
Subject: Letter to Senate Leader Marjorie Le Breton December 3, 2010 - International Day of Persons with Disabilities

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December 3, 2010, International Day of Persons with Disabilities

Dear Senator Marjorie LeBreton
Leader of the Senate

I would like to take the time on behalf of the Nortel Disabled Employees to apologize for the outbursts in the House by Sue Kennedy. This type of behaviour is not acceptable at any time and is no way representative of the members of our group. We are all under a tremendous amount of stress, with differing underlying medical conditions, but outbursts from the gallery by Ms. Kennedy shows disrespect for Parliament.

We would like to inform you that we have asked Sue Kennedy for her resignation as Court Appointed Representative of the Nortel long term disabled employees, which you can see in the attached letter. She signed both the February 8th settlement and the revised March 31st settlement, with the consequence that the court accepted that she agreed to a legal release of the trustees and not seeking an equitable solution in the CCAA court, in exchange for just 9 months of medical benefits and LTD income.

Sue Kennedy signed the March 31st settlement under the threat of medical funding being cut within 24 hours but WITHOUT having the financial, actuarial and legal information about the trust. We found out in August 2010, five months later, that almost 60 million dollars was misappropriated from our Health and Welfare Trust. The above reasons, plus numerous others, have shown us that Ms. Kennedy is not truly representing our interests.

That being said, I didn't think it was appropriate for Senator David Braley to say that our extensive communications with the Senators made us look like fools. He also said the outbursts in the House made us look worse and didn't help further our cause. I was further disturbed to learn that David Braley, on the day before the December 3, 2010 International Day of Persons with Disabilities, hung up on our Financial Expert, when she called to discuss the impact of the March 31st settlement on the poverty of our long term disability employees group and to further explain our problems to him with details that I couldn't provide.

The purpose of the International Day of Persons with Disabilities is "to promote a better understanding of disability issues with a focus on **the rights of persons with disabilities** and gains

to be derived **from the integration of persons with disabilities in every aspect of the political, social, economic and cultural life of their communities.** The goal of full and effective participation of persons with disabilities in society and development was established by the World Programme of Action concerning Disabled Persons, adopted by the United Nations General Assembly in 1982."

Senator Braley refused to gain a better understanding of our illnesses and disability issues from us. Our chronic, severe and prolonged illnesses, such as Multiple Sclerosis, Parkinson's disease, cancer, scleroderma, bi-polar disorder, schizophrenia and others, have brought us to this deplorable situation through no fault of our own and we deserve to be heard.

Carol Sampson

CC: Senator David Braley

Ms. Sue Kennedy,

The Nortel Employees on Long Term Disability are demanding your immediate resignation as court appointed representative.

Minister of Industry, Tony Clement has given your signing of the "March 31st, 2010 Settlement Agreement" as the MAJOR reason NOT TO CHANGE the bankruptcy laws that could help us.

You heard this same message as it was delivered by the majority of the Senators in the Committee on Banking, Trade and Commerce last week where they voted down Bill S-216, Senator Eggleton's Bill to protect LTD Beneficiaries.

Some of the Major Reasons that you must resign immediately are:

1. **You were never elected, or chosen by Nortel's disabled.** We don't know how you became the representative of Nortel's disabled. There are many court documents showing what the court representatives for the Retirees, Recently Severed, and the Continuing Employees, and their lawyers had to submit documents to the courts demonstrating that a "Committee" existed and represented the rest of the group. In the case of the CNELTD, a Committee didn't exist when you and KM were appointed to represent us.
2. **The "Non-Disclosure Agreement" (NDA) or "Confidentiality Agreement"**
 - You signed a "Confidentiality Agreement" or "Non-Disclosure Agreement" (NDA) with parties **without consulting/informing any of the Nortel Disabled Employees** that you were supposed to represent. - You did not even consult with the Nortel disabled employees that created the infrastructure of the group that allowed us to find one another on the internet and to actually form our group in the first place. You informed us that you signed this NDA **after the fact, when it was too late to do anything about it.**

- On the day that you signed this NDA, **you had not yet been appointed by the court to be the Representative for the LTD, nor had Koskie Minsky been appointed to be the legal counsel for the LTD.** The date for both was July 30, 2009.

- This **NDA has limited severely your abilities to be a representative** of the Disabled Employees of Nortel. This NDA serves no purpose in the context of our HWT or our LTD benefits, other than to convince you that we should all be kept in the dark about most things, and this is exactly what you have done.

3. **You are a liability to us because you signed the "February 8th, 2010 Settlement Agreement" and the "March 31st Settlement Agreement".** You signed a binding agreement on behalf of Nortel Disabled Employees (who are not members of the CAW union) **without any voting** by the group. You appeared not to know the dollar amount, the reasons for, and the legal rights related to the withdrawal of \$59 million from our Health and Welfare Trust.

- Nortel's Disabled Employees were not consulted on this matter beforehand, and first learned of it by way of a press release from you. More than 40 Nortel disabled employees originally opposed this settlement.

- The legal repercussions of this agreement were not explained or agreed to by the LTD employees.

- For a few more months of benefits worth only 7% of our claim, you signed an agreement that gives a legal release to those who breached their fiduciary duties to us including:

- ➔ Trustee(s) of the Health and Welfare Trust who failed to protect our interests under Common Law and the Trustee Act.

- ➔ Nortel Directors, Officers, Executives, Members of the Pension Investment Committee, Actuaries, who allowed claims for employees and retirees in 2005 and 2006 to be paid from our LTD Fund.

- ➔ Those who failed to make the required contributions to fund our plan as is required and used an "IOU" at other times in their place which was "written-off" post-bankruptcy filing, once again to our detriment, etc.

4. Further information regarding **a misappropriation of funds from the Health and Welfare Trust** was uncovered by us but never revealed to us as a result of documents on the E&Y web site being posted in August 2010, **FIVE months after you signed the agreement.** These were posted because the distribution of the assets remaining in the trust was being proposed.

All this information, and much more, **should have been disclosed LONG BEFORE YOU SIGNED A SETTLEMENT AGREEMENT THAT WAS VERY MUCH ABOUT THE HEALTH AND WELFARE TRUST.**

5. Your lawyers and the other insolvency professionals vigorously worked against Nortel's disabled employees' efforts to try to obtain a reasonable settlement under existing laws.

6. You and your legal team supported **an additional \$36M of the Health and Welfare Trust assets being paid to the Nortel pensioners** for their term life insurance due in the future where our own LTD income fund is severely underfunded. This amount represents **an additional several years worth of our income and benefits that you are giving away.** This action further impoverishes us.

7. **We did not choose you to represent us in the court in any matter related to the distribution of the assets of the Health and Welfare Trust.** In fact, **we specifically instructed you NOT TO NEGOTIATE WITH THE ASSETS in the HWT.**

8. On at least **FOUR separate occasions we asked you to instruct KM to request that an AUDIT be done on the Health and Welfare Trust.** This was not done and has hurt us immeasurably.

9. The Internet Site that our group created to facilitate sharing amongst members, with KM, with you, and **to allow to for VOTING, was SHUT DOWN by you,** as was a VOTE that we began to poll the group on their view of the Settlement Agreement after we learned of it. Before this, **you CENSORED the messages** we tried to share with all other members. Communication to the LTD members is now one way by blind copy or regular mail. This is unacceptable.

10. Your decision to sign the Settlement Agreement **FAVOURS LTD employees who are closer to retirement and are able to take early retirement** over younger employees who have many years to go before becoming eligible for retirement.

11. Indeed, **we are requesting that our MPs and MPPs ask YOU to attend committee hearings on this Nortel CCAA representation process.**

12. We have asked you to resign a number of times in the past because of **your refusal to allow a democratic process** to take place which would have seen a group of people working in concert, with the necessary skills and knowledge, and the fortitude to deal with matters, in a manner that would have resulted in a far different situation than the one we find ourselves in today.

13. **FINALLY,** we have **no trust in your ability to represent us** particularly with the complex financial and legal matters still ahead.

Please announce your resignation immediately to the LTD group so that we may find suitable replacements.

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