

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000126-017

DATE: October 31st, 2008

IN THE PRESENCE OF: THE HONOURABLE MICHÈLE MONAST, J.C.S.

**ASSOCIATION DE PROTECTION DES ÉPARGNANTS
ET INVESTISSEURS DU QUÉBEC (A.P.E.I.Q.)**
Plaintiff

-and-

ANDRÉ DUSSAULT
Designated Person

v.

CORPORATION NORTEL NETWORKS
Defendant

-and-

**ONTARIO PUBLIC SERVICE EMPLOYEES' UNION
PENSION PLAN TRUST FUND**
Intervenor

-and-

FONDS D'AIDE AUX RECOURS COLLECTIFS

Mise en cause

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JUDGMENT

- [1] **WHEREAS** this Court is seized with a *Requête pour l'approbation d'une distribution pour des réclamations initialement rejetées et contestées et pour la prorogation du délai quant à certaines réclamations tardives* (the «Motion»);
- [2] **WHEREAS** this Court has retained jurisdiction on this Action and Settlement for the purpose of considering any further application or matter which may arise in connection with the administration and execution of the Settlement and the processing of Proofs of Claim and the distribution of the Net Settlement Fund to Quebec class;
- [3] **ON READING** the materials filed and on hearing the submissions of Class Counsel;
- [4] **WHEREAS** the parties do not contest the conclusions of the Motion;
- [5] **FOR THESE REASONS, THIS COURT:**
- [6] **GRANTS** the present Motion subject to the issuance of concurring orders by each of the applicable Courts and in so far as the present Order applies to the Quebec class;
- [7] **ORDERS AND DECLARES** that for the purposes of this Order the definitions contained in the Stipulation and Agreement of Settlement (Nortel I) dated June 20, 2006, as well as the definitions contained in this Court's judgment rendered on April 10, 2008 (the "Initial Class Distribution Order") apply and are incorporated into this Order;
- [8] **ORDERS** that, with respect to the Quebec Class, the previously Disputed Rejected Claims now cured or found to be acceptable are approved and shall be paid forthwith in cash the equivalent amount of their Recognized Claims that has been paid to the Accepted Claimants pursuant to the Initial Class Distribution Order, provided that for each Settlement Share that would have been awarded had such claim been paid previously, the claimant shall be paid \$8.0823 USD in cash;
- [9] **ORDERS** that, with respect to the Quebec Class, the otherwise acceptable but late claims submitted from December 5, 2007 through July 24, 2008 are approved and shall be paid forthwith in cash the equivalent amount of their Recognized Claims that has been paid to the Accepted Claimants pursuant to the Initial Class Distribution Order, provided that for each Settlement Share that would have been awarded had such claim been paid previously, the claimant shall be paid \$ 8.0823 USD in cash;

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[10] **ORDERS** that cash distributions that are addressed to Quebec addresses shall be issued forthwith in Canadian dollars, and GCG is authorized to convert sufficient U.S. dollars payments, and the cash distributions made to Quebec addresses shall be based upon the exchange rate received by GCG upon such conversion;

[11] **ORDERS** that jurisdiction is retained by the Court to consider any further applications concerning the administration of the Settlement with respect to the Quebec Class, including without limitation, any further appropriate applications concerning claims by Quebec Class members that are submitted to GCG asserting that the payment provided in the initial distribution was incorrect, or relating to payments to GCG or plaintiff's counsel or the administration of the Settlement as it relates to this Action and members of the Quebec Class;

[12] **ORDERS** that, except as may be provided herein, no Proof of Claim initially submitted by any Quebec Class member after July 24, 2008 may be accepted.

[13] **THE WHOLE WITHOUT COSTS**


MICHÈLE MONAST, J.S.C.

Me Maxime Nasr, Me Daniel Belleau
Belleau, Lapointe
Attorneys for the Plaintiff and Designated Person

Me Jean-Charles René
Ogilvy, Renault
Attorney for the Defendant

Me Laurent Nahmiash
Fraser, Milner, Casgrain
Attorney of the Intervenor

Date of hearing: October 31st 2008