

Why is Anne Clark-Stewart (a pensioner) on the LTD Legal Steering Committee



http://www.protectourtomorrow.com/index.php?option=com_content&view=article&id=172

This document's intent is to show that a pensioner was a fully functioning member of the Steering Committee and as such had more of a say over the Court Appointed Representative's legal decisions than those who were actually in the group.

1. The Court Appointed Representative (Sue Kennedy) actively pursued Anne-Clark Stewart (a pensioner) to be on the Steering Committee.

Begin forwarded message:

From: "Sylvain"

Date: September 24, 2009 1:37:20 PM EDT (CA)

To: "Sue Kennedy" , "Arlene" , "Johanne Berube" , "lawrence" , "Anne Clark-Stewart" , "Vallier Laforge"

Cc: "Susan Philpott"

Subject: Steering committee

Reply-To:

Folks:

People on the TO list include all the those that Sue Kennedy suggested to me should be on a steering committee plus a few others.

In view of the apparent need for a "CNELTD steering committee which will take on seriously the responsibility of liaising with the members, answering their inquiries, providing their input to KM, and having full and productive discussion with the legal team appointed to represent the group" [Susan Philpott]. Also

cognizant of polarities that exist within our group and my personal opinion that all points of view should be considered and received. I have proposed that I act as an interim Chairman of a steering committee. My view of a Chairperson is that of an organizer and coordinator, not a spokesperson and I do not see the problem with this Chairperson not being our legally appointed representative if it helps things progress. Sue Kennedy strongly disagrees and is supported in her stance by Koskie Minsky LLP.

Here is an exact transcript of my proposal:

“I propose the that:

- I be the interim chairman of the steering committee (or whatever you want to call it).
- I invite Sue Kennedy, Arlene Plante, Joanne Berube, Lawrence Clooney, Anne Clark-Stewart and Vallier Laforge to become members of this committee with me, specifying that the purpose of this committee is to review progress and coordinate direction and reporting from Koskie Minsky who represent LTD beneficiaries in the CCAA and BIA proceedings as well as address any other issue that is related to the legal side of our plight. That this committee will meet weekly to review KM’s progress report, discuss priority legal issues and provide an written communiqué to KM with respect to our priority issues as well other relevant activities by CNELTD. Also that this committee meet weekly in a conference call or other means with KM to review this information over a period of 60 minutes, so as to coordinate progress/reporting over the following week. The role of this committee is supplementary and complementary to that of Sue Kennedy who is our official court appointed representative. Each committee member will need to commit to being available for these two weekly meetings and abide by their rules. This invitation will go our tomorrow morning and close tomorrow evening (Thursday).
- Following this invitation I will send a call to the CNELTD at large through our group web site, for anyone else to become a member of this committee. The invitation will close this Friday but I will specify a target group size of 7 people maximum as otherwise management becomes too difficult. If we get more than 7 volunteers we will at the first meeting need to agree either to the larger number or on a process to reduce the number to 7 people with the understanding that Sue Kennedy MUST be on the committee.
- The first Steering committee meeting will be scheduled for next Tuesday in preparation for a meeting with KM Wednesday. First on the agenda for this meeting would be agreeing on rules of conduct and mandate of the committee. Second on the agenda will be a reduction in membership described above if necessary. Third on the agenda will be the election of a chairperson where any volunteer to this position will be invited declare their candidacy and briefly

explain how they see managing their mandates. Fourth on the agenda would be preparing for a meeting with KM the next day.

This is a very procedural approach to something I believe we all need to get done **urgently**.” [Sylvain de Margerie]

The role of the team to be assembled above is more restrictive than that of Susan Philpott, in that I am suggesting it looks principally at legal issues. The reason for this is that we already have a pretty darn good committee looking at liaising with our membership, talking to politicians, organizing demonstrations, etc.

I have no interest or desire to be the permanent Chairman of this committee. I am attempting to de-fuse unhealthy polarity and adversarial stances within our group. I believe in the good will of everyone involved, including Koskie Minsky.

If any of you see merit in my proposal you will need to make it known to Sue Kennedy and try to change her mind. Of course I'd also appreciate knowing your opinion one way or the other. If any of you have a better idea of how things should be done, I am sure we are all ears. I feel I've done my bit.

Please do not follow up this email with rant or personal attacks as this will certainly undo anything I'm trying to achieve.

Cheers,

Sylvain de Margerie

2. The CNELTD group requested volunteers to come forward, seemingly to attract the people that represent the group best.

from	Johanne	cneltd <>	
reply-to		CNELTD@yahoogroups.com	
to		CNELTD@yahoogroups.com	
date		28 September 2009 18:21	hide details
subject		[CNELTD] Re: CNELTD Steering Committee Invitation for Volunteers	28/09/2009
mailing list		Filter messages from this mailing list	
Signed by		yahoogroups.com	
unsubscribe		Unsubscribe from this mailing list	

Actually that's what I meant... :-)

CANADIAN NORTEL EMPLOYEES on LONG TERM DISABILITY
(CNELTD)
STEERING COMMITTEE

CALL FOR VOLUNTEERS

It is time for the CNELTD to formalize its structure. As you know, the CNELTD was formed shortly after Nortel filed for court protection, and has been informally coordinating the communications among members of the group, collecting information, speaking with politicians and working with the lawyers that have been appointed to represent us, Koskie Minsky LLP (KM).

We are now establishing a Steering Committee of 5-6 people who will provide leadership to the members of the group, be responsible for areas of action, and act as the liaison between members and KM. The CNELTD aims to establish a committee that will reflect the wide-ranging and unique circumstances that affect each individual in the group. The CNELTD will ensure that the committee includes members who are bilingual, and who represent all facets of the group's constituency, in order to best represent all disabled employees of Nortel.

If you are interested in volunteering for one of these positions, please send an email to Johanne Berube, who has been managing communications for the group, at *** by midnight Wednesday, September 30.

What will be required of the members of the Steering Committee?

- the Steering Committee will be responsible for areas such as:
 - providing updates to members
 - answering member questions
 - managing the database of members
 - collecting and providing input to KM
 - advocacy and political action
 - in some cases interacting with leaders of subcommittees who are taking on special responsibilities such as co-ordinating a demonstration, engaging in media relations or other issues for which KM might not need to be involved
- the Steering Committee will be responsible to collect all concerns of members, and to organize and prioritize all concerns and issues into a weekly agenda to be discussed with KM
- the Steering Committee will meet by telephone once per week for one hour
- the Steering Committee will participate in weekly conference calls with KM, during which time KM will be address member questions (if possible) and update the Steering Committee on progress
- the Steering Committee will provide feedback to the CNELTD membership after each weekly conference call with KM
- the Steering Committee will ensure that member inquiries are properly managed

through email and the use of the CNETLD Yahoo! forum

We look forward to hearing from you with any other ideas you may have about the CNETLD and how it can improve communications or action on behalf of Nortel's disabled employees.

3. The CNETLD sent out notice that the volunteers chosen would be not done by vote of the group but by Sue Kennedy's choice, thus counteracting the previous email where it seemed that the Steering Committee would "represent all facets of the group's constituency".

from Sue Kennedy
reply-to CNETLD@yahoogroups.com
to CNETLD@yahoogroups.com
cc Johanne Berube <>
date 30 September 2009 08:19
subject [CNETLD] How the CNETLD steering committee will be created from the volunteers hide details
30/09/2009
mailing list Filter messages from this mailing list
Signed by yahoogroups.com
unsubscribe Unsubscribe from this mailing list
Images from this sender are always displayed. Don't display from now on.

Dear CNETLD members,

Some people have been asking how the CNETLD steering committee will be created, once we have the volunteers. As with the NRPC steering committee, there will be no voting involved in the creation of the CNETLD steering committee. My goal is to build a team of people who will work well together, be willing to cooperate and support each other in the tasks at hand, and who show respect for all those involved, including our lawyers at Koskie Minsky. I chose to offer to opportunity to all within CNETLD, including ones who have not been very vocal in the CNETLD Yahoo Groups. As the court-appointed representative I need to ensure better communication and share the responsibilities with a few others. I am going to choose a team of people from those who volunteer. The end result that we all want is a committee that functions well.

Volunteers will be accepted until midnight tonight. Please e-mail Johanne if you would like to volunteer.

Sincerely,

Sue Kennedy

4. The announcement of the steering committee members by Sue Kennedy. A committee that includes Anne Clark-Stewart who does not represent anyone in the LTD group, as she is a pensioner and none of us are.

from Sue Kennedy <>
reply-to CNELTD@yahoogroups.com
to CNELTD@yahoogroups.com
date 5 October 2009 11:30
subject [CNELTD] Announcement of CNELTD Steering
Committee Members and Role of the Steering Committee hide details
05/10/2009
mailing list Filter messages from this mailing list
Signed by yahoogroups.com
unsubscribe Unsubscribe from this mailing list
Images from this sender are always displayed. Don't display from
now on.

Good morning, everyone,

I would like to announce the members of the CNELTD Steering Committee:

Sue Kennedy

- Court –appointed representative of CNELTD and Chair of Steering Committee. Responsible for communications with Koskie Minsky regarding confidential information that cannot be released to the Steering Committee and CNELTD . Responsible for making sure that the answers to questions regarding confidential information appear on the FAQ document on the CNLTD when the information is no longer confidential. Liaison between CNELTD and other Employee groups (NRPC, Terminated Employees). Represents the CNELTD in political meetings with MP's, MPP's, and CNELTD Spokesperson at other political meetings involving the NRPC.

Johanne Berube

- Responsible for managing our CNELTD Yahoo group communications as well

as our database of members of CNETLD, moderating meetings of Steering Committee and CNETLD group, issuing minutes from Steering Committee and CNETLD group meetings. Responsible for tracking questions from members and adding them to the Frequently Asked Questions (FAQ) document which will soon be added to the CNETLD Yahoo Group, and ensuring that answers are documented in the FAQ document questions once the answers are obtained by the Steering Committee.

Anne Clark-Stewart

- Liaison between CNETLD group and NRPC's Political Action Committee. Anne is in charge of the PAC's Ottawa-Gatineau section and is responsible for the overall organization of the upcoming demonstration at Parliament Hill. Also participates in visits to politicians with Sue Kennedy. Serves as our group's expert on all pension-related issues and has 42 years experience with Nortel's HR department.

Sylvain de Margerie

- Liaison between CNETLD subcommittees (e.g. Human Rights Issues, Misrepresentation Issues, and other issues that KM is not actively working on at this point). Has business experience, knowledge of tax and disability issues that will be helpful to Steering Committee. Together with the Steering Committee, will develop a steering committee process that ensures that KM is accountable to CNETLD and specifies deliverables that we expect from KM.

Manon Gaudreau

- Has been following the CNETLD Yahoo Group closely, does some translation work related to written communications that are sent to French-Speaking members of our group, or that appear in the CNETLD Yahoo Group files. Represents the "Silent Minority" who have concerns but are reluctant to express them on the Yahoo Group, and who may not have the same priorities as the more vocal CNETLD Yahoo Group members.

Kevin LeBlanc

- As a visibly-disabled member of the CNETLD he is often approached by the media and has proven to be an excellent Bilingual spokesperson for our group at events such as the Carling Demonstration in July. Represents people who have disabilities that will worsen over time and with high medical costs, and will have a very difficult time surviving without the LTD wage replacement and medical benefits.

The overall goal of the Steering Committee is to improve communication within the CNETLD Group by ensuring that all of the members questions are eventually

answered and the answers are captured in the FAQ document on the CNELTD Yahoo Group. This document will continually evolve as new questions are asked and answered, and Johanne will send announcements to the CNELTD when a new version of the FAQ is published or put on the site.

To help this process, we need the cooperation of all of the CNELTD members. If you have a question, please check the FAQ document and make sure it has not already been asked or answered. If it is a new question, please send it by e-mail to the entire Yahoo group or to the most appropriate person on the Steering Committee. (Please use e-mail, rather than telephone calls because it saves time and makes it easier for us to track the question.)

The Steering Committee will meet (via teleconference) once weekly to prioritize questions, answer them if possible and prioritize the remaining questions and send the high priority questions to KM to answer. Each week there will also be a conference call between the Steering Committee and KM to get the answers to outstanding questions that were sent, and to get a weekly report from KM about what they have been working on for our group in the last week, and what they will be working on next. We hope this process will create a more transparent and efficient means of communication between CNELTD and KM and give us all a better idea of how our legal case is progressing.

Sylvain has indicated that he will request that KM appoint another court-appointed representative for the CNELTD group, and he will do this during our first teleconference with KM, which will be later this week.

Sincerely,

Sue Kennedy

Together with the Steering Committee,

5. In a Report of a Meeting held between KM and the members of the CNELTD Steering Committee it is apparent that Anne Clark-Stewart was a fully fledged member of the Steering Committee and participated in helping to direct the LTD Court Appointed Representatives Legal choices. :

This is an excerpt from a FAQ posted on the CNELTD for all LTD people to read. [Download the whole file here.](#)

Can KM or the Monitor or the Canadian Government do anything to ensure that we get into the BIA part of the process? Who determines that – the Monitor or Nortel or KM, or other countries as well?

a. Discussion wrt forcing the process to enter the BIA (based on what we know of the NDP's plan to introduce a private member's bill to make disabled employees preferred creditors). KM reminded us that for now it is the fact that we are in CCAA that allows us to receive our benefits as usual hence 'forcing' Nortel into BIA is of no advantage at this time. We all also need to understand that any changes that would add disabled employees as protected creditors would only be helpful to us if the changes are made/approved BEFORE and IF Nortel is put into bankruptcy. At this point, there is a feeling that we will have CCAA liquidation.

b. (KM Nov 5th, 2009) While it is possible that a number of different parties could nudge, force or volunteer Nortel into bankruptcy proceedings (but this is not a certainty), this scenario is not necessarily desirable for your group. The shift could cause the Disabled Employee group to give up certain rights and protections it currently has under the CCAA. It is important to be careful what we ask for, as we do not want to create a scenario where the disabled employees are in a worse position than before. In the event Parliament enacts amendments the BIA or the CCAA, it is very unlikely the changes would be retroactive, as very few legislative amendments are retroactive in nature. Further, it can often take years for legislative amendments to be debated, enacted and then proclaimed into force. An additional factor to consider is that Nortel's insolvency proceedings may never shift into BIA proceedings, so the BIA amendments may never have an opportunity to apply to Nortel pensioners or disabled employees. The CCAA is flexible enough to allow companies to effectively liquidate without commencing bankruptcy proceedings. For now, the laws as they exist are what we have to work from. Anne-Clarke Stewart clarified that the legislative amendments being contemplated by the NRPC (supported by the CNELTD) involve amendments to both the CCAA and BIA, but that these amendments are not retroactive. Thus, it is very unlikely that the CCAA amendments would apply to Nortel pensioners or LTD recipients. It is possible that the BIA amendments could apply if the BIA changes were proclaimed into force, and Nortel subsequently moved into BIA proceedings. Again, a shift from CCAA into BIA proceedings will not necessarily be favourable for the disabled employees, even if this shift allows future legislative amendments to apply to disabled employees. Any future action would require a full review of all consequences of a shift in the insolvency proceedings from CCAA to BIA.

6. An email from one of the members of the CNELTD group, asking specifically who was on the Steering Committee. A response from Sue Kennedy indicates that many members have left but that Anne Clark-Stewart is still a member.

from Sue Kennedy <>
reply-to CNELTD@yahoogroups.com
to CNELTD@yahoogroups.com hide
date 14 January 2010 23:00 details 14
subject RE: [CNELTD] WHO ARE THE MEMBERS OF
OUR LEGAL STEERING COMMITTEE Jan

mailing list Filter messages from this mailing list
Signed by yahoogroups.com
unsubscribe Unsubscribe from this mailing list
Images from this sender are always displayed. Don't display from
now on.

For the benefit of anyone who does not know who the members of the CNELTD Legal Steering Committee are, there are 4 members and these members have been on the Steering Committee since it started:

Sue Kennedy

Johanne Berube

Kevin LeBlanc

Anne Clarke-Stewart

At our last steering committee meeting on January 8th 2010, we discussed whether we should have an election for the 2 remaining spots and we felt that it would not be in the best interest of the CNELTD group.

Sue Kennedy

From: CNELTD@yahoogroups.com [mailto: CNELTD@yahoogroups.com] **On Behalf Of** Jennifer

Sent: Thursday, January 14, 2010 6:24 PM

To: CNELTD@yahoogroups.com ; C-AR - Sue Kennedy

Subject: [CNELTD] WHO ARE THE MEMBERS OF OUR LEGAL STEERING COMMITTEE

Oops - I meant to send this through CNELTD Yahoo Forum as I know others want to receive the list of who is on our Legal Steering Committee.

TO OUR COURT-APPOINTED REPRESENTATIVE:

FOR THE 2ND TIME SINCE 10:16 P.M. LAST NIGHT, I ASK YOU:

WHO ARE THE MEMBERS OF OUR LEGAL STEERING COMMITTEE? I FIND IT VERY UNCLEAR AT THIS TIME.

Jennifer Holley

----- Original Message -----

From: [Jennifer](#)

To: [C-AR - Sue Kennedy](#)

Sent: Thursday, January 14, 2010 5:13 PM

Subject: [CNELTD] WHO ARE THE MEMBERS OF OUR LEGAL STEERING COMMITTEE

TO OUR COURT-APPOINTED REPRESENTATIVE:

FOR THE 2ND TIME SINCE 10:16 P.M. LAST NIGHT, I ASK YOU:

WHO ARE THE MEMBERS OF OUR LEGAL STEERING COMMITTEE? I FIND IT VERY UNCLEAR AT THIS TIME.

Jennifer Holley

----- Original Message -----

From: [Jennifer](#)

To: CNELTD@yahoogroups.com

Sent: Wednesday, January 13, 2010 10:16 PM

Subject: [CNELTD] Actions for KM0 - Disclosure of Nortel Bond Holders

who are the members of our Legal Steering Committee? I find it very unclear at this time.

Jennifer Holley

7. An email from Anne Clark-Stewart claiming that she is an LTD person.

from Anne Clark-Stewart <>

reply-to CNELTD@yahoogroups.com

to CNELTD@yahoogroups.com

date 27 January 2010 02:52

hide details

27 Jan

subject [CNELTD] LTD/Pensioner Helping the LTD group in several areas

mailing list Filter messages from this mailing list
Signed by yahoogroups.com
unsubscribe Unsubscribe from this mailing list

It's about time that this group realizes that I am here as an LTD person and that I am helping your cause and not hindering it.

I am actually getting quite tired of reading the remarks about me when the people who are making the remarks don't even know me or don't have their facts straight. I have had enough of the nonsense that has been going on this web site so here are the facts.

1. I went on Short-Term Disability on Dec. 13, 1993.

I went on LTD on Dec. 13, 1994. I was on LTD when Nortel declared bankruptcy on Jan. 14, 2009. At that time, I was told that my claim was to be as an LTD employee. As of the end of June, my name was not on the LTD list nor on the pensioner list, so how do you think I feel about that?

2. I went on pension on Feb. 1, 2009 because I was eligible to go on pension and I knew that the LTD benefits were self-insured by Nortel. My illnesses did not disappear when I went on pension. I am still suffering from the effects of my disabilities and the stress of this whole situation is certainly not making things any better.

3. I have not been asked to sign a Non-Disclosure Agreement which suits me just fine.

4. I have worked with the LTD group to ensure that the disabled group and their issues are mentioned in press releases and political meetings. If the BLOC MPs did not know your situation, it was not from lack of information being given to them. All of the PAC teams have ensured that the plight of all affected employees have been raised during our meetings - pensioners, surviving widows and widowers, terminated employees and disabled employees.

5. Regarding Jeri Rodrigs' questions about visiting Norm Stirling. He is also my MPP and Sue and I met with him this past summer to discuss the need for the province to intervene on our behalf and work with the Feds on changing the BIA to protect all of us in these proceedings. I had called Jeri to see if Jeri wanted to attend, but could not get in touch with Jeri.

On another occasion, I called Jeri to see about attending Question Period the day of the rally and was told Jeri was out of town. In fact, I asked Sue for a list of the LTD people in my riding and got tickets for the Members' Gallery for all of the LTD people in this riding who were able to attend. Sue and I also ensured that the LTD group were contacted so that those people attending the rally could have tickets for the gallery.

Norm Stirling told us that he was already working on a pension related legislation which he was gong to introduce in the legislature in the fall, which he did, Unfortunately, the proposed Bill was voted down and did not proceed. He has assured us that he will continue to work on our behalf.

6. I am also working with a group of widows to bring their plight to the attention of the politicians and the media. Do I have to be a widow to work with them? My husband hopes not!

7. I am also on the Media Relations team and have ensured that Sue and the LSC receive and NRPC media releases as soon as they are available. I also work with Sue on the media releases for the LTD group.

7. I also am on the OTTAWA PAC Team and have ensured that outlying ridings were covered by this group, including ridings in Western Quebec and North-eastern Ontario.

8. I also write Letters to the Editor and letters to politicians on any issue that relates to our situation in this bankruptcy proceeding. I have been fortunate to

have several of these letters published. The disabled employees are always mentioned.

9. I was on the organizing team for the Oct. 21 rally on Parliament Hill and ensured that the LTD group was front and centre and also ensured that as many of the LTD group as possible were interviewed.

10. I am spending the majority of my time on this issue, not only because it affects me and my family directly, but because there are so many people that cannot speak for themselves. This is done while I also tend to the needs of my elderly and frail parents.

I am sorry that many of you do not appreciate what Sue, Johanne, and Kevin are doing by getting your questions discussed with KM and answered as quickly as possible. I am often not on the KM call, as I have 6 other scheduled conference calls each week as well as all of the media and event planning work that I am doing. But I do participate, communicate and assist as much as is physically possible and will continue to do so.

It is imperative that if you want to be successful in getting the most out of the Court process that you all work together. A house divided will not succeed.

Oh, as for the UE after my name. I am descended from a Loyalist ancestor and have proven my lineage back to the first white settler at the head of Lake Ontario in 1782. His 1000 acre land grant is now part of the City of Hamilton. The UE designation means "Unity in Empire" and is the only heredity title that a Canadian is entitled to use and I am proud of it.

Kindest regards,

8. A KM Nortel LTD Webcast listing Anne Clark-Stewart as on the CNETLD Steering Committee.

CNETLD ORGANIZATION

CNETLD Membership

- Currently estimated at 140 members of total possible ~250
- Nortel employees receiving, or entitled to receive, disability income
- Approximately 150 CAW-Canada members are not covered by the Representation Order, but are part of the LTD group and welcome to participate in webcast
 - CAW-members are affected by the Settlement Agreement

CNETLD Legal Steering Committee

- Participate in weekly meetings with KM and Segal
- Susan Kennedy
 - Court-appointed Representative, Chair of the Steering Committee
- Johanne Bérubé
 - Communications
- Kevin LeBlanc
- Anne Clark-Stewart
 - Former disabled employee
 - CNETLD liaison with Political Action Committee of NRPC

**KOSKIE
MINSKY LLP**
BARRISTERS & SOLICITORS

5