

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

[REDACTED]

&

**MEMORANDUM OF ARGUMENT IN RESPONSE TO THE COMMISSIONER'S
MOTION RECORD TO AMEND THE REVISED MOTION RECORD FOR AN ORDER
IN DEFAULT OF RESPONSE**

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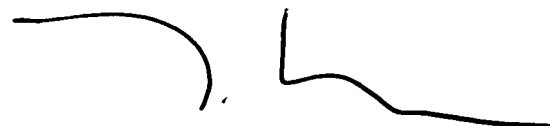
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COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
FILED	OCT 31 2007
REGISTRAR — REGISTRAIRE	
OTTAWA, ONT. 10067	

**RESPONSE TO THE COMMISSIONER'S MOTION RECORD TO AMEND THE
REVISED MOTION RECORD FOR AN ORDER IN DEFAULT OF RESPONSE**

20. The Respondents oppose the grounds of relief requested in the October 26, 2007 Notice of Motion of the Applicant for an Order to Amend the Revised Motion Record for an Order in Default of Response.
21. The application brought by the Applicant highlights the need to obtain complete particulars of the allegations. The Applicant has refused to provide particulars of the alleged misrepresentations in her pleadings. The Applicant is now attempting to add additional allegations of misrepresentation through affidavit evidence.
22. It is respectfully submitted that if the Applicant wishes to make additional allegations of misrepresentations she must first apply to amend her pleadings. Since the Applicant has not pled the specific misrepresentation contained in the supplemental material as required by Rule 181 of the *Federal Court Rules*, it is submitted that the supplemental evidence is not admissible.
23. It is submitted that the Applicant is attempting to expand the allegations against the Respondents without amending her pleadings. It is respectfully submitted that the Applicant should bring an application to amend her pleadings, and then, if successful, provide the evidence to support her allegations.

Dated: October 31, 2007



HARPER GREY LLP
(Per Michael G. Thomas)
Solicitor for the Defendants

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