

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.

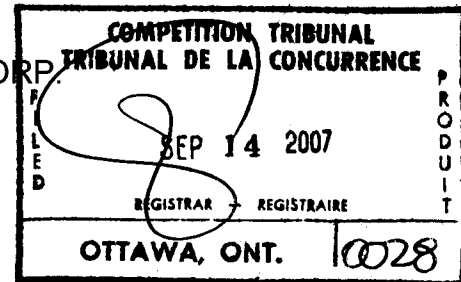
and

PREMIER CAREER MANAGEMENT GROUP CORP.

and

MINTO ROY

Respondents.



NOTICE OF MOTION FOR AN ORDER
 IN DEFAULT OF RESPONSE
 (Rules 7 and 72(1) of the *Competition Tribunal Rules* and
 Rule 210 of the *Federal Courts Rules*)

TAKE NOTICE THAT the Applicant will make a motion to the Tribunal.

The Applicant respectfully asks that this motion be heard at the earliest convenient time for the Tribunal, either in person in Ottawa or via a telephone conference.

THE MOTION IS to obtain:

- An order that the Respondents have engaged in reviewable conduct contrary to paragraph 74.01(1)(a) of the *Competition Act*;
- An order that the Respondents not engage in the reviewable conduct or substantially similar reviewable conduct;
- An order that the Respondents publish a public notice in accordance with paragraph 74.1(1)(b) of the *Competition Act*;
- An order that PCMG pay the amount of \$100,000 as an administrative monetary penalty;
- An order that Minto Roy pay the amount of \$50,000 as an administrative monetary penalty;
- The whole with costs against the Respondents, jointly.

THE GROUNDS FOR THE MOTION ARE as follows:

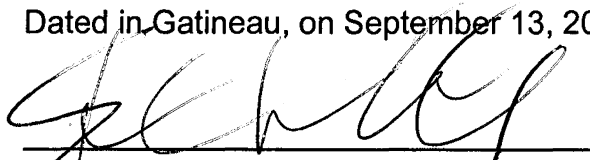
1. On May 8, 2007, the Applicant filed a Notice of Application against the Respondents;
2. The Applicant submits that the Respondents have engaged in reviewable conduct contrary to paragraph 74.01(1)(a) of the *Competition Act*;
3. The Applicant has served the Notice of Application on the Respondents;
4. The Applicant has served the Applicant's Disclosure Statement on the Respondents;
5. The time limit provided at Rule 5(2) of the *Competition Tribunal Rules* has expired for the filing of the Respondents' response;

6. The Respondents have not filed a response;
7. Pursuant to Rule 7 of the *Competition Tribunal Rules*, the Applicant seeks an order in default of response against the Respondents.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used in support of this motion:

- The affidavit of Ian Spence;
- The supplementary affidavit of Ian Spence;
- The affidavit of Tanya Threatful;
- The affidavit of Johan de Vaal;
- The affidavit of Bruce Nickson;
- The affidavit of William Warren;
- The affidavit of Rene Navarro-Gonzalez;
- The affidavit of Steve Wills;
- The draft order.

Dated in Gatineau, on September 13, 2007.



Stéphane Lilkoff / Roger Nassrallah
Justice Canada

Counsel to the Applicant.