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October 17, 2010

**Mamdouh Shoukri**  
**President and Vice-Chancellor, York University**  
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Dear President Mamdouh Shoukri:

My name is Greg McAvoy and I am a Nortel long term disabled employee with Muscular Sclerosis. I am writing to you today to complain about the York University Osgoode Hall Law School conducting an Professional Development Program in Corporate Insolvency and Restructuring starting on October 18, 2010 that has a session on two live court cases involving myself and other Nortel long term disabled employees. The live court cases are the Nortel CCAA proceedings and the Nortel Health and Welfare Trust Wind-up, the latter just heard before Justice Geoffrey Morawetz on September 29th, 30th and October 1st. Justice Geoffrey Morawetz has reserved his decision on the Nortel Health and Welfare Trust (HWT) Distribution and yet the Nortel lawyer, the Nortel Court Monitor, the Nortel Court Monitor's lawyer and the Representative Counsel for the Nortel Pensioners, Severed Employees and Long Term Disabled Continuing Employees are all speaking about this live matter at the October 18th 10:30 a.m. session.

I want you to take a moment to watch myself and a fellow Nortel long term disabled employee, Jackie Bodie, being interviewed by CBC at the following link.

[CBC Interview of Nortel LTD Employees From Calgary, Alberta](#)

Koskie Minsky LLP has admitted it was acting in a conflict of interest with respect to the Nortel HWT Distribution. After pressure from our group of Dissenting LTD employees, Mark Zigler informed the Ontario Superior Court of Justice that his law firm was withdrawing from its representation of the Nortel Pensioners, Severed Employees and Long Term Disabled Continuing Employees in respect to the HWT Wind-up. Yet Mark Zigler is on the Nortel Restructuring panel discussing the financial and legal issues on "Providing for employee health and welfare benefits in a liquidating CCAA."

A new independent legal counsel was retained by the court appointed representative for the Nortel long term disabled without the knowledge and consent of myself and other Nortel long term disabled employees. I expressed my deep concern about the conduct of all the lawyers in the Nortel HWT Wind-up hearing in my presentation to Justice Morawetz on September 30th, which can be heard at the following link.

[Greg McAvoy Presentation to Ontario Superior Court of Justice September 30, 2010](#)

After I witnessed in the court all the parties consenting to a March 31st interim settlement agreement and now an HWT Distribution proposal by the Nortel Court Monitor that is pushing myself and most of the Nortel disabled into poverty , I am disturbed to see the same lawyers sharing how they agreed to do this to us at the Osgoode Hall Law School program on Monday.

[Osgoode Hall Law School York University Advanced Program in Corporate Insolvency and Restructuring Oct.18, 2010](#)

**Day One: Monday, October 18, 2010**

**10:30 Recent Market Developments and Issues in Large, Complex Restructurings**

Experienced practitioners involved in two major Canadian insolvency filings will share their insights, experiences and perspectives on the legal and financial issues and trends that have evolved from these complex restructurings.

**Case Study: The Nortel Restructuring**

**Derrick Tay**, Senior Partner, Ogilvy Renault LLP

**Murray McDonald**, Managing Partner, Transaction Advisory Services, Ernst & Young Inc.

**Mark Zigler**, Managing Partner, Kosky Minsky LLP

**Gale Rubenstein**, Partner, Goodmans LLP

- ☐ Filing a multi-jurisdictional company
- ☐ Selling integrated, multi-national businesses
- ☐ Multi-jurisdictional pension deficiencies
- ☐ Providing for employee health and welfare benefits in a liquidating CCAA

**Day Two: Tuesday, October 19, 2010**

**8:30 Special Session: A View from the Bench**

**Moderators**

**Scott A. Bomhof**, Partner, Torys LLP

**Michael J. MacNaughton**, Partner, Borden Ladner Gervais LLP

**Panellists**

**The Hon. Justice Sarah E. Pepall**

**The Hon. Justice Geoffrey B. Morawetz**

These judges of the Superior Court of Justice (Commercial List), will address what they consider are the key issues and challenges in insolvency and restructuring today.

*Ample time will be provided for questions from the delegates.*

Our lawyer, Joel Rochon of Rochon Genova LLP, acting for the Dissenting LTD Employees, presented a compelling case at the September 29th, 30th and October 1st court hearing that the Court Monitor's lawyer added words into the HWT trustee agreement to the severe detriment of the long term disabled employees' income and for the benefit of pensioners for settlement of their future life insurance premiums. We believe the Court Monitor's proposal is not compliant with the income tax act rules for HWTs or generally accepted actuarial principles and practices. Furthermore, the Court Monitor's proposal relied upon Nortel's book-keeping practices for the HWT, which we consider unfathomable when the Nortel HWT books were not audited and given Nortel's decade of accounting irregularities, for

which several executive officers have reached securities regulatory settlements or still face Canadian criminal charges.

Canadians expect our courts to be transparent and objective and expect the judges to be able to make their decisions on the basis of the evidence and law. When York University offers professional development programs for discussion amongst the bankruptcy court judges and lawyers on live cases that affect whether my family will be financially ruined, we need people who are willing to draw the line on such activities that give the perception of corruption in this bankruptcy court. I cannot attend this program in order to further influence Justice Morawetz' decision on the Nortel HWT Distribution due to my disability and the high price of this program.

Sincerely

Greg McAvoy

**CC:**

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