

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL



No: 500-06-000126-017

DATE: October 7, 2009

IN THE PRESENCE OF: THE HONOURABLE MICHÈLE MONAST, J.S.C.

**ASSOCIATION DE PROTECTION DES ÉPARGNANTS ET INVESTISSEURS DU
QUÉBEC (A.P.E.I.Q)**

Plaintiff

-and-

ANDRÉ DUSSAULT

Designated Person

v.

CORPORATION NORTEL NETWORKS

Defendant

-and-

BELLEAU LAPOINTE, S.E.N.C.R.L.

-and-

UNTERBERG, LABELLE, LEBEAU, S.E.N.C.

Class Counsel

-and-

ONTARIO PUBLIC SERVICE EMPLOYEES' UNION PENSION PLAN TRUST FUND

Intervenor

-and-

FONDS D'AIDE AUX RECOURS COLLECTIFS

Mise en cause

JUDGMENT

[1] **WHEREAS** this Court is seized with a *Requête pour l'approbation de dépenses liées à l'administration de la Transaction Nortel I, de certaines réclamations tardives et des honoraires des Procureurs-Requérants* (the « **Motion** »);

[2] **WHEREAS** this Court has retained jurisdiction to consider any further applications concerning the administration of the Settlement with respect to the Quebec Class, including without limitation, any further appropriate applications relating to payments to GCG or plaintiff's counsel or the administration of the Settlement as it relates to this Action and members of the Quebec Class;

[3] **ON READING** the materials filed and on hearing the submissions of Class Counsel;

[4] **WHEREAS** the parties do not contest the conclusions of the Motion;

[5] **FOR THESE REASONS, THIS COURT:**

REGARDING CLASS COUNSEL'S EXTRAJUDICIAL FEES AND DISBURSEMENTS:

[6] **DECLARES** that Quebec Class Counsel are entitled to extrajudicial fees of \$ 57 167.35 and to the reimbursement of the disbursements they have incurred in the execution of their mandate up to the limit of \$ 3 881.96, which amounts include all applicable taxes;

[7] **ORDERS** that the aforementioned amounts be paid out of the Cash Settlement Fund forthwith;

AND, REGARDING THE CLAIMS ADMINISTRATOR'S FEES AND EXPENSES AND THE LATE CLAIMS:

[8] **GRANTS** the present Motion subject to the issuance of concurring orders by each of the applicable Courts and in so far as the present Order applies to the Quebec class;

[9] **ORDERS AND DECLARES** that for the purposes of this Order the definitions contained in the Stipulation and Agreement of Settlement (Nortel I) dated June 20, 2006, as well as the definitions contained in this Court's judgment rendered on April 10, 2008 (the "Initial Class Distribution Order") apply and are incorporated into this Order;

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[10] **ORDERS** that with respect to the Quebec Class, the sixteen (16) otherwise acceptable but late claims submitted on or after July 24, 2008 are approved and shall be paid forthwith in cash the equivalent amount of their Recognized Claims that has been paid to the Accepted Claimants pursuant to the Initial Class Distribution Order, provided that for each Settlement Share that would have been awarded had such claim been paid previously, the claimant shall be paid \$ 8.0823 USD in cash;

[11] **ORDERS** that cash distributions that are addressed to Quebec addresses shall be issued forthwith in Canadian dollars, and GCG is authorized to convert sufficient U.S. dollars in the Cash Settlement Fund to Canadian dollars to make the Canadian dollar payments, and the cash distributions made to Quebec addresses shall be based upon the exchange rate received by GCG upon such conversion;

[12] **ORDERS** that subject to the issuance of concurring orders by each of the applicable Courts, the Claims Administrator's fees and expenses in connection with the administration of the Settlement from October 1st, 2007 through December 31, 2008 are hereby approved, and the outstanding balance of such fees and expenses in the amount of \$ 1 759 143.40 USD (including \$ 854 478.19 USD previously approved but unpaid, and an additional \$ 904 665.21 USD presently approved) shall be paid out of the Cash Settlement Fund;

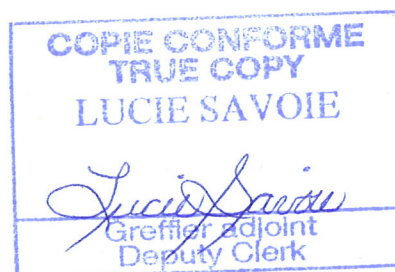
[13] **ORDERS** that jurisdiction is retained by the Court to consider any further applications concerning the administration of the Settlement with respect to the Quebec Class, including without limitation, any further appropriate applications concerning claims by Quebec Class members that are submitted to GCG asserting that the payment provided in the initial distribution was incorrect, or relating to payments to GCG or plaintiff's counsel or the administration of the Settlement as it relates to this Action and members of the Quebec Class;

[14] **THE WHOLE** without costs.


MICHELE MONAST, J.S.C.

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Date of hearing: October 7, 2009