

OFFICIAL ENGLISH TRANSLATION

Citation: *Commissioner of Competition v Gestion Lebski inc.*, 2005 Comp Trib 34

File No: CT-2005-007

Registry Document No: 0122

IN THE MATTER OF the *Competition Act*, RSC 1985, c C-34, and its amendments;

AND IN THE MATTER OF an inquiry under subparagraph 10(1)(b)(ii) of the *Competition Act* in relation to the marketing practices of Gestion Finance Tamalia et al;

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

Gestion Lebski inc.
La Société de Financement Vanoit inc.
Maigrissimo inc.
Gestion Finance Tamalia inc.
9083-8434 Québec inc.
Sylvain Leblanc
(respondents)

Date of hearing by conference call: October 27, 2005

Before: Blanchard J. (presiding judicial member)

Date of order: October 28, 2005

Order signed by: Mr. Justice Edmond Blanchard

ORDER REGARDING THE SCHEDULING OF THE PROCEEDING

[1] The parties appeared before the Tribunal via conference call on October 27, 2005. During the call, the Respondents indicated that it would be impossible to file the expert report by the date set on October 14, 2005, by order of the Tribunal for a hearing on the case commencing January 9, 2006.

[2] Because of time constraints for the parties and the Tribunal, the January 9, 2006, hearing is postponed to May 1, 2006.

THE TRIBUNAL ORDERS THAT:

[3] The hearing of the case is postponed to Monday, May 1, 2006, in Montréal, and is scheduled to take three weeks.

- [i] The hearing will be conducted in French.
- [ii] The documents at the hearing will be in paper format.
- [iii] The Respondents will serve the expert affidavit(s) by no later than Friday, March 31, 2006.
- [iv] The parties will serve the expert rebuttal reports by no later than Tuesday, April 18, 2006.
- [v] The parties will file expert affidavits by no later than Friday, April 21, 2006.
- [vi] The parties will provide to the Tribunal the documents to be submitted in evidence and file their books of authorities by no later than Wednesday, April 26, 2006.

[4] A case management conference will be held on Friday, March 31, 2006, to finalize details for an efficient proceeding. A direction will be issued to confirm the time of the conference, which will be conducted by conference call. The parties will be asked to address the following issues during the conference call:

- [i] each party's witness list;
- [ii] the expected time for the examination, cross-examination and re-examination of each witness;
- [iii] the preparation of an agreed statement of facts;
- [iv] the preparation of joint documents; and
- [v] any other measure likely to facilitate the hearing of the proceeding.

Dated at Ottawa, this 28th day of October 2005.

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

(s) Edmond P. Blanchard

APPEARANCES

For the Commissioner of Competition:

Mariève Sirois-Vaillancourt
Chantal Sauriol

For the respondents:

Alexandre Ajami
Stéphane Teasdale