



[CB-CDA 2023-060]

ORDER OF THE BOARD

Matter: 71-2023-01 Totem v CONNECT

November 29, 2023

[1] In Ruling 2023-057 of November 15, 2023, I indicated that a case management conference will be forthcoming.

[2] The case conference shall be held on **Friday, December 8, 2023 at 10:00 a.m.** for 90 minutes, with a 10-minute break.

[3] The primary goal of the case management conference is to establish the main steps in this proceeding. I am of the view that any process should be proportional to the scale of royalties at issue. Therefore, I favour a simple process with few steps, such as a submission of Joint Statement of Facts, leading to a written hearing with no witness testimony.

[4] Parties should be ready to speak to the following:

1. Do the Parties need any time allocated to permit further negotiations?
 - a. Do the parties wish to engage the Board staff to obtain feedback on their positions to assist in their negotiations? If requested, this staff would not disclose any information divulged in such a meeting, and would not be advising me in this proceeding in any capacity.
2. Whether the hearing should be written or oral. What should be the limits to length or duration?
3. Are there any legal issues in dispute? Should any of these issues be considered prior to other issues?
4. Are there any significant issues of fact in dispute?
 - a. Should the parties prepare a Joint Statement of Facts?

- b. If there are any significant issues of fact in dispute, how do the Parties intend on addressing these?
 - c. Will submissions of fact suffice or will witnesses be required?
 - d. Will any witnesses be cross-examined, and how?
5. Will Parties require a Confidentiality Order?
6. The time that parties would require for each anticipated step.

If a party wishes to raise any other issue, please inform the Board and other parties by **Wednesday, December 6, 2023**. Please include a brief description of the issue so that it may be added to the agenda at an appropriate place.

Luc Martineau
Case Manager