

<b>CANADA</b>	<b>PROCÈS-VERBAL D'AUDIENCE</b>	<b>COUR SUPÉRIEURE</b>
PROVINCE DE QUÉBEC	Recours collectif	Chambre civile
DISTRICT DE MONTRÉAL	Référé de	Salle prévue
No 500-06-000035-978		17:09
		Date Le 18 juin 2010
L'HONORABLE EVA PETRAS, J.C.S.		JP1884

Partie demanderesse		Procureur(s)	
The Electronic-Rights Defence Committee ERDC	Absentes	Me Mireille Goulet	Présente
		Me Catherine Sylvestre Sylvestre, Fafard, Painchaud	Présente

Parties défenderesses		Procureur(s)	
Southam Inc. et Cedrom-SNI Inc. et Infomart Dialog Limited et Southam Business Communications Inc. et Montreal Gazette Group Inc. – Groupe Montréal Gazette Inc. et CanWest Global Communications Corporation et Hollinger Canadian Publishing Holdings Inc. et CanWest Interactive Inc.		Me Nathaniel Brand Ogilvy Renault <u>Pour</u> : Southam Inc., Southam Business Communications Inc. et Hollinger Canadian Publishing Holdings Inc.  Me Hilal El Ayoubi Fasken Martineau DuMoulin <u>Pour</u> : Cedrom-SNI Inc.  Me Mark Bantey Gowling Lafleur Henderson <u>Pour</u> : Montreal Gazette Group Inc., Canwest Global Communications Corp., Canwest Interactive Inc. et Infomart Dialog Limited	Présent  Présent  Présent
<u>Les parties défenderesse sont absentes</u>			
<b>Parties mises en cause</b>			
Fonds d'aide aux recours collectifs	Présentes	Non représentées	

Nature de la cause Recours collectif
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Cote(s)	Requête (s)
---	Motion by the Petitioner for the Approbation of a Settlement of the Class Action with Canwest Publishing Inc./Publication Canwest Inc. for Respondents Montreal Gazette Group Inc./Groupe Montréal Gazette Inc. and Canwest Interactive Inc. (first motion)
---	Motion by the Petitioner for the Approbation of a Settlement of the Class Action with Respondent Canwest Global Communications Corp. (second motion)

Greffier(lère) Christiane Avoine	Interprète N/A	Sténographe N/A
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**ENREGISTREMENT NUMÉRIQUE**

Audition AM :	Début 09:35	Fin 10:30	Audition PM :	Début -----	Fin -----
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Affaires référées au maître des rôles	Résultat de l'audition Jugements sur requêtes
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HEURE

09:35 **OUVERTURE DE L'AUDIENCE**  
Identification des procureurs

09:37 Le Tribunal s'adresse aux procureurs

09:38 Représentations de Me Goulet

09:39 **Pièce R-8** : Letter of "Fonds d'aide aux recours collectifs" dted June 16, 2010 (both motions)

09:40 **Pièce R-7** : Copy of the Settlement Agreement signed by Canwest Global Communications (same as R-3) (second motion)

09:41 Échanges de part et d'autres

09:45 La greffière procède à un appel sur trois étages pour les personnes impliquées dans le dossier

09:46 Représentations de Me Goulet

09:47 **THE COURT CONFIRMS** that the appropriate notice with respect to the approbation of the transaction was duly published.

09:48 Représentations de Me Goulet re : Two motions for two separate transactions

09:50 Intervention de Me Bantey

Motion by the Petitioner for the Approbation of a Settlement of the Class Action with CanWest Publishing Inc./Publication Canwest Inc. for respondents Montreal Gazette Group Inc./Groupe Montréal Gazette Inc. and CanWest Interactive Inc.

09:52 Me Goulet souligne que "the first motion is dealing with CanWest Publications, which is an amalgamation of three defendants, Montreal Gazette Group Inc., Canwest Interactive Inc. and Infomart Dialog Limited.

Suite à une demande de précision de Me Bantey, Me Goulet souligne que la transaction en tant que telle est la **Pièce R-4**. (Settlement Agreement) pour la première requête

09:58 Me Goulet poursuit ses représentations et échange avec le Tribunal

We will amend two of the conclusions requested to read as follows: **PERMIT** Canwest Publishing Inc./Publication Canwest Inc. or the Monitor in the CCAA proceedings to pay any amount payable to ERDC and/or any shares to be issued to ERDC to be remitted, in trust, to Sylvestre, Fafard, Painchaud.

The second conclusion requested to read as follows: **ORDER** Sylvestre, Fafard, Painchaud to keep any such amount payable to ERDC and/or any shares issued to ERDC or members of the group, in trust, until a final judgment provides for its distribution.

The second conclusion of the Petitioner's motion is amended to read as follows: **AUTHORIZE** Petitioner to settle the present proceedings against Canwest Publishing Inc./Publication CanWest Inc. for Respondents Montreal Gazette Group Inc./Groupe Montréal Gazette Inc. and CanWest Interactive Inc.

10:02

Intervention de Me Sylvestre

Représentations de Me Goulet

10:05

Les autres procureurs non aucune représentation à faire

10:06

**JUDGMENT :**

**CONSIDERING** the Motion by the Petitioner for the Approbation of a Settlement of the Class Action with Canwest Publishing Inc./Publication Canwest Inc., for Respondents Montreal Gazette Group Inc./Groupe Montréal Gazette Inc. and Canwest Interactive Inc.;

**CONSIDERING** the evidence filed in the Court record;

**CONSIDERING** the representations made to the Court by the attorneys for the Petitioner;

**CONSIDERING** that the Court is satisfied that the motion is well-founded;

**CONSIDERING** that no member of ERDC or the group made representations before this Court to contest the transaction, although duly called by the Court to attend the proceedings for this purpose;

**FOR THESE REASONS, THE COURT:**

**AUTHORIZES** Petitioner to settle the present proceedings against Canwest Publishing Inc./Publication Canwest Inc. for Respondents Montreal Gazette Group Inc./Groupe Montréal Gazette Inc. and Canwest Interactive Inc.;

**DECLARES** that the transaction is just and fair and that it is in the best interest of the members of the group;

**APPROVES** the transaction, Exhibit R-4 and **ORDERS** the parties to respect its terms and conditions;

**PERMITS** Canwest Publishing Inc./Publication CanWest Inc. or the Monitor in the CCAA proceedings to pay any amount payable to ERDC and/or any shares to be issued to ERDC, to be remitted, in trust, to Sylvestre, Fafard, Paindchaud;

**ORDERS** Sylvestre, Fafard, Paindchaud to keep any such amount payable to ERDC or members of the group and/or any shares issued to ERDC or members of the group, in trust, until a final judgment provides for its distribution;

**MAINTAINS** the Court's jurisdiction to settle any dispute arising from the administration, application and/or interpretation of the transaction;

**THE WHOLE** without costs.



L'HONORABLE EVA PETRAS, J.C.S.

10:13

Représentations de Me Bantey re : Considérant du jugement

Motion by the Petitioner for the Approbation of a Settlement of the Class Action with Respondent Canwest Global Communications Corp.

10:15

Le Tribunal s'adresse à Me Goulet

10:17

Représentations de Me Goulet et échange avec le Tribunal

10:20 Représentations de Me Sylvestre et échange avec le Tribunal

10:21 **Pièce R-3** : Original Transaction, Release and Discharge signed by ERDC (files the original Transaction signed by Canwest Global Communications Inc. in the second motion, as R-7

10:22 The letter **R-8** refers to both motions

10:24 Représentations de Me Bantey et échange avec le Tribunal

10:25 Représentations de Me El Ayoubi et échanges de part et d'autres

10:26 **JUDGMENT :**

**CONSIDERING** the Motion by the Petitioner for the Approbation of a Settlement of the Class Action with Respondent Canwest Global Communications Corp.

**CONSIDERING** the evidence filed in the Court record;

**CONSIDERING** the representations made to the Court by the attorneys for the Petitioner;

**CONSIDERING** that the Court is satisfied that the motion is well-founded;

**CONSIDERING** that no member of ERDC or the group made representations before this Court to contest the Transaction, although duly called by the Court to attend the proceedings for this purpose;

**FOR THESE REASONS, THE COURT :**

**GRANTS** the present motion;

**AUTHORIZES** Petitioner to settle the present proceedings against Canwest Global Communications Corp;

**DECLARES** that the transaction is just and fair and that it is in the best interest of the members of the group;

**APPROVES** the transaction, Exhibits R-3 and R-7 and **ORDERS** the parties to respect its terms and conditions;

**PERMITS** Canwest Global Communications Corp. or the Monitor in the CCAA proceedings, to pay any amount payable to ERDC, to Sylvestre, Fafard, Painchaud, in trust;

**ORDERS** Sylvestre, Fafard, Painchaud to keep any such amount payable to ERDC, in trust, until a final judgment provides for its distribution;

**MAINTAINS** the Court's jurisdiction to settle any dispute arising from the administration, application and/or interpretation of the transaction;

**THE WHOLE**, without costs.

  
L'HONORABLE EVA PETRAS, J.C.S.

10:30 Fin de l'audience

