prof. Carter is working under her direction and control.
4. Counsel for Maple Leaf shall explain the terms of this order to Prof. Carter prior to the disclosure of any confidential information.
5. The Undertaking and Acknowledgement for Prof. Carter provides that he:
 - (a) use the specified confidential information exclusively for purposes of the subject proceeding;
 - (b) not disclose, except to counsel for Maple Leaf and the Tribunal, in his report or testimony in this proceeding, any confidential information to which he has been given access;
 - (c) not photocopy any document received that contains any confidential information;
 - (d) save confidential information only on the hard drive of a stand-alone or laptop computer that is not connected to any computer network, or accessible in any manner through another computer or other means, and erase, at the completion of these proceedings, all confidential information saved on the stand-alone or laptop computer and file with the secretary of the Tribunal a certificate confirming the destruction of the said information; and

- (e) return to counsel for Maple Leaf at the end of the hearing, all confidential information, including any notes, charts, tables and memoranda created based on confidential information.

Pierre Gosselin
Pierre Gosselin
Presiding Member

James A. Ogilvy
James A. Ogilvy
Member

Elaine Feldman
Elaine Feldman
Member

Hélène Nadeau
Hélène Nadeau
Secretary

CANADIAN INTERNATIONAL TRADE TRIBUNAL

UNDERTAKING AND ACKNOWLEDGEMENT

IN THE MATTER OF an inquiry, pursuant to section 42 of the *Special Import Measures Act*, concerning unprocessed grain corn, excluding seed corn (for reproductive purposes), sweet corn and popping corn, originating in or exported from the United States of America;

WHEREAS the Tribunal issued an order dated February 14, 2006, directing that the person to whom disclosure is made shall not disclose any of the confidential information to any person and shall not use the confidential information for any purpose, other than in and for the purpose of this inquiry.

UNDERTAKING

I, Colin Carter, undertake:

- (a) to use the information disclosed under the conditions of this undertaking exclusively for purposes of the subject proceeding;
- (b) not to disclose, except to counsel for Maple Leaf and to the Tribunal, in my report or testimony in this proceeding, any confidential information to which I have been given access;
- (c) not to photocopy any document received that contains any confidential information;
- (d) to keep confidential the information disclosed under the conditions of this undertaking;
- (e) to save confidential information only on the hard drive of a stand-alone or laptop computer that is not connected to any computer network, or accessible in any manner through another computer or other means, and erase, at the completion of these proceedings, all confidential information saved on the stand-alone or laptop computer and file with the Secretary of the Tribunal a certificate confirming the destruction of the said information; and
- (f) to return to counsel for Maple Leaf, any notes, tables and memoranda created based on that confidential information at the end of my participation in this proceeding.

ACKNOWLEDGEMENT

I hereby acknowledge that disclosure by me of some or all of the confidential information to which I have been given access could result in economic harm to the person(s) to whose business affairs the confidential information relates.

Signature: _____

Name: Colin Carter

Address: _____

Fax: _____

E-mail: _____

Countersigned by counsel for Maple Leaf—Ottawa office

Signature: _____

Name: _____

Address: _____

Fax: _____

E-mail: _____

Dated at _____ this _____ day of _____ 2006.