



References: *Commissioner of Competition v. P.V.I. International Inc.*, 2001 Comp. Trib. 32  
File no.: CT2001001  
Registry document no.: 051

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

AND IN THE MATIER of an inquiry pursuant to subparagraph 10(1)(b)(ii) of the *Competition Act* relating to the marketing practices of P.V.I. International Inc.;

AND IN THE MATIER of an application by the Commissioner of Competition for an order pursuant to section 74.1 of the *Competition Act*.

BETWEEN:

**The Commissioner of Competition**  
(applicant)

and

**P.V.I. International  
Inc. Michael Golka  
Darren Golka**  
(respondents)



Date of pre-hearing conference call: 20010814  
Members: McKeown J. (Chairman)  
Date of order: 20010815  
Order signed by: McKeown J.

**ORDER REGARDING VARIOUS ISSUES DISCUSSED AT PRE-HEARING  
CONFERENCE CALL:**

[1] FURTHER TO the application brought 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 a motion brought by the respondents concerning the manner in which they will defend the Application;

[3] AND FURTHER TO the applicant's request that the respondents not be permitted to call non-expert witnesses at the hearing;

[4] AND UPON reading the submissions of both parties and hearing from both parties at the teleconference;

THE TRIBUNAL ORDERS THAT:

[5] The statements in the *Notice of Application including the Statement of Grounds and Material Facts* are the pleadings and do not constitute evidence. The applicant has provided the respondents with a list of the witnesses who will appear on behalf of the applicant together with "will-say" statements or expert reports, in the case of expert witnesses. The respondents should have discovered Mr. Pierre Chapdelaine during the month of June, as per the Scheduling Order dated June 13, 2001. The respondents have no right to dictate the witnesses to be called by the applicant. Therefore, the motion to require Mr. Pierre Chapdelaine to appear for the applicant as a witness at the hearing is dismissed.

[6] As agreed at the pre-hearing teleconference, each party will file its own Book of Documents by August 16, 2001.

[7] The respondents will be permitted to call the two non-expert witnesses, Mr. Joel Robinson and Mr. Michael Golka, that they intend to call at the hearing for the sole purpose of introducing documents as exhibits.

[8] No time limits will be set for the examination of witnesses at this time, although this issue may be revisited during the hearing if it becomes apparent that such time limits will be necessary in order to insure that the hearing is conducted in a fair and expeditious manner and is completed by August 24, 2001 at noon.

[9] The sitting hours for the hearing will be as follows: Monday, Wednesday and Thursday from 10:00 a.m. to 1:00 p.m. and from 2:30 p.m. to 5:00 p.m. Lunch on these days will be from 1:00 p.m. to 2:30 p.m. On Tuesday, the sitting will commence at 10:00 a.m., adjourn for lunch at

12:00 p.m., recommence at 2:00 p.m. and continue until 5:00 p.m. On Friday, the sitting will commence, tentatively, at 9:00 a.m. and will terminate at 12:00 noon. There will be two fifteen minute breaks on each full-sitting day, one in the forenoon and one in the afternoon. The above sitting hours may be altered in order to accommodate the parties in further times is needed to complete the hearing by noon on Friday. Such changes will be done after consulting with the parties and will be done in order that the hearing will be completed by Friday noon.

DATED at Ottawa, this 15<sup>th</sup> day of August, 2001

(s) W.P. McKeown  
Chairman

APPEARANCES:

For the applicant:

The Commissioner of Competition

John Syme

For the respondents:

P.V.I. International Inc.

Michael Golka

Darren Golka

Michael Golka

Joel Robinson