

Urquhart

Subject: Media Release: Court of Appeal of Ontario Denied a Leave to Appeal Motion brought by the Dissenting Nortel Disabled Employees
Attachments: Media Release on Jan 7th Decision to Deny Leave to Appeal on HWT Distribution (FINAL).pdf

MEDIA RELEASE FROM DISSENTING NORTEL DISABLED EMPLOYEES

Monday, January 10, 2011, 10:20 AM EST

SUBJECT: Madam Justice Karen M. Weiler of the Court of Appeal for Ontario Denies Nortel Disabled Leave to Appeal

On Friday, January 7, 2011, Judge Karen Weiler of the Court of Appeal of Ontario denied a Leave to Appeal motion brought by the Dissenting Nortel Disabled Employees in relation to the Health and Welfare Trust (HWT) Distribution. The Dissenting LTD Employees have 60 days to decide whether to file an application for Leave to the Supreme Court of Canada. The decision is at the link below:

[Leave to Appeal Decision of Weiler, J.A. Jan. 7, 2011](#)

Jackie Bodie, a 40 year old Calgary woman with Parkinson's Disease, asks: "why are pensioners being awarded life insurance payouts when they're alive which has the effect of taking away most of my disability income needed for my young family."

On December 31, 2010 Industry Minister Tony Clement's spokesperson, Darren Cunningham, told the Canadian Press, the governments are "looking at all the options we have within existing programs" to help ease the plight of the [Nortel disabled] workers. Should those prove insufficient to meet their needs, he said the government may then consider additional measures." **The denial of the Leave to Appeal of the Dissenting Nortel Disabled Employees further heightens the urgency of finding a government solution for unsafe self-insured disability income plans and for the financial and health distress of the Nortel disabled employees.**

Marie White, Past National Chairperson of the Council for Canadians with Disabilities says: "Canadians who are disabled are worthy of better treatment and support than what has been given to the Nortel disabled employees. We are all only an accident or health condition away from requiring insurance to protect our income. All should remember that we are only temporarily able-bodied. Disability issues are issues for all Canadians and the current example of the Nortel Disabled Employees reinforces that."

There are 1.1 M Canadians covered by self-insured disability income benefit plans at work. The security offered by these self-insured plans is now compromised.

Greg McAvoy says: "My Nortel brochures promised me long term disability benefits and a dedicated trust fund was established to protect my benefits, but now these scarce funds are being offered to pay a pensioners' life insurance settlement for people who are still living now. With Multiple Sclerosis, it's too late for me to buy real disability insurance. I urge Canadians to go out and buy personal long term disability insurance and opt out of your so-called self-insured disability income benefit plans at work, even if it costs you more money."

The average disability income is dropping from \$40,200 to about \$17,900 including CPP disability benefits already being paid. Nortel disabled have average medical costs of \$7,200 and as high as \$50,000 per year. Most of these medical costs will now be shifted to the taxpayers through the provincial drug subsidy programs, despite Nortel having some \$6 billion in its global bankruptcy estate. Many drugs and medical treatments are not covered and the disabled must now go without them.

Canada's social security net for the disabled is embarrassingly inadequate. By contrast, a disabled person with two children receives \$48,780 per year from US Social Security and \$47,509 per year from the UK Pension Protection Fund.

For additional information, go to the website www.protectourtomorrow.com and please contact:

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COURT DOCUMENTS ON THE HWT DISTRIBUTION LEAVE TO APPEAL:

[Endorsement Leave to Appeal J. Weiler Jan. 7, 2011](#)

[Endorsement Interim HWT Payment J. Morawetz Dec. 15, 2010](#)

[Endorsement Nortel HWT Distribution J. Morawetz Nov. 9, 2010](#)

[Reply Factum of the Dissenting LTD Beneficiaries Dec. 24, 2010](#)

[Factum Dissenting LTD Beneficiaries November 30, 2010](#)

[Affidavit of J. Williams, sworn September 24, 2010](#)

[Affidavit of J. Williams, sworn August 9, 2010](#)

[Affidavit of J. Bell, sworn September 23, 2010](#)

[Affidavit of J. Bell, sworn September 3, 2010](#)

[Deloitte & Touche, BC HBT Independent Review, Appendix A - Tax Opinion on HBT Surplus Jan. 29, 2004](#)