

Nortel Hearing

to -- I understand the group has now retained you, and you may wish to make representations on their behalf, and you have that opportunity to do so.

5 As far as this hearing, I am not convinced so far this matter should be adjourned.

MR. ROCHON: In a nutshell, Your Honour, the notice went out last week or the week before. That is when it was delivered. That is after
10 February 16th, the only meaningful --

THE COURT: The point I am trying to make, counsel, this group has been part of this settlement discussion and has participated in the negotiations, participated in the notice
15 of hearing. All of that, I am not aware of any --

MR. ROCHON: Yes. I am not disputing that, Your Honour. My point relates to the objectors and for them to have meaningful
20 rights, we are here to represent, no notice to those individuals. So the objectors, and we have 30 of them here, their rights, have been extinguished through this process, because they have not had meaningful notice.

25 The timeline, there was pressure to get this

Nortel Hearing

moving, but to have the notice given, really, takes away any meaningful rights that the objecting parties had. That is the group that we are focussed on, and the right to object is really a pillar of due process in fairness in this country. I have never seen -- I am not someone that appears before Your Honour regularly, but where due process is something that you learned from day one, normally there is 60 or 90 days in order to prepare an objection. Here, there is no time -- or a week. Five business days to prepare an objection, and that, in my respectful submission, is meaningless and their rights have been seriously impacted upon or will be impacted upon unnecessarily so if the adjournment is not granted.

Those are my submissions, Your Honour.

THE COURT: Thank you. Okay?

MR. TAY: Your Honour, I don't think I need to reply. With your permission, I will proceed. Would you like me to reply?

THE COURT: I have to make a determination. It's a formal request.

MR. TAY: Right. We clearly object to it for

Nortel Hearing

THE COURT: Yes.

MR. WADSWORTH: Briefly. The CAW Canada is the bargaining unit, and bargaining for long term disability, and we represent 640 retirees who retained our services to act on their behalf in these proceedings. The potential problem to our members is such that as Mr. Zigler pointed out, they may suffer health consequences if at the end of this month there is not a means by which their health benefits are replaced, and that is unlikely to happen in the amount of time that this took just to get the settlement in place. There is insufficient reason, from my perspective, to grant the adjournment. There is more sufficient reason to go forward with it to insure those people that will benefit from the settlement do so as quick as possible. Those are my submissions.

THE COURT: Thank you. Any other counsel that wish to comment before I rule on the adjournment request?

The adjournment is not going to be granted. First counsel have the points to the group that you will be speaking on behalf with

Nortel Hearing

respect to all proceeding to date.

Second, the process for setting up this hearing today, the notice of provisions, I am satisfied there will be prejudice to a variety of groups, long-term disabled, Nortel itself and other creditors if this matter is delayed further. We heard representation that the continuation of certain benefits run at the end of the month, at this point it is uncertain, and above all, in considering the matters, and the sensitivity to people's health and this court will do whatever it can to insure this is heard in a timely basis.

The motion record does indicate that you do have arguments prepared, and for what you have to say.

MR. ROCHON: Your Honour, thank you for that. I had a brief reply.

THE COURT: If you wish to reply, I would have thought there can't be anything new, but, please, go ahead.

MR. ROCHON: Well, Mr. Zarnett asked how much time we would be looking for. There was mention to that. I was going to talk about the time. We are looking for 45 days.

Nortel Hearing

THE COURT: Given the remarks, the end of March, that is not persuading me.

MR. ROCHON: The point about the expiry of benefits, under the 39th Report there is evidence to suggest there is funds available in order to implement the settlement agreement, including the security, the security of the benefits and the pension to the end of the year.

In terms of what I would do with the time, that would be for examining officers and directors of Nortel, possibly trustees, conducting cross-examination. We would make use of the time. We would locate further experts dealing with the issue of the trust and trust funds. Those are my submissions in reply.

THE COURT: Thank you. The issue of the 45 days, I am not persuaded that deals with the issue and on that basis alone, this matter will continue.

MR. TAY: Thank you, Your Honour.

You will recall, Your Honour, when I was before you on January 14th, of 2009, that I had said this is I the end of Nortel, this is