



Reference: *The Commissioner of Competition v. Fabutan Corporation*, 2005 Comp. Trib. 50
File no.: CT-2005-003
Registry document no.: 0024

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

AND IN THE MATTER OF an inquiry pursuant to subsection 10(1)(b)(ii) of the *Competition Act* relating to the marketing practices of The Dosco Group Inc., Fabutan Corporation, Fabutan Studios and Douglas Scott McNabb, President, carrying on business as Fabutan Sun Tan Studios;

AND IN THE MATTER OF an application by the Commissioner of Competition for an order pursuant to section 74.01 of the *Competition Act*.

B E T W E E N :

The Commissioner of Competition
(applicant)

and

**The Dosco Group Inc., Fabutan Corporation
Fabutan Studios and Douglas Scott McNabb,
President carrying on business as Fabutan
Sun Tan Studios**
(respondents)



Date of case management conference call: 20051209
Presiding Judicial Member: Dawson J.
Date of Order: December 15, 2005
Order signed by: Madam Justice E. Dawson

**ORDER RELATING TO MATTERS CONSIDERED AT THE CASE MANAGEMENT
CONFERENCE OF DECEMBER 9, 2005**

[1] FURTHER TO the application filed by the Commissioner of Competition pursuant to section 74.1 of the *Competition Act*, R.S.C. 1985, c. C-34;

[2] AND FURTHER TO the direction to counsel dated October 26, 2005, concerning the hearing of the application;

[3] AND FURTHER TO the consent expressed by counsel for the parties during the case management conference of December 9, 2005, as to a schedule for the hearing of the application in the event the dispute resolution conference scheduled for December 20, 2005, does not lead to a resolution;

[4] AND FURTHER TO the request made by counsel for the parties for authorization to exchange amended disclosure statements;

[5] AND FURTHER TO the discussion held with counsel during the case management conference of December 9, 2005.

THE TRIBUNAL ORDERS THAT:

[6] Authorization is granted to the parties to amend their disclosure statements and the amended disclosure statements shall be served by Friday, December 23, 2005.

[7] The Respondents shall serve and file their amended response by Friday, December 23, 2005.

[8] A joint book of agreed documents and a statement of agreed facts shall be filed by Friday, December 23, 2005.

[9] A jointly prepared witness schedule containing the names of the witnesses shall be filed by Thursday, January 5, 2006.

[10] Documents filed for the purposes of the hearing shall be filed in four copies.

[11] The schedule for the hearing of the application has been tentatively set as follows:

Monday, January 9, 2006	Openings and commencement of Applicant's evidence
Tuesday, January 10 to Friday, January 13, 2006	Applicant's evidence
Monday, January 16 to Thursday, January 19, 2006	Respondents' evidence
Friday, January 20, 2006	Rebuttal evidence (if required)

Friday, January 27, 2006

Filing of written argument and joint
brief of authorities

Monday, January 30 and Tuesday
January 31, 2006

Oral argument.

[12] The parties agree that Mr. McNabb, who is self-represented, may call evidence, cross-examine adverse witnesses, and make oral and written submissions in accordance with the above schedule.

DATED at Ottawa, this 15th day of December, 2005.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Eleanor R. Dawson

APPEARANCES:

For the applicant:

The Commissioner of Competition

J. Sanderson Graham

For the respondents:

The Dosco Group Inc.

Fabutan Corporation

Fabutan Studios

Graham Price

Douglas Scott McNabb, President

Douglas McNabb