



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Dumping and Subsidizing

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## ORDER

Inquiry No. NQ-2005-001

Grain Corn

*Order issued  
Monday, February 20, 2006*

Canada

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 the Canadian Corn Producers that Dr. Larry J. Martin and Dr. R. Allan Mussell be permitted, as experts 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 the Canadian Corn Producers (CCP); 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 rebuttal report for use in this proceeding and that Dr. Martin and Dr. Mussell will be acting under the direction and control of counsel for the CCP;

THE TRIBUNAL ORDERS THAT:

1. Counsel may disclose to Dr. Martin and Dr. Mussell the confidential information on the record.
2. In order to draft his report, Dr. Martin and Dr. Mussell shall have access to the said confidential information at the Toronto office of the law firm of McMillan Binch Mendelsohn LLP, under the direction and control of Mr. Bill Hearn, prior to and during the hearing.
3. Prior to obtaining access to the said confidential information, Dr. Martin and Dr. Mussell shall sign the attached Undertaking and Acknowledgement. Lead counsel for the CCP shall countersign the said document to acknowledge that Dr. Martin and Dr. Mussell are working under his direction and control.
4. Counsel for the CCP shall explain the terms of this order to Dr. Martin and Dr. Mussell prior to the disclosure of any confidential information.
5. The Undertaking and Acknowledgement for Dr. Martin and Dr. Mussell provides that they:
  - (a) use the specified confidential information exclusively for purposes of the subject proceeding;
  - (b) not disclose, except to counsel for the CCP and the Tribunal, in their report or testimony in this proceeding, any confidential information to which they have 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 this proceeding, 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 the CCP, 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

Meriel V. M. Bradford  
Meriel V. M. Bradford  
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 20, 2006, directing that the persons 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**

We, Larry J. Martin and R. Allan Mussell, 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 the CCP and to the Tribunal, in our report or testimony in this proceeding, any confidential information to which we 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 this proceeding, 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 the CCP, 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: Larry J. Martin

Address: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: R. Allan Mussell  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**Countersigned by counsel for the CCP—McMillan Binch Mendelsohn LLP**

Signature: \_\_\_\_\_  
Name: Bill Hearn  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2006.