

Timeline for Communications with Minister of Consumer Services John Gerretsen and Ministry Staff
(The underlined items below are links to communication documents.)

1. **Letter to Minister of Consumer Services John Gerretsen May 30, 2011**
First request from Carol Sampson for meeting with Minister Gerretsen.
2. **Complaint Application to Ontario Consumer Services Ministry May 30, 2011**
3. **Letter to Minister Gerretsen from Rochon Genova LLP June 10 2011**
First RG legal opinion supplied directly to Minister - Complaint under the legal jurisdiction of the Consumer Protection Act.
4. **Letter to Minister Gerretsen, Minister Sousa, MPP Navqi, MPP Chiarelli Request to Meet Minister June 13, 2011**
Second request from Diane Urquhart for meeting with Minister Gerretsen.
5. **Email to RG Nortel Disabled Retainers - Notes on June 16th Meeting June 17, 2011**
At June 16 meeting Director of Legal Services for Ministry agrees the Complaint is under legal jurisdiction of the Consumer Protection Act, but it is against Internal Policy set by deceased predecessor Rolf Lewis. Agree to set second meeting with Deputy Minister to discuss why Internal Policy should be changed. Sabrina Grando, young political assistant to Minister Gerretsen, in attendance, would have had to report that the Complaint was concluded to be within the legal jurisdiction of the Act, but outside of Internal Policy for the application of the Act.
6. **Letter to Minister Gerretsen, Minister Sousa, Parliamentary Assistant Brownell Request for Second Ministry Meeting June 22, 2011**
Since Ministry staff did not set up second meeting in the week of June 21, Diane Urquhart requests help from the Minister Gerretsen and other Ministers to have the second meeting with the Ministry staff take place.
7. **Email to Rochon and Tambakos from Diane on call from Pina Bosco, Deputy Minister's Office on Second Meeting June 23, 2011**
Call from Pina Bosco, Scheduling Assistant with Deputy Minister George Ross saying the Ministry would like to schedule a second meeting with our group in the week of July 11th to 15th.

8. **Letter to DM Ross, ADM Denton, EA Simeon, Director CPB and Director Legal Submission of Report on Misrepresentation Evidence July 12, 2011**

Diane Urquhart submits a comprehensive Report on Misrepresentation Evidence to the Ministry staff in the morning of July 12. This Report on Misrepresentation Evidence was later an Appendix B in Aug. 16 Letter to ADM Frank Denton.

9. **Letter to Minister Gerretsen, Minister Sousa, Parliamentary Asst Brownell, MPP Navqi, MPP Chiarelli Report on Misrepresentation Evidence and Denton Call in Afternoon July 12, 2011**

Carol Sampson sends this comprehensive Report on Misrepresentation Evidence to Minister Gerretsen and other Ministers and MPPs.

10. **Email to Rochon and Tambakos Notes on July 12 Call with ADM Denton and EA Simeon July 12, 2011**

ADM Frank Denton has call on July 12 with Diane Urquhart advising her that he is not proceeding with the investigation sought since Nortel's disability insurance does not meet the definition of "consumer transaction." He seeks to cancel planned second meeting, which Diane Urquhart resists and requests the meeting to proceed with the Attorney General lawyers and Joel Rochon and Sakie Tambakos of Rochon Genova LLP to discuss the legal arguments on legal jurisdiction of the Consumer Protection Act over the Complaint.

11. **Letter to MPP Chiarelli complaining about July 12 call from ADM Denton backtracking on legal jurisdiction July 14, 2011**

Carol Sampson complains about ADM Frank Denton not possibly having had the opportunity to review the evidence provided to him after Diane Urquhart received notice of his wish to have a teleconference with him on July 12. She provides counter-argument that the definitions of consumer and consumer transaction in the Consumer Protection Act cover the disability insurance they were sold.

12. **Letter to MPP Chiarelli providing notes on July 15 meeting with Ministry staff July 20, 2011**

Carol Sampson provides notes to MPP Chiarelli on the July 15 meeting with Ministry staff. Director of Legal Services Jim Girling does not attend, subordinate Marilyn Marshall tells the Nortel disabled group that the Complaint is not under the legal jurisdiction of the Act. ADM Frank Denton says the reasons are that it is not the intent of the Act of cover terms and conditions of employment and workplace disputes. When asked to provide the legal arguments and case law supporting this position, Marilyn Marshall said that she and the Attorney General's office had no further comment. Nonetheless, ADM Frank Denton and lawyer Marilyn Marshall agree to review the detailed legal opinion

and arguments of Rochon Genova LLP before making their final decision on whether to investigate the Complaint under the Consumer Protection Act.

13. Letter from Assistant Deputy Minister Denton to Rochon July 18, 2011

ADM Frank Denton does not honour his commitment to receive the detailed legal opinion and arguments of Rochon Genova LLP and sends a pre-emptive letter three days after the July 15 meeting indicating that the Ministry would not investigate the Complaint.

"The CPA is intended to regulate transactions between individual consumers and suppliers for goods and services, with a view to promoting a fair and balanced marketplace. It is not intended to regulate terms and conditions of employment or address disputes arising in the context of the workplace relationship. The provision of benefits in the context of an employment relationship would not be within the scope and purpose of the CPA. Your clients' claim against Nortel Networks Inc. and Sun Life Financial arises in the context of their status as former employees of Nortel Networks. It is the Ministry's position that the former employees' complaint is not in relation to a consumer transaction within the meaning of the CPA and is outside the jurisdiction of the CPA. Accordingly, the Ministry will not be commencing an investigation into your clients' complaint."

14. Letter to Ministers Duncan and Gerretsen from Complainants July 26, 2011

The Complainants send a letter to Minister Gerretsen and Minister Duncan requesting a meeting with the Ministers and outlining the role of the Ontario Government actions taken that are helping the Nortel pensions, while harming the Nortel disabled. "If the Ontario Government chooses not to enforce the Consumer Protection Act for our benefit, while using so much taxpayer money and making law amendments for the pensioners, this is just plain wrong and lacks common decency."

15. Letter to Minister Sousa from Urquhart Attorney General lawyers misinforming Minister on Restitution Power July 27, 2011

Diane Urquhart receives phone call from Minister of Labour Charles Sousa telling her that Attorney General lawyers are saying the Ontario Government does not have the power under the Consumer Protection Act to force financial remedy by Nortel and Sun Life for the Nortel disabled. Diane's letter shows the sections of the Act that provide the power of the Ministry to seek a court order of restitution of damages caused by misrepresentations.

16. Letter to Ministers Duncan and Gerretsen from Complainants Aug. 3, 2011

Complainants send a letter to Minister Gerretsen and Minister Duncan complaining that the Ontario Ministry of Environment is going to the Nortel bankruptcy court to seek priority payment of a \$10 M environmental clean-up order relating to the Nortel plant in London, Ontario. This priority payment is for the benefit of Ontario taxpayers and to the detriment of the Nortel disabled. Plus, the Ontario Government is refusing to enforce the Consumer Protection Act for priority payment of a potential court order for restitution of the damages from the Nortel and Sun Life disability insurance misrepresentations.

17. [Letter to Assistant Deputy Minister Denton from Rochon Aug. 16, 2011](#)

[Appendix A - Consumer Protection Act - Ontario Legislature and Committee Debates](#)

[Appendix B - Report on Misrepresentation Evidence](#)

Promised detailed legal opinion and arguments are provided by Rochon Genova LLP, Joel Rochon on Aug. 16, 2011. This is within one month of the July 15 meeting with Ministry staff and Marilyn Marshall, Attorney General lawyer, all of whom agreed to receive this legal opinion and continue discussion of it amongst the lawyers before Frank Denton reaches a final decision on whether his Ministry will investigate the Complaint.

"Based on a plain meaning interpretation of the CPA, as well as the documented legislative intent and broad and flexible scope of the Act, which Ontario courts have accepted, we believe that a judge hearing the Ministry's application for determination of offences and remedies under the Act relating to Nortel's and Sun Life's group disability insurance services would accept that the Complaint is within the jurisdiction of the CPA. It is not necessary for the court to engage in gap-filling powers to find that jurisdiction could be asserted and find a judicial solution for the poverty and potential premature death of Nortel disabled former employees within the CPA. We note that the judge has the power to make orders for compensation and restitution under section 117. The evidence on these unfair practices and misrepresentations in the Report on Misrepresentation Evidence found at APPENDIX B provides compelling support for the Ministry to achieve a successful prosecution of these offences under the CPA."

18. [Letter to Minister Gerretsen, Minister Duncan, Minister Sousa, Parliamentary Asst Brownell RG Legal Opinion Supplied Aug. 16, 2011](#)

Carol Sampson sends the Rochon Genova LLP detailed legal opinion and legal arguments to Minister Gerretsen, other Ministers and MPPs.

19. [Letter from Assistant Deputy Minister Denton to Sampson Aug. 26, 2011](#)

Frank Denton writes a letter to Carol Sampson on behalf of Minister Gerretsen saying unfortunately the Minister is unable to meet with her.

Thank you for your email of August 16, 2011, forwarded to me by the Honourable Minister Gerretsen, in which you request a meeting with the Minister to discuss the complaint made to the Ministry, asking that action be taken against Nortel and Sun Life under the Consumer Protection Act, 2002, in respect of the disability insurance provided to Nortel employees.

As you know, a decision has been made not to refer the matter for investigation. Unfortunately, the Minister is unable to meet with you.

20. [Letter to Assistant Deputy Minister Denton from Urquhart Aug. 27, 2011](#)

21. [Email to Attorney General Lawyers and Consumer Services Staff from Urquhart Aug. 29, 2011](#)

22. [Letter to Minister Gerretsen from Complainants Aug. 30, 2011](#)

Carol Sampson sends letter to Minister Gerretsen expressing her shock that ADM Frank Denton is reviewing his own decision in a letter he says is being sent on behalf of the Minister. Carol Sampson once again asks for a meeting between the Complainants, their professional financial and legal advisers and the Minister. She tells the Minister that the ADM Frank Denton has not provided any contrary legal arguments to the ones provided by Joel Rochon in his Aug. 16 letter, nor provided any legal arguments from the Attorney General lawyers to support his position to not investigate the Complaint.

23. [Letter from Assistant Deputy Minister Denton to Urquhart Aug. 31, 2011](#)

ADM Frank Denton writes Hugh Urquhart to say his Ministry is not proceeding with an investigation and again provides no legal arguments to support this decision.

24. [Letter from Assistant Deputy Minister Denton to Sampson Sept. 8, 2011](#)

There was a teleconference call with Carol Sampson, Hugh and Diane Urquhart with ADM Frank Denton on Sept 6, wherein the three persons complained about all calls and letters to Minister Gerretsen are not being returned by the Minister or his staff, but directed to ADM Frank Denton's office. ADM Frank Denton committed to inform Minister Gerretsen the Nortel disabled complainants and their advisors wished to speak to the Minister directly to inform him of

the Rochon Genova LLP legal opinion and the key evidence on misrepresentations so that he may review the decision of ADM Frank Denton in his capacity as Minister under the Act to order an investigation.

25. **Queens University Provincial Election All Candidates Debate - Q & A on Nortel Disabled Sept. 19, 2011**

Minister Gerretsen says the reason he is not enforcing the Consumer Protection Act is that Nortel is bankrupt and has no money. Kingston & The Islands Conservative, NDP and Green candidates say they would enforce the Consumer Protection Act.

26. **Kingston Community Health Center All Candidates Health Care Debate Sept. 21, 2011**

Hugh Urquhart asks the following question at the September 21, 2011 Kingston Community Health Care Center Health Care Debate. Minister Gerretsen changes his answer from Queens University Debate to the Nortel disabled problem is not a Consumer Protection issue based on the legal advice he has received from the Attorney General lawyers. He agrees with respect to the disability issue, there is a fair complaint that needs to be looked into. The Ministry of the Attorney General and the Ministry of Finance are looking into it.

Q: Nortel with \$10 billion in its bankruptcy estate is causing the poverty and premature death of its disabled employees. Since May 2011, Consumer Services Minister John Gerretsen refuses to meet with representatives of the Nortel disabled . He refuses to enforce the Consumer Protection Act, despite its legal jurisdiction over bogus disability insurance and despite costing the taxpayers nothing. What is the view of each candidate on using the Consumer Protection Act to force Nortel and Sun Life to pay for the misrepresented disability insurance sold to Nortel's employees?

In conversation after this Debate Minister Gerretsen denies seeing or knowing about the Rochon Genova LLP August 16 legal opinion letter. Minister Gerretsen denies knowing anything about Carol Sampson asking to meet him personally.

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