

Urquhart

Subject: FW: Nortel: Sent to Retainers - Notes on Ontario Ministry of Consumer Services Meeting June 16, 2011
Attachments: Complaint Application to Ontario Consumer and Business Services Ministry May 30, 2011.pdf; Cover Letter to Minister of Consumer Services John Gerretsen May 30, 2011.pdf; Letter to Minister Gerretsen from Rochon Genova LLP - June 10 2011.pdf

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

From: Urquhart [<mailto:urquhart@rogers.com>]
Sent: June-17-11 10:02 AM
To: 'Sakie Tambakos'; 'Joel Rochon'
Cc: 'Diane & Hugh Urquhart'
Subject: Nortel: Sent to Retainers - Notes on Ontario Ministry of Consumer Services Meeting June 16, 2011

FYI

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

From: Urquhart [<mailto:urquhart@rogers.com>]
Sent: June-17-11 10:01 AM
To: 'Brad Fraser'
Subject: Notes on Ontario Ministry of Consumer Services Meeting June 16, 2011

Brad Fraser

Strictly Private and Confidential
Sent to dissenting Nortel disabled on the retainer of Rochon Genova LLP

A meeting was held with the Ontario Ministry of Consumer Services on June 16, 2011 to review the Complaint on Unfair Practices, in the form of false, misleading and deceptive representations by Nortel and Sun Life relating to your disability insurance. This Complaint was filed on May 30, 2011 by Greg McAvoy, Jackie Bodie, Carol Sampson and Josee Marin.

The June 16, 2011 meeting went well with constructive dialogue. Persons attending on behalf of the dissenting Nortel disabled were Sakie Tambakos of Rochon Genova LLP, Diane and Hugh Urquhart, and by teleconference Greg McAvoy, Jackie Bodie, Carol Sampson and Josee Marin.

The Ministry agreed that our next step is another meeting next week.

There is agreement that the Ontario Consumer Protection Act has the plain language necessary for jurisdiction and to carry out a successful enforcement on Unfair Practices in the form of false, misleading and deceptive representations by Nortel and Sun Life relating to your disability insurance.

There is agreement that Employer Sponsored/Insurer Administered Disability Insurance is not within the jurisdiction of any other Ontario Act. It is not under the Ontario Insurance Act, nor Ontario Employment Standards Act.

The difference of views at this point has come down to Ministry of Consumer Services' internal policy on whether they carry out an enforcement action based on how narrow or broad a definition of consumer the Ministry wishes to apply.

Sakie Tambakos of RG LLP gave your group's position that the employee consumer paying for disability insurance supplied by his employer is a consumer within the jurisdiction of the current Ontario Consumer Protection Act. Jackie Bodie described her relationship with Nortel to be as a consumer no different than if she bought her insurance from an insurer.

Director of Legal Services for the Ministry has advised us that the internal policy on definition of consumer has for many years excluded employees in employer-employee relationships. The Director had discussed the origin of this internal policy with Rolf Lewis who used to work in the Ministry for many years. Coincidentally, Rolf became disabled and has since died.

Sakie advised the Ministry staff present to consider evolving from the internal policy of Rolf Lewis to today's circumstances. It was fortunate that the Ontario Consumer Protection Act had the broad wording on consumer and consumer transactions to cover the Nortel disability insurance situation. No change in legislation is required, just a change in internal policy to define consumers to include employee consumers. He said the Ministry is in an opportune position to solve the Nortel disabled financial crisis and injustice and serve the citizens of Ontario.

Director of Legal Services did not doubt our word that we had strong evidence on false, misleading and deceptive representations for both Nortel and Sun Life. It was not necessary for us to use time in this first meeting to convince him on the merit of our evidence.

Greg, Jackie, Carol and Josee all made a personal plea for the Ministry of Consumer Services to enforce the Ontario Consumer Protection Act for the benefit of the Nortel disabled.

Diane

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CC: Sakie Tambakos, Rochon Genova LLP
Joel Rochon, Rochon Genova LLP