

**TO MEMBERS OF THE CLASS ACTION CONCERNING  
THE COPYRIGHTS OF THE GAZETTE'S FREELANCERS**

**TAKE NOTICE THAT**

- I- THE AUTHORIZATION OF THE CLASS ACTION HAS BEEN GRANTED  
AND**
  - II- THE CLASS ACTION HAS BEEN SETTLED WITH SOME OF THE  
DEFENDANTS, NAMELY**
    - a. CANWEST GLOBAL COMMUNICATIONS CORP. AND**
    - b. CANWEST PUBLISHING INC./PUBLICATIONS CANWEST INC.**
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<b>I- THE AUTHORIZATION OF THE CLASS ACTION</b>
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**The Group**

1. The bringing of a class action has been authorized on the 31<sup>st</sup> day of March 2009 by judgment of the Honourable Mrs. Justice Eva Petras of the Superior Court, for the benefit of the natural persons forming part of the group hereinafter described, namely:
  - « All persons residing in Quebec or having resided in Quebec or residing in Canada, who have been freelance writers or creators for the Southam Inc. daily newspaper The Gazette in Montreal, and whose articles or works have been reproduced without authorization or consent in the electronic database named INFOMART or in other electronic databases or in any form whatsoever and who have not obtained compensation for these illegal reproductions, as well as all assignees or transferees of copyright rights of these persons, or if these persons are deceased, their heirs or legal representatives. »
2. For the purposes of the class action, the status of representative has been ascribed to **THE ELECTRONIC-RIGHTS DEFENCE COMMITTEE ERDC** and the status of designated member has been ascribed to **DAVID HOMEL**.

**The issues**

3. The principal question of law or fact to be dealt with collectively is: Do freelance writers or creators members of the group own copyrights on the articles they have authored and were those rights violated by the defendants?

4. The principal conclusions sought are as follows:

**TO CONDEMN** the Defendants jointly and severally to pay compensatory and punitive damages to members of the group;

**TO ISSUE A PERMANENT INJUNCTION ORDER** against the Defendants to prohibit them from reproducing any articles authored by members of the group in electronic databases or any other form whatsoever;

**TO DECLARE NULL AND VOID AND TO RESCIND AND ANNUL** all written contracts with freelance writers or creators since 1996 illegally transferring to the Defendants a non-exclusive license to reproduce or sublicense material, namely articles for the newspaper The Gazette;

### **Exclusion of members**

5. Any member of the group who has not requested his or her exclusion will be bound by any judgment to be rendered on the class action and/or by any settlement, including the settlements with Canwest Global Communications Corp. («CGCC») and with Canwest Publishing Inc./Publications Canwest Inc. («CPI»), if approved by the Court.
6. A member may request his exclusion from the group by advising the clerk of the Superior Court of the district of Montreal by registered or certified mail, on or before **July 12, 2010**, at the following address:

Clerk of the Superior Court, district of Montreal  
1, Notre-Dame East  
Montreal (Quebec) H2Y 1B6

Subject: The Electronic-Right Defence Committee ERDC et al. vs.  
Southam Inc. et al.

Court File : 500-06-000035-978

## **II- SETTLEMENTS WITH SOME OF THE DEFENDANTS**

7. Following the filing by both Canwest Global Communications Corp. («CGCC») and Canwest Publishing Inc. /Publications Canwest Inc. («CPI») for protection from their creditors in two separate proceedings under the *Companies' Creditors Arrangement Act* in the Superior Court of Ontario (the «CCAA Proceedings»), ERDC has reached an agreement with each CGCC and CPI.

8. Both settlements will be presented before the Honourable Justice Petras of the Superior Court of Quebec for approbation on **June 18, 2010 at 9:00 am** in room **15.07** at the Court house situated at 1, Notre-Dame East in Montreal;
9. Every member of the group is invited to make representations before the Court at this hearing.
10. Any amount payable to ERDC in money and/or in shares following the settlement of the ERDC claims will be put aside in trust for the benefit of members of the group. The actual distribution of any money or shares to members of the group, if any, will be submitted for Court approval at a later date. Therefore, members of the group do not have to make any individual claim at this stage.
11. Even if the settlements described below were to be approved by the Court, the class action will continue against the other defendants.

**A. SETTLEMENT WITH CANWEST GLOBAL COMMUNICATIONS CORP. (CGCC)**

12. The proposed settlement can be summarized as follows :
  - The value of ERDC's claim for the benefit of all members of the group is fixed at \$500 000.00 for voting and distribution purposes in respect of any plan of compromise or arrangement proposed by CGCC to its creditors.
  - The settlement is conditional to the approbation of the plan of compromise by CGCC's creditors within the CCAA proceedings that provides for a distribution in money.

**B. SETTLEMENT WITH CANWEST PUBLISHING INC./PUBLICATIONS CANWEST INC. (CPI)**

13. The proposed settlement can be summarized as follows :
  - The value of ERDC's claim for the benefit of all members of the group is fixed at \$8,500,000 for voting and distribution purposes in respect of any plan of compromise or arrangement proposed by CPI to its creditors.
  - The settlement is conditional upon the approval by certain of CPI's creditors of a plan of compromise within the CCAA proceedings that provides for a distribution in shares.

**ATTORNEYS FOR THE GROUP**

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**REPRESENTATIVE OF THE GROUP**

THE ELECTRONIC-RIGHTS DEFENCE  
COMMITTEE ERDC  
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THE PUBLICATION OF THIS NOTICE IS ORDERED BY THE COURT