

THE COMPETITION TRIBUNAL

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

AND IN THE MATTER of an inquiry under subparagraph 10(1)(b)(ii) of the *Competition Act* relating to certain marketing practices of Premier Career Management Group Corp. and Minto Roy;

AND IN THE MATTER of an application by the Commissioner of Competition for an order under section 74.1 of the *Competition Act*;

BETWEEN:

The Commissioner of Competition

Applicant

– and –

Premier Career Management Group Corp. and
Minto Roy

Respondents

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
FILED / PRODUIT CT-2007-06 December 10, 2008	
Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 0156

COSTS BRIEF

AFFLECK GREENE McMURTRY LLP
Barristers & Solicitors
365 Bay Street, Suite 200
Toronto, Ontario M5H 2V1

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SOLICITORS FOR THE RESPONDENTS

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THE COMPETITION TRIBUNAL

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BETWEEN:

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– and –

Premier Career Management Group Corp. and
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Respondents

Respondents' Submissions on Costs

I Overview

1. Minto Roy and Premier Career Management Group ("PCMG") successfully defended themselves in this application, brought by the Commissioner of Competition.

Canada (Commissioner of Competition) v. Premier Career Management Group Corp., [2008] C.C.T.D. No. 18 (per Simpson J.) ("Reasons")

2. The Commissioner's application was fundamentally flawed because the representations at issue were not made to the public and thus do not fall within the scope of the *Competition*

Act's (the "*Act*") deceptive marketing practices provisions at all. Mr. Roy and PCMG are thus entitled to their costs, awarded as a lump sum, in the amount of \$67,980.12.

II Facts

3. The hearing took place in Vancouver, British Columbia and occurred over a period of 10 days during April and May 2008.

4. Mr. Roy appeared on his own behalf. No one appeared on behalf of the respondent PCMG. However, Mr. Roy was assisted by Michael Osborne of Affleck Greene McMurtry LLP. In particular, Mr. Osborne prepared final written submissions for Mr. Roy.

5. The Commissioner called eleven witnesses. Mr. Roy called six witnesses, including himself.

6. The Commissioner's application was dismissed by Order on July 15, 2008.

7. The Commissioner is appealing.

8. Mr. Roy's absence from his business during and in preparation for the hearing has had and continues to have a significant impact on his business. In addition to attending the hearing, Mr. Roy and two of his employees spent a considerable amount of time preparing both before and during the hearing. This meant that Mr. Roy and these employees were unable to continue with their normal business activities.

Affidavit of Minto Roy, sworn December 3, 2008, at paras. 5-8

9. Mr. Roy's absence exacerbated the negative impact of this proceeding on Mr. Roy and PCMG. During the hearing and continuing since the time of the hearing, approximately 50 PCMG clients have cancelled their contracts, representing a loss of approximately \$250,000.00. Additionally hundreds of client meetings have been cancelled and PCMG and Mr. Roy's industry reputation has been gravely affected as media appearances and speaking engagements have been cancelled.

Affidavit of Minto Roy, sworn December 3, 2008, at para. 9

10. Additionally, Mr. Roy has had to lay off six of PCMG's employees, which represents approximately 80% of its workforce and PCMG no longer has office space of its own.

Affidavit of Minto Roy, sworn December 3, 2008, at para. 9

III Argument

A. Mr. Roy and PCMG are entitled to costs

11. The general rule is that the costs of a proceeding are awarded to the successful party.

Canada (Commissioner of Competition) v. Canada Pipe Co., [2005] C.C.T.D. No. 16 (Blanchard J.) at ¶6

Ticketnet Corp. v. Canada (1999), 99 D.T.C. 5429 (F.C.T.D.) at ¶1 (Evans J.)

Mark M. Orkin, Q.C., *The Law of Costs*, 2nd ed., Vol II, (Aurora: Canada Law Book, 2008) at §1102.1

12. The respondents were successful: the Commissioner's application was dismissed in its entirety. The Tribunal's finding that the representations at issue were not made to the public within the meaning of s. 74.01(1)(a) of the *Act* means that those representations do not fall within the scope of the *Act's* deceptive marketing practices provisions at all. The Commissioner's case thus had a fundamental flaw. Mr. Roy and PCMG were, in essence, charged with an offence that is not on the books.

Reasons, supra, at ¶¶3 and 225

B. Costs should be awarded on a lump sum basis

13. Section 8.1 of the *Competition Tribunal Act* empowers the Tribunal to award the costs in accordance with the costs rules of the Federal Court. Rule 400(1) of the *Federal Courts Rules*, provides the Tribunal with discretion over the amount of costs including costs on a lump sum basis.

Canada Pipe, supra, at ¶4

R.S.C. 1985, c. 19 (2nd Supp.)

B-Filer Inc. v. Bank of Nova Scotia, [2007] C.C.T.D. No. 32 at ¶8 (Dawson J.)

SOR/98-106, as am. SOR/2007-130

14. The Tribunal favours lump sum costs awards over assessment of accounts under the Federal Court Tariff. This is in keeping with the direction to the Tribunal found in subsection 9(2) of the *Competition Tribunal Act* that all proceedings before the Tribunal shall be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit.

B-Filer, supra, ¶8

15. Following his successful defence of the Commissioner's application, the respondent Minto Roy is seeking a lump sum award of costs in the amount of \$67,980.12. This lump sum amount is based on a percentage of legal fees incurred by Mr. Roy. Since Mr. Roy was self-represented at the hearing, his costs of the hearing are based on Column III of Tariff B, in accordance with the decision of the Federal Court of Appeal in *Sherman v. Canada (Minister of National Revenue – M.N.R.)*.

Bill of Costs of the Respondents

Affidavit of Minto Roy, sworn December 3, 2008, at paras. 2-3

Sherman v. Canada (Minister of National Revenue – M.N.R.), [2004] F.C.J. No. 136 (C.A.) at ¶11 (Letourneau J.A.)

16. A calculation based entirely on Column III, Tariff B has been provided for comparison purposes. Tariff B does not provide adequate compensation for costs.

Comparative Bill of Costs of the Respondents

C. Self-represented litigants are entitled to costs

17. Recent Federal Court jurisprudence has held that a successful lay litigant is entitled not only for his out-of-pocket disbursements, but also to a reasonable lump sum, to reimburse him for lost time in pursuing his legitimate interests. Such a lump sum, as held by Mr. Justice Tietelbaum in *Canada (Attorney General) v. Kahn*, and followed by Prothonotary Hargrave in *Rahman v. Canada, (Minister of Citizenship and Immigration)* is designed to cover

disbursements for court attendance and for time spent in pursuing the self-represented litigant's legitimate interests.

Canada (Attorney General) v. Kahn, [1998] F.C.J. No. 1542 (F.C.T.D.) ¶¶33 and 37 (Teitelbaum J.)

Rahman v. Canada (Minister of Citizenship and Immigration), [2002] F.C.J. No. 198 (F.C.T.D.) at ¶32 (Hargrave, Prothonotary)

Note: there is an earlier line of cases holding that self-represented litigants are not generally entitled to counsel's fees. See *Lavigne Canada (Human Resources Development)*, [1998] F.C.J. No. 855 (F.C.A.) and *Entreprises A.B. Rimouski Inc. v. Canada*, [2000] F.C.J. No. 501 (F.C.A.)

18. In *Stevens v. Canada (Attorney General)*, Assessment Officer Stinson conducted a review of the authorities canvassing self-represented litigants' entitlement to costs and concluded:

I think that jurisprudence such as *Okanagan* above and respected authorities such as *Orkin* above represent for lay litigants an encouraging sense of shift in the common law on costs towards embracing compensation for the time of lay litigants.

Stevens v. Canada (Attorney General), [2007] F.C.J. No. 1107 (F.C.) at ¶19 (Stinson, Assessment Officer)

19. Cases in provincial superior courts also support self-represented litigants' entitlement to costs. In *Fong v. Chan*, the Ontario Court of Appeal considered the jurisprudence covering self-represented litigants' entitlement to costs and held that "the preponderance of modern authority supports the contention that self-represented lay litigants may be awarded costs that include allowances for counsel fees."

Fong v. Chan, [1999] O.J. No. 4600 (C.A.) at ¶23 (Sharpe J.A.)

20. Further, in *Skidmore v. Blackmore*, the British Columbia Court of Appeal held that the notion that costs are awarded solely to indemnify the successful litigant for legal fees and disbursements incurred is now outdated.

Skidmore v. Blackmore (1995), 2 B.C.L.R. (3d) 201 (C.A.) at ¶28 (Cumming J.A.)

IV Order Requested

21. Minto Roy respectfully requests an Order fixing costs in favour Minto Roy and PCMG payable by the Commissioner forthwith, in the amount of \$67,980.12.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

December 10, 2008



W. Michael G. Osborne
Of Counsel for the Respondents



G.L. Sonny Ingram
Of Counsel for the Respondents

Schedule A Authorities

A. Cases

Canada (Commissioner of Competition) v. Premier Career Management Group Corp., [2008] C.C.T.D. No. 18

Canada (Commissioner of Competition) v. Canada Pipe Co., [2005] C.C.T.D. No. 16

B-Filer Inc. v. Bank of Nova Scotia, [2007] C.C.T.D. No. 32

Ticketnet Corp. v. Canada (1999), 99 D.T.C. 5429 (F.C.T.D.)

Sherman v. Canada (Minister of National Revenue – M.N.R.), [2004] F.C.J. No. 136 (C.A.)

Canada (Attorney General) v. Kahn, [1998] F.C.J. No. 1542 (F.C.T.D.)

Rahman v. Canada (Minister of Citizenship and Immigration), [2002] F.C.J. No. 198 (F.C.T.D.)

Stevens v. Canada (Attorney General), [2007] F.C.J. No. 1107 (F.C.)

Fong v. Chan, [1999] O.J. No. 4600 (C.A.)

Skidmore v. Blackmore (1995), 2 B.C.L.R. (3d) 201 (C.A.)

B. Other authorities

Mark M. Orkin, Q.C., *The Law of Costs*, 2nd ed., Vol II, (Aurora: Canada Law Book, 2008) at §1102.1

Schedule B Statutes & Regulations

8.1 of *Competition Tribunal Act*

Costs

8.1 (1) The Tribunal may award costs of proceedings before it in respect of reviewable matters under Parts VII.1 and VIII of the *Competition Act* on a final or interim basis, in accordance with the provisions governing costs in the Federal Court Rules, 1998.

Payment

(2) The Tribunal may direct by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Award against the Crown

(3) The Tribunal may award costs against Her Majesty in right of Canada.

Costs adjudged to Her Majesty in right of Canada

(4) Costs adjudged to Her Majesty in right of Canada shall not be disallowed or reduced on taxation by reason only that counsel who earned the costs, or in respect of whose services the costs are charged, was a salaried officer of Her Majesty in right of Canada performing those services in the discharge of that counsel's duty and remunerated for those services by salary, or for that or any other reason was not entitled to recover any costs from Her Majesty in right of Canada in respect of the services so rendered.

Amounts to Receiver General

(5) Any money or costs awarded to Her Majesty in right of Canada in a proceeding in respect of which this section applies shall be paid to the Receiver General.

2002, c. 16, s. 17.

9(2) of *Competition Tribunal Act*

Proceedings

9.(2) All proceedings before the Tribunal shall be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit.

Rule 400(1) *Federal Court Rules*

Discretionary powers of Court

400. (1) The Court shall have full discretionary power over the amount and allocation of costs and the determination of by whom they are to be paid.

File No.: CT-2007-006

COMPETITION TRIBUNAL

BETWEEN:

The Commissioner of Competition
Applicant

- and -

Premier Career Management Group
Corporation and Minto Roy

Respondents

RESPONDENTS' SUBMISSIONS ON COSTS

AFFLECK GREENE McMURTRY LLP
Barristers & Solicitors
365 Bay Street, Suite 200
Toronto, Ontario M5H 2V1

Michael Osborne
LSUC#: 40976K
Tel: (416) 360-5919
Fax: (416) 360-5960
Email: mosborne@agmlawyers.com

SOLICITORS FOR THE RESPONDENTS

File No.: CT-2007-006

THE COMPETITION TRIBUNAL

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

AND IN THE MATTER of an inquiry under subparagraph 10(1)(b)(ii) of the *Competition Act* relating to certain marketing practices of Premier Career Management Group Corp. and Minto Roy;

AND IN THE MATTER of an application by the Commissioner of Competition for an order under section 74.1 of the *Competition Act*;

BETWEEN:

The Commissioner of Competition

Applicant

– and –

Premier Career Management Group Corp.
and Minto Roy

Respondents

AFFIDAVIT OF MINTO ROY(sworn ~~November~~ 3, 2008)December
A

I, **Minto Roy**, of the City of Vancouver, in the Province of British Columbia, MAKE AN OATH AND SAY THAT:

1. I am a respondent in this matter and the owner and president of the respondent Premier Career Management Group Corp. ("PCMG").
2. I attach as exhibits the following invoices from my lawyers:

- 2 -

<i>Exhibit</i>	<i>Law firm</i>	<i>Time frame</i>
"A"	Alexander Holburn Beaudin & Lang LLP	January 10, 2007 – April 2, 2007
"B"	Harper Grey LLP	October 1, 2007 – December 19, 2007

3. To the best of my knowledge, the disbursements listed in these invoices were paid by the law firms and were either paid or are payable by me and/or PCMG.

4. In addition, I paid \$1,650.07 to obtain transcripts of the hearing. I have not been provided all the invoices for the transcripts but have provided what I understand to be two of the three payments made. Copies of these two invoices are attached as Exhibit "C".

5. During the hearing of this application I was self-represented in the Tribunal. This meant that in addition to attending the hearing every day, I had to work evenings preparing my case for the next day. I also spent a considerable amount of time in preparation before the start of the hearing.

6. In addition to the approximately 50 hours of hearing time, I estimate that I spent 200 hours before the hearing and during the evenings, early mornings and on weekends in preparation.

7. My normal billing rate for consulting services is \$500.00 per hour. Consequently the time spent in preparation and in the hearing is theoretically worth up to \$100,000.00.

8. Apart from the theoretical value of this time, my absence from the business as a result of this case has had a tremendous impact:

- a) During the course of the hearing I was unable to continue with my normal business activities, including providing career coaching to clients and networking to develop new business.

- 3 -

- b) I also involved several of my staff in preparing for the hearing, including Tom Locke, our Executive Vice President and Kathy Parson, our Office Manager. I would estimate that these employees spent, collectively 100 hours in preparation for this case.

9. My absence from the business during the hearing aggravated the impact of the this proceeding has had and continues to have on PCMG. Effects of this proceeding include:

- a) Since the time of the hearing in April-May, 2008, approximately 50 PCMG clients have cancelled their contracts. I believe that these cancellations stem from the Bureau's allegations. These 50 contracts represent \$250,000 in lost revenue.
- b) PCMG has also lost revenue from career coaching and recruitment contracts. Since the initial announcement of the Bureau's complaint against PCMG and myself, hundreds of client meetings have been cancelled.
- c) PCMG's and my industry reputation has been gravely affected as media appearances, speaking engagements at industry conferences have been cancelled.
- d) Following the hearing before the Tribunal, I have laid off six employees representing approximately 80% of PCMG's workforce.

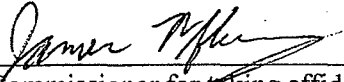
- 4 -

- e) PCMG no longer has its own office space. I am now servicing clients remotely and relying on friends and acquaintances when office space and boardrooms are required.

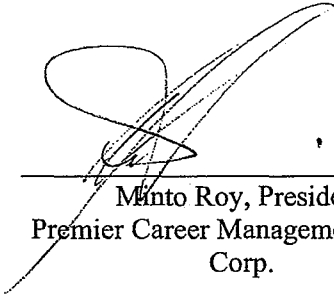
SWORN BEFORE ME at the City of
Vancouver, in the Province of British
Columbia, on ~~November~~ 3, 2008.

December





Commissioner for taking affidavits



Minto Roy, President
Premier Career Management Group
Corp.

JAMES W. PFLANZ
ROBERTSON & COMPANY LAW PARTNERS LLP
SUITE 1620, PO BOX 36
1140 WEST PENDER STREET
VANCOUVER, BC V6E 4G1
TELEPHONE: (604) 685-1620

File No.: CT-2007-006

COMPETITION TRIBUNAL

BETWEEN:**The Commissioner of Competition**

Applicant

- and -

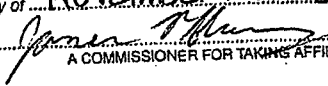
**Premier Career Management Group
Corporation and Minto Roy**

Respondents

AFFIDAVIT OF MINTO ROY
(Sworn on ~~November~~ *December* 3, 2008)

AFFLECK GREENE McMURTRY LLP
Barristers & Solicitors
365 Bay Street, Suite 200
Toronto, Ontario M5H 2V1**Michael Osborne**
LSUC#: 40976K
Tel: (416) 360-5919
Fax: (416) 360-5960
Email: mosborne@agmlawyers.com

Solicitors for the Respondents

This is Exhibit A referred to in the
affidavit of MINTO BOY
sworn before me, this 21st
day of NOVEMBER 2008

A COMMISSIONER FOR TAKING AFFIDAVITS

JAMES W. PFLANZ
ROBERTSON & COMPANY LAW PARTNERS LLP
SUITE 1620, PO BOX 36
1140 WEST PENDER STREET
VANCOUVER, BC V6E 4G1
TELEPHONE: (604) 685-1620

JUL. 16. 2008 3:36PM PCMG

NO. 720 P. 13/27

IN ACCOUNT WITH
ALEXANDER HOLBURN BEAUDIN & LANG LLP
 BARRISTERS & SOLICITORS

P.O. BOX 10057, 2700 - 700 WEST GEORGIA STREET, VANCOUVER, B.C. V7Y 1B8 TEL. (604) 888-1351 FAX (604) 889-7842

MINTO D. ROY
 PREMIER CAREER MANAGEMENT CORP
 6TH FLOOR - 1199 WEST HASTINGS
 VANCOUVER BC V6E 3T5

COPY
 DATE: FEB 25, 2007
 INVOICE NO.: 7001006
 CUI FILE NO.: 1101773
 BILLING LAWYER: DAVID T. MCKNIGHT
 INVOICE TOTAL: \$6,371.37

FEB 25, 2007
 7001006
 1101773
 DAVID T. MCKNIGHT
 \$6,371.37

ATTENTION: MINTO ROY, MANAGING DIRECTOR

SUBJECT MATTER: ROY, MINTO (PCMG) RE: DAN MIKKELSON & KAIZAD IRANI AND OTHERS

POSTED

extended July 31/07

TO ALL PROFESSIONAL SERVICES RENDERED AND COSTS INCURRED FOR THE PERIOD ENDING FEB 23, 2007

DETAILS OF PROFESSIONAL FEES:

DATE	INIT.	DESCRIPTION	HOURS
JAN 10/07	DTM	LETTER FROM M. ROY RE: INVESTIGATION BY COMPETITION BUREAU; TELEPHONE CALL TO AND TELEPHONE CALL FROM M. ROY RE: ATTENDING FOR CROSS EXAMINATION BY BUREAU	0.2
JAN 12/07	DTM	LETTER FROM M. ROY RE: ORDER TO ATTEND FOR EXAMINATION; MEETING WITH STUDENT TO REVIEW AND CONSIDER COMPETITION ACT REQUIREMENTS TO COMPEL ATTENDANCE AT EXAMINATION	0.3
JAN 16/07	MRN	RESEARCH RE: PROCEDURE UNDER COMPETITION ACT AND REQUIREMENTS OF PROCEDURAL FAIRNESS; DRAFT MEMO FOR D. MCKNIGHT	6.3
JAN 16/07	RJB	TELEPHONE CALL FROM MR. WILLIAMS REGARDING CONTINUATION OF THE TRIAL	0.1
JAN 22/07	RJB	REVIEW TRIAL NOTES AND PREPARE FOR CONTINUATION OF TRIAL OF MR. WARREN	1.5
JAN 29/07	RJB	PREPARE FOR TRIAL CONTINUATION; ATTEND TRIAL; EMAIL TO MR. WARREN REGARDING CASE LAW REFERRED TO BY JUDGE PENDLETON	8.7
JAN 30/07	RJB	CONSIDER SIMILAR FACT EVIDENCE ISSUES	0.3
FEB 01/07	DTM	REVIEWING AND CONSIDERING MEMO RE: EXAMINATION POWERS UNDER THE COMPETITION ACT; LETTER TO M. ROY RE: SAME	0.6
FEB 05/07	DTM	TELEPHONE CALL FROM M. ROY RE: EXAMINATION AT COMPETITION BUREAU; TRIAL ISSUES; DISCUSSION WITH R. BEATCH RE: SAME	0.5
FEB 05/07	RJB	REVIEW CASE LAW REGARDING SIMILAR FACT EVIDENCE AND PREPARE ARGUMENT FOR ADMISSIBILITY OF THIS EVIDENCE AT TRIAL; REVISE CASE LAW REGARDING NEGLIGENT MISREPRESENTATION AND BREACH OF CONTRACT	8.3
FEB 05/07	RJB	REVISE CLOSING ARGUMENT AND CONSIDER ISSUE OF NEGLIGENT MISREPRESENTATION	2.0
FEB 08/07	DTM	TELEPHONE CALL FROM M. ROY RE: OUTCOME OF TRIAL AND PREPARATION FOR COMPETITION BUREAU EXAMINATION	0.1
FEB 06/07	RJB	ATTEND AT TRIAL; PREPARE CLOSING ARGUMENT FOR TRIAL	5.7
FEB 07/07	RJB	EMAIL TO AND FROM CLIENT	0.3
FEB 12/07	RJB	TELEPHONE CALL FROM COURT REPORTER REGARDING TRANSCRIPTS	0.1
FEB 13/07	DTM	TELEPHONE CALL TO COMPETITION BUREAU RE: EXAMINATION OF MINTO ROY	0.1
FEB 16/07	DTM	TELEPHONE CALL TO ROGER NASSARALLAH AND ANDRE BRANTZ RE: DISCUSSING ISSUES PERTAINING TO INVESTIGATION PURSUANT TO COMPETITION BUREAU AND EXAMINATION OF FEB 27	0.5
TOTAL HOURS			<u>32.50</u>

THE PROVINCIAL SALES TAX CHARGED WITH THIS ACCOUNT WILL BE HELD "IN TRUST" FOR YOU PENDING FINALIZATION OF THE COURT ORDER AND DIRECTION FROM THE LAW SOCIETY OF B.C. AS A CONSEQUENCE OF THE DECEMBER 20, 2006 B.C. COURT OF APPEAL DECISION IN CHRISTIE V. BRITISH COLUMBIA.

ACCOUNTS ARE DUE AND PAYABLE ON RECEIPT
 INTEREST AT THE RATE OF 24% PER ANNUM WILL BE CHARGED ON OVERDUE ACCOUNTS

JUL. 16. 2008 3:36PM PCMG

NO. 720 P. 14/27

FEB 25, 2007

Page 2

Subject Matter ROY, MINTO (PCMG) RE: DAN MIKKELSON & KAIZAD IRANJ AND OTHERS
 Our File Number 1101773

GROSS FEES	\$7,150.00
LESS DISCOUNT	(1,514.00)
NET FEES	\$5,636.00
GST	338.16
PST	394.52
TOTAL FEES INCLUDING TAXES	\$6,368.68

DETAILS OF COSTS:

TAXABLE COSTS	AMOUNT
PHOTOCOPYING	1.50
FAX CHARGES	0.50
LONG DISTANCE TELEPHONE CHARGES	0.54
SUBTOTAL COSTS	2.54
GST	0.16
TOTAL COSTS INCLUDING TAXES	\$2.69
CURRENT INVOICE TOTAL	\$6,371.37

THIS IS OUR ACCOUNT HEREIN

ALEXANDER HOLBURN BEAUDIN & LANG LLP

PER:

DAVID T. MCKNIGHT
E. & O.E.

GST REGISTRATION NUMBER : 118766164
 PST REGISTRATION NUMBER : 815648

TIMEKEEPER SUMMARY

TIMEKEEPER	HOURS	RATE	TOTAL
MEGAN R. NODWELL	6.30	\$130.00	\$819.00
REBECCA J. BEATCH	24.00	\$170.00	\$4,080.00
DAVID T. MCKNIGHT	2.20	\$336.00	\$737.00
TOTALS	32.50		\$5,636.00

THE PROVINCIAL SALES TAX CHARGED WITH THIS ACCOUNT WILL BE HELD "IN TRUST" FOR YOU PENDING FINALIZATION OF THE COURT ORDER AND DIRECTION FROM THE LAW SOCIETY OF B.C. AS A CONSEQUENCE OF THE DECEMBER 20, 2005 B.C. COURT OF APPEAL DECISION IN CHRISTIE V. BRITISH COLUMBIA.

ACCOUNTS ARE DUE AND PAYABLE ON RECEIPT
 INTEREST AT THE RATE OF 24% PER ANNUM WILL BE CHARGED ON OVERDUE ACCOUNTS

07/16/2008 WED 18:29 [TX/RX NO 7986] 014

JUL. 16. 2008 3:36PM PCMG

NO. 720 P. 15/27

FEB 25, 2007

Page 3

Subject Matter ROY, MINTO (PCMG) RE: DAN MIKKELSON & KAIZAD JIRANI AND OTHERS
 Our File Number: 1101773

ACCOUNT SUMMARY

FEES	\$5,638.00
COSTS	2.84
GST	338.31
PST	394.52
CURRENT INVOICE TOTAL	\$6,371.37
TRANSFERRED FROM TRUST	0.00
TOTAL AMOUNT DUE	\$6,371.37

THE PROVINCIAL SALES TAX CHARGED WITH THIS ACCOUNT WILL BE HELD "IN TRUST" FOR YOU PENDING FINALIZATION OF THE COURT ORDER AND DIRECTION FROM THE LAW SOCIETY OF B.C. AS A CONSEQUENCE OF THE DECEMBER 20, 2003 B.C. COURT OF APPEAL DECISION IN CHRISTIE V. BRITISH COLUMBIA.

ACCOUNTS ARE DUE AND PAYABLE ON RECEIPT
 INTEREST AT THE RATE OF 24% PER ANNUM WILL BE CHARGED ON OVERDUE ACCOUNTS

07/16/2008 WED 18:29 [TX/RX NO 7886] 015

JUL 16 2008 3:36PM PCMG

NO. 720 P. 16/27

IN ACCOUNT WITH
ALEXANDER HOLBURN BEAUDIN & LANG LLP
 BARRISTERS & SOLICITORS

P.O. BOX 10057, 2700 - 700 WEST GEORGIA STREET, VANCOUVER, B.C. V7Y 1B8 TEL. (604) 688-1951 FAX (604) 689-7842

MINTO D. ROY
 PREMIER CAREER MANAGEMENT CORP
 6TH FLOOR - 1199 WEST HASTINGS
 VANCOUVER BC V6E 3T5

DATE: APR 18, 2007
 INVOICE NO.: 7002730
 OUR FILE NO.: 1107515
 BILLING LAWYER: DAVID T. MCKNIGHT
 INVOICE TOTAL: \$4,504.75

COPY

ATTENTION: MINTO ROY
 SUBJECT MATTER: COMPETITION BUREAU

POSTED July 31

TO ALL PROFESSIONAL SERVICES RENDERED AND COSTS INCURRED FOR THE PERIOD ENDING APR 18, 2007


DETAILS OF PROFESSIONAL FEES:

DATE	INT.	DESCRIPTION	HOURS	AMOUNT
FEB 23/07	DTM	TELEPHONE CALL TO M. ROY RE: PREPARATION FOR HEARING AND DISCOVERY; ISSUES PERTAINING TO SAME	0.3	100.50
FEB 26/07	DTM	CONSIDERING COMPETITION ACT REQUIREMENT AND PROCEDURES; PREPARATION FOR MEETING WITH M. ROY TO PREPARE FOR EXAMINATION PURSUANT TO SECTION 10 OF COMPETITION ACT; MEETING WITH M. ROY RE: PREPARATION FOR EXAMINATION UNDER COMPETITION ACT; REVIEWING AND CONSIDERING EVIDENCE OF M. ROY UNDER ACT	3.0	1,005.00
FEB 27/07	DTM	PREPARING FOR, AND ATTENDING EXAMINATION OF M. ROY PURSUANT TO COMPETITION ACT COMPLAINT; REVIEWING AND CONSIDERING BUREAU MATERIALS; LETTER TO M. ROY ENCLOSING SAME	6.6	2,177.50
MAR 01/07	DTM	DRAFTING AND COMPLETING LETTER TO M. ROY RE: OUTSTANDING REQUESTS FOR PARTICULARS TO SUPPORT REPRESENTATIONS; CONSIDERING COMPETITION ACT REQUIREMENTS IN TERMS OF HEARING EVIDENTIARY ISSUES	0.5	167.50
MAR 05/07	DTM	LETTER TO M. ROY REQUEST FOR OUTSTANDING DOCUMENTS; STATUS OF LIMITATION AND ADVISING OF DAMAGE AWARDS	0.2	67.00
MAR 23/07	DTM	LETTER FROM COMPETITION BUREAU RE: REQUEST FOR RESPONSE TO OUTSTANDING UNDERTAKINGS; TELEPHONE CALL TO AND LETTER TO M. ROY RE: SAME	0.2	67.00
MAR 29/07	DTM	LETTER FROM M. ROY RE: RESPONSE TO COMPETITION BUREAU REQUESTS; CONSIDERING REQUESTS; LETTER TO M. ROY AND TELEPHONE CALL TO M. ROY REQUESTING COPIES OF DOCUMENTS AND RESPONSE TO REQUESTS	0.3	100.50
MAR 26/07	DTM	TELEPHONE CALL FROM M. ROY RE: RESPONSE FROM PCMG TO REQUEST FROM COMPETITION BUREAU FOR DOCUMENT PRODUCTION	0.3	100.50
APR 02/07	DTM	LETTER TO M. ROY RE: REQUEST FOR STAUTS UPDATE ON RESPONSE TO COMPETITION BUREAU	0.1	33.50
APR 02/07	DTM	LETTER FROM M. ROY RE: INFORMATION OF STATISTICS OF CLIENT COMPLAINTS AND SATISFACTION; CONSIDERING PIPA REQUIREMENTS; DRAFT RESPONSE TO MR. LIKOFF AND LETTER TO M. ROY FOR REVIEW	0.5	167.50
TOTAL HOURS				<u>11.90</u>

THE PROVINCIAL SALES TAX CHARGED WITH THIS ACCOUNT WILL BE HELD "IN TRUST" FOR YOU PENDING FINALIZATION OF THE COURT ORDER AND DIRECTION FROM THE LAW SOCIETY OF B.C. AS A CONSEQUENCE OF THE DECEMBER 20, 2005 B.C. COURT OF APPEAL DECISION IN *CHRISTIE V. BRITISH COLUMBIA*.

ACCOUNTS ARE DUE AND PAYABLE ON RECEIPT
 INTEREST AT THE RATE OF 24% PER ANNUM WILL BE CHARGED ON OVERDUE ACCOUNTS

07/16/2008 WED 18:29 [TX/RX NO 7986] 016

This is Exhibit B referred to in the
affidavit of MINTO ROY
sworn before me, this 3
day of NOVEMBER 2008

A COMMISSIONER FOR TAKING AFFIDAVITS

JAMES W. PFLANZ
ROBERTSON & COMPANY LAW PARTNERS LLP
SUITE 1620, PO BOX 36
1140 WEST PENDER STREET
VANCOUVER, BC V6E 4G1
TELEPHONE: (604) 685-1620

JUL.16.2008 3:34PM PCMG

NO.720 P.7/27

IN ACCOUNT WITH

HARPER GREY LLP
BARRISTERS AND SOLICITORS
TRADEMARK AGENTS

3200 Vancouver Centre
P.O. Box 11504
650 West Georgia Street
Vancouver, B.C., Canada, V6B 4P7

Client : 14100
Matter : 115633
Date : 10/16/07
Invoice : 126695

Telephone (604) 687-0411
FAX (604) 669-9385
GST R119319168

MINTO ROY
6TH FLOOR, 1199 WEST HASTINGS STREET
VANCOUVER, BC V6E 3T5

MINTO ROY
Re: COMPETITION TRIBUNAL

Date: 10/16/07
Invoice: 126695

DATE	T.R.	PROFESSIONAL SERVICES	TIME	FEE
10/01/07	SLS	Obtaining law re: response to default; Preparing Memorandum of Argument and Affidavit;	7.50	1,312.50
10/02/07	MGT	Meeting with client and reviewing materials;	1.00	250.00
10/03/07	SLS	Preparing Memorandum of Argument and Affidavit re: default;	1.30	227.50
10/03/07	MGT	Meeting with S. Swan; Reviewing Argument;	0.80	200.00
10/04/07	SLS	Telephone conference with J. La Rose; Telephone conference with client; Telephone conference with S. Lilkoff; E-mail to S. Lilkoff; Correspondence from S. Lilkoff;	1.20	210.00
10/05/07	SLS	Telephone conference with client; E-mail to M. Thomas; Telephone conference with J. La Rose;	0.40	70.00
10/09/07	SLS	Preparing Response; Telephone conference with client; E-mail from J. La Rose;	3.50	612.50

** Continued on next page **

JUL 16 2008 3:35PM PCMG
 Page 4

NO. 722 P. 8/27
 Matter: 110633
 Invoice: 126695

DATE	T.R.	PROFESSIONAL SERVICES	TIME	FEE
10/09/07	MGT	Correspondence with Competition Tribunal; Briefing law re: confidentiality;	0.30	75.00
10/10/07	MGT	Telephone conference with S. Swan re: confidentiality;	0.20	50.00
10/10/07	MGT	Reviewing pleadings; Meeting with S. Swan;	0.50	125.00
10/11/07	SLS	Preparing Response;	4.60	805.00
10/11/07	MGT	Correspondence with client; Reviewing draft Response; Further correspondence with client;	0.50	125.00
10/12/07	SLS	Preparing Response; Filing Response;	3.00	525.00
10/12/07	MGT	Reviewing Response; Telephone conference with client.	1.50	375.00

Total Hours and Fees 26.30 \$4,962.50

TIME RECORDER SUMMARY	TIME	RATE	FEE
SARAH L. SWAN	21.50	175.00	3,762.50
MICHAEL G. THOMAS	4.80	250.00	1,200.00

Total Fees \$4,962.50

GST* 297.75

PST** 347.38

Total Fees and Tax \$5,607.63

DATE	DISBURSEMENTS	AMOUNT
01/04/07	Trust - Admin Fee	* 10.00
	COPIES	* 101.10
	LONG DISTANCE CALLS	* 47.36
	RIGHTFAX - OUTGOING	* 30.80

Total Disbursements \$189.26

GST* 11.36

Total Disbursements and Tax \$200.62

TOTAL FEES, DISBURSEMENTS AND TAXES DUE \$5,808.25

** Continued on next page **

JUL.16.2008 3:35PM PCMG
Page 3

NO. 728 P. 9/27
Letter: 115853
Invoice: 126695

HARPER GREY LLP



MICHAEL G. THOMAS.

JUL.16.2008 3:33PM PCMG

NO. 720 P.2/27

IN ACCOUNT WITH

HARPER GREY LLP
BARRISTERS AND SOLICITORS
TRADEMARK AGENTS

3200 Vancouver Centre
P.O. Box 11504
650 West Georgia Street
Vancouver, B.C., Canada, V6B 4P7

Client : 14100
Matter : 115633
Date : 12/21/07
Invoice : 129104

Telephone (604) 687-0411
FAX (604) 669-9385

GST R119319168

MINTO ROY
6TH FLOOR, 1199 WEST HASTINGS STREET
VANCOUVER, BC V6E 3T5

MINTO ROY
Re: COMPETITION TRIBUNAL

Date: 12/21/07
Invoice: 129104

DATE	T.R.	PROFESSIONAL SERVICES	TIME	FEE
10/15/07	SLS	Correspondence from Tribunal; Telephone conference with P. Lavoie;	0.50	87.50
10/16/07	SLS	Telephone conference with M. Roy; Correspondence from S. Lilloff;	0.70	122.50
10/16/07	MGT	Correspondence with Tribunal; Correspondence with Competition Bureau; Letter to M. Roy; Reviewing reply materials by Competition Bureau;	0.50	125.00
10/17/07	SLS	Telephone conference with P. Lavoie; Reviewing law re: success of defendant;	0.40	70.00
10/18/07	SLS	Meeting with M. Thomas; Reviewing reply;	1.00	175.00
10/23/07	MGT	Telephone conference with Competition Bureau re: issues for case disclosure, weight loss, freight forwarders;	0.50	125.00
10/23/07	SLS	Telephone conference with M. Thomas;	0.10	17.50
10/26/07	SLS	Correspondence from S. Lilloff; Obtaining law re: disclosure;	1.10	192.50
10/27/07	SLS	Memorandum to M. Thomas; Obtaining law re: disclosure;	1.40	245.00

** Continued on next page **

JUL.16.2008 3:34PM PCMG

NO.720 P.3/27

12/21/07

Matter: 115633

Page 2

Invoice: 129104

DATE	T.R.	PROFESSIONAL SERVICES	TIME	FEH
10/29/07	MGT	Reviewing application materials and meeting with S. Swan;	0.50	125.00
10/29/07	SLS	Obtaining law re; extension of time; Telephone conference with M. Roy; Preparing response re; notice to amend;	2.00	350.00
10/30/07	MGT	Reviewing materials and response; Drafting surreply and reply;	4.00	1,000.00
10/30/07	SLS	Obtaining law re; extension of time; E-mail to M. Roy; Preparing response re: notice to amend; Meeting with M. Thomas; Telephone conference with M. Roy; E-mail from S. Lilkoff;	3.90	682.50
10/31/07	MGT	Finalizing response and surreply; Meeting with S. Swan;	1.50	375.00
10/31/07	SLS	Meeting with M. Thomas; Telephone conference with M. Roy; Preparing response; Filing response;	1.70	297.50
11/01/07	SLS	E-mail from S. Lilkoff; Telephone conference with M. Roy;	0.20	35.00
11/02/07	SLS	E-mail from S. Lilkoff; E-mail to M. Thomas; E-mail to M. Roy;	0.30	52.50
11/05/07	SLS	Correspondence from Tribunal; Telephone conference with M. Roy; E-mail to M.Thomas;	0.50	87.50
11/06/07	SLS	Telephone conference with P. Lavoie; E-mail to P. Lavoie;	0.20	35.00
11/06/07	MGT	Correspondence with Tribunal;	0.10	25.00
11/07/07	MGT	Correspondence with Tribunal and reviewing materials;	0.30	75.00
11/07/07	SLS	Correspondence from Tribunal; Telephone conference with M. Roy;	0.20	35.00
11/08/07	SLS	E-mail to M. Roy;	0.10	17.50
11/09/07	SLS	E-mail from Tribunal; E-mail to Tribunal;	0.20	35.00
11/11/07	SLS	E-mail from M. Thomas;	0.10	17.50
11/11/07	MGT	Contemplating alternative courses of action; Briefing law re: proceeding against Commissioner; Correspondence with M. Roy re: releases; Reviewing issues re: conference call; Briefing law re: limitation period; Preparing for hearing;	2.50	625.00
11/13/07	SLS	E-mail from Tribunal; E-mail to Tribunal;	0.20	35.00
11/14/07	SLS	E-mail from Tribunal;	0.10	17.50
11/15/07	SLS	Telephone conference with P. Lavoie;	0.10	17.50
11/16/07	SLS	Correspondence from Tribunal; Telephone	0.40	70.00

** Continued on next page **

JUL.16.2008 3:34PM PCMG
 12/21/07
 Page 3

NO.720 P.4/27
 Matter: 115633
 Invoice: 129104

DATE	T.R.	PROFESSIONAL SERVICES	TIME	FEE
		conference with M. Roy; E-mail to M. Thomas;		
11/19/07	SLS	Attending conference call; Meeting with M. Thomas; Telephone conference with M. Roy; Memorandum re: conference call;	2.50	437.50
11/19/07	MGT	Preparing for appearance; Contemplating issues re: additional application materials; Attending conference call;	1.50	375.00
11/20/07	SLS	Telephone conference with M. Roy; Correspondence from M. Roy;	1.80	315.00
11/21/07	MGT	Reviewing releases and uses thereof;	0.30	75.00
11/23/07	SLS	E-mail to M. Roy; Reviewing documents; Letter to Tribunal; Correspondence from S. Lilkoﬀ;	2.40	420.00
11/26/07	MGT	Letter from Competition Bureau; Meeting with S. Swan;	0.20	50.00
11/26/07	SLS	Correspondence from Commissioner; E-mail to M. Thomas; E-mail to M. Roy;	1.20	210.00
11/27/07	SLS	Telephone conference with M. Roy; Preparing Affidavit; Preparing amended response;	2.00	350.00
11/28/07	SLS	Drafting amended response;	1.30	227.50
11/29/07	SLS	Drafting amended response;	0.80	140.00
11/30/07	SLS	Drafting amended response; Telephone conference with M. Roy; Affidavit of M. Roy; Obtaining law re: abuse of process;	4.90	857.50
12/01/07	SLS	Drafting amended response; Obtaining law re: Limitation Act; Obtaining law re: abuse of process;	6.70	1,172.50
12/02/07	MGT	Reviewing evidence, witnesses and documents; Meeting with S. Swan re: documents to draft;	2.00	500.00
12/02/07	SLS	Meeting with M. Thomas; Letters to S. Lilkoﬀ; Obtaining law re: Limitation Act; Obtaining law re: abuse of process; Reviewing new Competition Tribunal Rules; E-mail to M. Roy;	4.00	700.00
12/03/07	SLS	Telephone conference with M. Roy; Telephone conference with M. Roy and T. Paxton; Drafting amended response;	2.10	367.50
12/04/07	MGT	Reviewing documents; Preparing for conference call; Attending conference call;	1.50	375.00
12/04/07	SLS	Preparing for conference call; Attending conference call;	1.80	315.00
12/05/07	SLS	E-mail to M. Roy;	0.20	35.00
12/13/07	SLS	Preparing disclosure statement;	2.70	472.50

** Continued on next page **

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12/21/07
Page 4

NO.720 P.5/27
Matter: 115633
Invoice: 129104

DATE	T.R.	PROFESSIONAL SERVICES	TIME	FEE
12/14/07	SLS	Correspondence from Tribunal;	0.10	17.50
12/16/07	SLS	Preparing disclosure statement;	0.70	122.50
12/17/07	SLS	Meeting with M. Roy; Preparing disclosure statement;	5.80	1,015.00
12/18/07	MGT	Meeting with S. Swan re: document disclosure;	0.50	125.00
12/18/07	SLS	Preparing disclosure statement;	4.60	805.00
12/19/07	MGT	Reviewing disclosure documents;	0.50	125.00
12/19/07	SLS	Preparing disclosure statement; Correspondence to S. Lilkoff; Telephone conference with M. Roy.	2.10	367.50
Total Hours and Fees			79.50	\$15,142.50

TIME RECORDER SUMMARY		TIME	RATE	FEE
SARAH L. SWAN		63.10	175.00	11,042.50
MICHAEL G. THOMAS		16.40	250.00	4,100.00
Total Fees				\$15,142.50
GST*				908.55
PST**				1,059.98
Total Fees and Tax				\$17,111.03

DATE	DISBURSEMENTS	AMOUNT
	CASE LAW - CARSWELL	* 70.00
	CASE LAW - QUICKLAW	* 136.10
	COPIES	* 601.50
	LONG DISTANCE CALLS	* 10.40
	POSTAGE	* 1.62
	RIGHTFAX - OUTGOING	* 26.90
Total Disbursements		\$846.52
GST*		50.79
Total Disbursements and Tax		\$897.31

TOTAL FEES, DISBURSEMENTS AND TAXES DUE \$18,008.34

** Continued on next page **

JUL.16.2008 3:34PM PCMG
12/21/07
Page 5


NO.720 P.6/27

Matter: 115633
Invoice: 129104

HARPER GREY LLP



MICHAEL G. THOMAS

This is Exhibit C referred to in the
affidavit of MINTO PDY
sworn before me, this
day of NOVEMBER 3 2008

A COMMISSIONER FOR TAKING AFFIDAVITS

JAMES W. PFLANZ
ROBERTSON & COMPANY LAW PARTNERS LLP
SUITE 1620, PO BOX 36
1140 WEST PENDER STREET
VANCOUVER, BC V6E 4G1
TELEPHONE: (604) 685-1620

JUL 16 2008 3:38PM PCMG

NO. 720 P. 25/27

Kathy Parsons

From: Minto Roy [mroy@careerstodaycanada.com]
Sent: May 1, 2008 3:00 PM
To: 'Kathy Parsons'
Subject: Payment Receipt Confirmation/Legal Transcript expenses.

Print the receipt for our payment records. Transcript.

Minto Roy
 President
 PCMG Canada/Careers Today Canada
 6th Floor, 1199 West Hastings (at Bute), Vancouver, BC V6E 3T5

Tel: 604-609-6661
 Fax: 604-629-2887
 www.pcmgcanada.com
 www.careerstodaycanada.com
 www.pcmgexecutive.com

"Revolutionizing the World of Work"

Listen to CAREERS TODAY! radio on Saturdays at 3:00pm on CFUN 1410AM

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— Original Message —
From: "Sean Prouse" <seanp@irri.net>
To: "mroy" <mroy@careerstodaycanada.com>
Sent: Thursday, May 01, 2008 11:14 AM
Subject: Payment Receipt Confirmation

- > International Reporting Inc.
- >
- > ** Payment Receipt **
- >
- > Name: Mr. Minto Roy
- > Company: Premier Career Management Group (PCMG)
- > Invoice No.: 0060470
- > Invoice Date: April 23, 2008
- >
- > Amount Paid: \$550.00
- > Amount Owning: \$0.00
- >
- > Payment Method: Visa
- > Transaction Date: May 1, 2008
- > Authorization No.: 097698
- >

*- Bureau Transcripts.
(Legal Expense.)*

POSTED

JUL. 16. 2008 3:38PM PCMG

NO. 720 P. 26/27

International Reporting Inc.
41-5450 Canotek Rd.
Ottawa Ontario K1J 9G2
Phone: 613-748-6043

INVOICE



Premier Career Management Group (PCMG)
Minto Roy
6th Floor - 1199 West Hastings
Vancouver British Columbia V6E 3T5

Digital Court Reporting Services

Invoice #:	0080463
Date:	Apr 16th, 2008
Amount Due CAD:	\$750.00

Item	Description	Unit Cost (\$)	Quantity	Price (\$)
	Weekly advance re electronic transcripts of hearing held before the Competition Tribunal in Vancouver, B.C. week of April 14, 2008	750.00	1	750.00
Subtotal:				750.00
Total:				750.00
Amount Paid:				0.00
Balance Due CAD:				\$750.00

NOTES: Payable upon receipt. (Visa/MasterCard)

(GST # R102513991)
Website: www.irri.net Email: info@irri.net

POSTAL
PACKING 9/06

JUL 16 2008 3:39PM PCMG

NO. 720 P. 27/27

International Reporting Inc.
41-5450 Canotek Rd.
Ottawa Ontario K1J 9G2
Phone: 613-748-6043

INVOICE



Premier Career Management Group (PCMG)
Minto Roy
6th Floor - 1199 West Hastings
Vancouver British Columbia V6E 3T5

Digital Court Reporting Services

Invoice #:	0060467
Date:	Apr 21st, 2008
Amount Due CAD:	\$6.79

Item	Description	Unit Cost (\$)	Quantity	Price (\$)
	Supplying of electronic version only of hearing held before the Competition Tribunal week of April 14, 2008 in re COMMISSIONER OF COMPETITION v. PREMIER CAREER MANAGEMENT in Vancouver, B.C.	0.00	0	0.00
	April 14, 2008 pages	0.75	182	138.50
	April 15, 2008 pages	0.75	203	152.25
	April 16, 2008 pages	0.75	208	156.00
	April 17, 2008 pages - legal fees	0.75	185	138.75
	April 18, 2008 pages	0.75	183	137.25
	LESS \$760 ADVANCE	-760.00	1	-760.00
			Subtotal:	-29.25
			GST (#1) - 5%:	38.04
			Total:	6.79
			Amount Paid:	-0.00
			Balance Due CAD:	\$6.79

- Bureau transcripts

Net 30 day (GST # R102613991)
Website: www.irri.net Email: Info@irri.net

786.04

POSTED
PAYMENT

File No. CT-2007-006

COMPETITION TRIBUNALIN THE MATTER of the *Competition Act*, R.S.C. 1985, c.C-34, as amended;AND IN THE MATTER of an inquiry under subparagraph 10(1)(b)(ii) of the *Competition Act* relating to certain marketing practices of Premier Career Management Group Corp. and Minto Roy;

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

- and -

PREMIER CAREER MANAGEMENT GROUP CORPORATION

and

MINTO ROY

Respondents

Bill of Costs of the Respondents**AFFLECK GREENE McMURTRY LLP**

Barristers & Solicitors

365 Bay Street, Suite 200

Toronto, Ontario M5H 2V1

W. Michael G. Osborne

LSUC#: 40976K

Tel: (416) 360-5919

Fax: (416) 360-5960

Email: mosborne@agmlawyers.com

Solicitors for the Respondents

Statement of Experience

A claim for fees is being made with respect to the following lawyers, students-at-law, law-clerk, and self-represented party:

<u>Name</u>	<u>Initials</u>	<u>Year of Call</u>	<u>Experience</u>	<u>Partial Indemnity 60%</u>	<u>Substantial Indemnity 90%</u>	<u>Full Indemnity 100%</u>
Megan R. Nodwell	MRN	Student-at-law	0	\$ 78.00	\$ 117.00	\$ 130.00
Hooman Zargarzadeh	HZ	Student-at-law	0	\$ 90.00	\$ 135.00	\$ 150.00
Rebecca J. Beatch	RJB	2006	1	\$ 102.00	\$ 153.00	\$ 170.00
Sarah L. Swan	SLS	Student-at-law	0	\$ 105.00	\$ 157.50	\$ 175.00
Michael G. Thomas	MGT	1999	7	\$ 150.00	\$ 225.00	\$ 250.00
David T. Mcknight	DTM	1994	13	\$ 201.00	\$ 301.50	\$ 335.00
W. Michael G. Osborne	WMGO	1998	10	\$ 300.00	\$ 450.00	\$ 500.00
Svitlana Maystrenko	sm	Law clerk		\$ 81.00	\$ 121.50	\$ 135.00
Minto Roy	MR	Self-represented		\$ 360.00	\$ 360.00	\$ 500.00

(Note: Minto Roy's partial and substantial indemnity rate is calculated based on the Federal Tariff of attendance at hearing)

LUMP SUM CALCULATION

Amounts Claimed for Fees and Disbursements

Legal Fees

<u>Item</u>	<u>Initials</u>	<u>Time</u>	<u>Amount</u>		
			<u>Partial indemnity</u>	<u>Substantial Indemnity</u>	<u>Full Indemnity</u>
1 Preparation for an examination under the <i>Competition Act</i>	MRN	6.3	\$ 491.40	\$ 737.10	\$ 819.00
	RJB	24.0	\$ 2,448.00	\$ 3,672.00	\$ 4,080.00
	DTM	5.5	\$ 1,105.50	\$ 1,658.25	\$ 1,842.50
2 Attending examination of Minto Roy	DTM	6.5	\$ 1,306.50	\$ 1,959.75	\$ 2,177.50
3 Answering Undertakings	DTM	2.1	\$ 422.10	\$ 633.15	\$ 703.50
4 Preparation and filing of Memorandum of Argument in Response to the Commissioner's Revised Motion Record for an Order in Default of Response	SLS	21.5	\$ 2,257.50	\$ 3,386.25	\$ 3,762.50
	MGT	4.8	\$ 720.00	\$ 1,080.00	\$ 1,200.00
5 Preparation and filing Reply in Motion for Default Judgement	SLS	2.6	\$ 273.00	\$ 409.50	\$ 455.00
	MGT	0.5	\$ 75.00	\$ 112.50	\$ 125.00
6 Preparation and filing of Memorandum of Argument in Response to the Commissioner's Motion Record to Amend the Revised Motion Record for an Order in Default of Response	SLS	10.2	\$ 1,071.00	\$ 1,606.50	\$ 1,785.00
	MGT	6.0	\$ 900.00	\$ 1,350.00	\$ 1,500.00
7 Preparation for Case Management Conference of November 19, 2007	SLS	2.4	\$ 254.10	\$ 381.15	\$ 423.50
	MGT	2.9	\$ 652.50		\$ 725.00

8	Attending Case Management Conference of November 19, 2007	SLS	2.5	\$ 262.50	\$ 393.75	\$ 437.50
		MGT	1.5	\$ 225.00		\$ 375.00
9	Preparation and filing of Amended Response	SLS	28.1	\$ 2,950.50	\$ 4,425.75	\$ 4,917.50
		MGT	2.2	\$ 330.00		\$ 550.00
10	Attending Case Management Conference of December 4, 2007	SLS	1.8	\$ 189.00	\$ 283.50	\$ 315.00
		MGT	1.5	\$ 225.00	\$ 337.50	\$ 375.00
11	Preparation and filing of Reply	SLS	16.2	\$ 1,701.00	\$ 2,551.50	\$ 2,835.00
		MGT	1.0	\$ 150.00	\$ 225.00	\$ 250.00
12	Preparation for Hearing	WMGO	11.2	\$ 3,360.00	\$ 5,040.00	\$ 5,600.00
13	Preparation and filing of written submissions	WMGO	62.8	\$ 18,840.00	\$ 31,399.10	\$ 31,400.00
		HZ	9.7	\$ 873.00	\$ 1,309.50	\$ 1,455.00
14	Attendance at Hearing	Minto Roy	50.0	\$ 18,000.00	\$ 18,000.00	\$ 25,000.00
15	Preparation of the Bill of Costs	WMGO	1.0	\$ 300.00	\$ 450.00	\$ 500.00
		sm	10.0	\$ 810.00	\$ 1,210.00	\$ 1,350.00
	Total Fees:			\$ 60,192.60	\$82,611.75	\$ 94,958.50
	Amount subject to 6% GST (2007)			\$ 18,009.60	\$ 25,203.15	\$ 29,653.50
	GST (6%):			\$ 1,080.58	\$ 1,512.19	\$ 1,779.21
	Amount subject to 5% GST (2008)			\$ 24,183.00	\$ 39,408.60	\$ 40,305.00
	GST (5%):			\$ 1,209.15	\$ 1,970.43	\$ 2,015.25
	Amount subject to 7% PST(British Columbia)			\$ 36,009.60	\$ 43,203.15	\$ 54,653.50
	British Columbia PST (7%):			\$ 2,520.67	\$ 3,024.22	\$ 3,825.75
	TOTAL FEES INCLUDING GST AND PST			\$ 65,003.00	\$ 89,118.59	\$ 102,578.71

1

Disbursements**Subject to GST:**

Photocopies	\$ 878.29
Long Distance	\$ 154.23
Fax	\$ 61.70
Courier/postage	\$ 46.62
Case Law Research	\$ 390.81
Electronic Transcripts of Hearing	\$ 1,246.56
Total Disbursements	\$ 2,778.21

GST (5%) \$ 138.91

Not Subject to GST

Administration fee \$ 60.00

**Total Disbursements,
including GST \$ 2,977.12**

SUMMARY

	Partial Indemnity	Substantial Indemnity	Full Indemnity
Total Fees including GST and PST	\$ 65,003.00	\$ 89,118.59	\$ 102,578.71
Total Disbursements including GST	\$ 2,977.12	\$ 2,977.12	\$ 2,977.12
TOTAL AMOUNT CLAIMED	\$ 67,980.12	\$ 92,095.71	\$ 105,555.83

File No. CT-2007-006

COMPETITION TRIBUNAL

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

AND IN THE MATTER of an inquiry under subparagraph 10(1)(b)(ii) of the *Competition Act* relating to certain marketing practices of Premier Career Management Group Corp. and Minto Roy;

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant

- and -

PREMIER CAREER MANAGEMENT GROUP CORPORATION

and

MINTO ROY

Respondents

Comparative Bill of Costs of the Respondents

AFFLECK GREENE McMURTRY LLP

Barristers & Solicitors

365 Bay Street, Suite 200

Toronto, Ontario M5H 2V1

Michael Osborne

LSUC#: 40976K

Tel: (416) 360-5919

Fax: (416) 360-5960

Email: mosborne@agmlawyers.com

Solicitors for the Respondents

Statement of Experience

A claim for fees is being made with respect to the following lawyers, students-at-law, law clerk and unrepresented party:

<u>Name</u>	<u>Initials</u>	<u>Year of Call</u>	<u>Experience</u>	<u>Rate</u>
Megan R. Nodwell	MRN	Student-at-law	0	\$ 130.00
Hooman Zargarzadeh	HZ	Student-at-law	0	\$ 150.00
Rebecca J. Beatch	RJB	2006	1	\$ 170.00
Sarah L. Swan	SLS	Student-at-law	0	\$ 175.00
Michael G. Thomas	MGT	1999	7	\$ 250.00
David T. Mcknight	DTM	1994	13	\$ 335.00
W. Michael G. Osborne	WMGO	1998	10	\$ 500.00
Minto Roy	MR	Self-represented		\$ 500.00
Svitlana Maystrenko	sm	Law clerk		\$ 135.00

FEDERAL TARIFF

Counsel Fees

No.	Assessable Service	Hours	Units	\$ 120.00	Off	Allowed
<i>A. Originating Documents and Other Pleadings</i>						
A1	Preparation and filing of originating documents, other than a notice of appeal to the Federal Court of Appeal, and application records.					
A2	Preparation and filing of all defences, replies, counterclaims or respondents' records and materials.					
	Preparation and filing of Reply (2007-12-18)		7	\$ 840.00		
	Sara L. Swan	16.2				
	Michael G. Thomas	1.0				
A3	Amendment of documents, where the amendment is necessitated by a new or amended originating document, pleading, notice or affidavit of another party.					
	Preparation and filing of Amended Response (2007-12-04)		6	\$ 720.00		
	Sarah L. Swan	28.1				
	Michael G. Thomas	2.2				
<i>B. Motions</i>						
B4	Preparation and filing of an uncontested motion, including all materials					

B5	Preparation and filing of a contested motion, including materials and responses thereto.			
	Preparation and filing of Reply in Motion for Default Judgement (2007-10-18)	7	\$	840.00
	Sarah L. Swan	2.6		
	Michael G. Thomas	0.5		
	Preparation and filing of Memorandum of Argument in Response to the Commissioner's Revised Motion Record for an Order in Default of Response (2007-10-12)	7	\$	840.00
	Sara L. Swan	10.2		
	Michael G. Thomas	6.0		
	Preparation and filing of Memorandum of Argument in Response to the Commissioner's Motion Record to Amend the Revised Motion Record for an Order in Default of Response (2007-10-31)	7	\$	840.00
	Sara L. Swan	10.2		
	Michael G. Thomas	6.0		

B6 Appearance on a motion, per hour.

C. Discovery and Examinations

C7 Discovery of documents, including listing, affidavit and inspection.

C8 Preparation for an examination, including examinations for discovery, on affidavits, and in aid of execution.

	Preparation for an examination under Competition Act	5	\$	600.00
	Megan R. Nodwell	6.3		
	Rebecca J. Beatch	24.0		
	David T. Mcknight	5.5		

C9 Attending on examinations, per hour

Attending examination of Minto Roy (2007-02-27)		5	\$ 3,900.00
David T. Mcknight	6.5		

D. Pre-Trial and Pre-Hearing Procedures**D10 Preparation for conference, including memorandum.**

Preparation for Case Management Conference of November 19, 2007		6	\$ 720.00
Sara L. Swan	2.4		
Michael G. Thomas	2.9		

D11 Attendance at conference, per hour.

Attending Case Management Conference of November 19, 2007	4	3	\$ 1,440.00
Sara L. Swan	2.5		
Michael G. Thomas	1.5		
Attending Case Management Conference of December 4, 2007	3.3	3	\$ 1,188.00
Sara L. Swan	1.8		
Michael G. Thomas	1.5		

D12 Notice to admit facts or admission of facts; notice for production at hearing or trial or reply thereto.**D13 Counsel fees:****D13a preparation for trial or hearing, whether or not the trial or hearing proceeds, including correspondence, preparation of witnesses, issuance of subpoenas and other services not otherwise particularized in this Tariff; and**

Preparation for Hearing		5	\$ 600.00
W. Michael G. Osborne	11.2		

D13b preparation for trial or hearing, per day
in Court after the first day.

E. Trial or Hearing

E14 Counsel Fee:

E14A to first counsel, per hour in Court; and
Attendance at Hearing (2008-04-14 to 2008-
05-01) 3 \$ 18,000.00

Minto Roy 50.0
(representing his company and himself)

E14B to second counsel, where Court directs,
50% of the amount calculated under
paragraph (a).

E15 Preparation and filing of written
argument, where requested or permitted
by the Court

Preparation and filing of written
submissions 7 \$ 840.00

Hooman Zargarzadeh 9.70
W. Michael G. Osborne 62.8

F. Appeals to the Federal Court of Appeal

F16 Counsel fee:

F16A motion for leave to appeal and all
services prior to the hearing thereof;
and

F16B on an oral hearing of the motion for
leave to appeal, per hour.

F17 Preparation, filing and service of notice
of appeal.

F18 Preparation of appeal book.

F19 Memorandum of fact and law.

F20 Requisition for hearing.

F21 Counsel fee:

- F21A on a motion, including preparation, service and written representations or memorandum of fact and law; and
- F21B on the oral hearing of a motion, per hour.
- F22 Counsel fee on hearing of appeal:
- F22A to first counsel, per hour; and
- F22B to second counsel, where the court directs, 50% of the amount calculated under paragraph (a).

G. Miscellaneous

- G23 Attendance on a reference, an accounting or other like procedure not otherwise provided for in this Tariff, per hour.
- G24 Travel by counsel to attend a trial, hearing, motion, examination or analogous procedure, at the discretion of the Court.
- G25 Assessments of costs.
Preparation of Bill of Costs 6 \$ 720.00
W. Michael G. Osborne 1.0
Svitlana Maystrenko 10.0
- G26 Services after judgment not otherwise specified.
- G27 Such other services as may be allowed by the assessment officer or ordered by the Court.
- G28 Services in a province by students-at-law, law clerks or paralegals that are of a nature that the law society of that province authorizes them to render, 50% of the amount that would be calculated for a solicitor.

Number of Units: 77

TOTAL FEES: \$ 32,088.00

Amount subject to 6% GST \$ 11,928.00

GST(6%): \$ 715.68

Amount subject to 5% GST	\$ 2,160.00
GST(5%):	\$ 108.00
Amount subject to 7% PST(British Columbia) including Minto Roy's hearing attendance fee	\$ 29,928.00
PST on (7%)	\$ 2,094.96
TOTAL TAXES:	2,918.64

Disbursements**Subject to GST**

Photocopies	\$ 878.29
Long Distance	\$ 154.23
Fax	\$ 61.70
Courier/postage	\$ 46.62
Case Law Research	\$ 390.81
Electronic Transcripts of Hearing	\$ 1,246.56
Total Disbursements	\$ 2,778.21
GST (5%)	\$ 138.91
Not Subject to GST	
Administration fee	\$ 60.00

**Total disbursements, including
GST \$ 2,977.12**

Total taxes paid on legal fees \$ 2,918.64

TOTAL DISBURSEMENTS \$ 5,895.76

SUMMARY

TOTAL LEGAL FEES	\$32,088.00
TOTAL DISBURSEMENTS	\$ 5,895.76
TOTAL AMOUNT CLAIMED	\$37,983.76

File No.: CT-2007-006

THE COMPETITION TRIBUNAL

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

AND IN THE MATTER of an inquiry under subparagraph 10(1)(b)(ii) of the *Competition Act* relating to certain marketing practices of Premier Career Management Group Corp. and Minto Roy;

AND IN THE MATTER of an application by the Commissioner of Competition for an order under section 74.1 of the *Competition Act*;

BETWEEN:

The Commissioner of Competition

Applicant

– and –

Premier Career Management Group Corp. and
Minto Roy

Respondents

**Book of Authorities
Respondents' Submissions on Costs**

AFFLECK GREENE McMURTRY LLP
Barristers & Solicitors
365 Bay Street, Suite 200
Toronto, Ontario M5H 2V1

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SOLICITORS FOR THE RESPONDENTS

INDEX

- A. *Canada (Commissioner of Competition) v. Premier Career Management Group Corp.*, [2008] C.C.T.D. No. 18
- B. *Canada (Commissioner of Competition) v. Canada Pipe Co.*, [2005] C.C.T.D. No. 16
- C. *B-Filer Inc. v. Bank of Nova Scotia*, [2007] C.C.T.D. No. 32
- D. *Ticketnet Corp. v. Canada* (1999), 99 D.T.C. 5429 (F.C.T.D.)
- E. Mark M. Orkin, Q.C., *The Law of Costs*, 2nd ed., Vol. II, (Aurora: Canada Law Book, 2008) at §1102.1
- F. *Sherman v. Canada (Minister of National Revenue – M.N.R.)*, [2004] F.C.J. No. 136 (C.A.)
- G. *Canada (Attorney General) v. Kahn*, [1998] F.C.J. No. 1542 (F.C.T.D.)
- H. *Rahman v. Canada (Minister of Citizenship and Immigration)*, [2002] F.C.J. No. 198 (F.C.T.D.)
- I. *Stevens v. Canada (Attorney General)*, [2007] F.C.J. No. 1107 (F.C.)
- J. *Fong v. Chan*, [1999] O.J. No. 4600 (C.A.)
- K. *Skidmore v. Blackmore* (1995), 2 B.C.L.R. (3d) 201 (C.A.)