## ONTARIO SUPERIOR COURT OF JUSTICE (Central East Region)

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Province of Ontario	, ) ) - v	and
Central East Region	)	Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly

- 1. Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly, stand charged that, between January 1, 2000 and April 28, 2004, in the Province of Ontario, and elsewhere in Canada and elsewhere in the United States of America did by deceit, falsehood or other fraudulent means, defraud the public of property, money, or valuable security having a value exceeding \$5000.00, by deliberately misrepresenting the financial results of Nortel Networks Corporation (NNC), contrary to section 380(1)(a) of the Criminal Code of Canada.
- 2. Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly, stand charged that, between January 1, 2000 and April 28, 2004, in the Province of Ontario, and elsewhere in Canada and elsewhere in the United States of America did by deceit, falsehood or other fraudulent means, defraud Nortel Networks Corporation (NNC) of property, money, or valuable security having a value exceeding \$5000.00, to wit: by deliberately misrepresenting the financial results of Nortel Networks Corporation (NNC), contrary to section 380(1)(a) of the Criminal Code of Canada.
- 3. Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly, stand charged that, between October 1<sup>st</sup>, 2002 and April 28, 2004, in the Province of Ontario, and elsewhere in Canada and elsewhere in the United States of America did with intent to defraud, make a false entry in a book, paper, writing or document: to wit: the accounting books and records of Nortel Networks Corporation (NNC) for the period between January 1, 2002 and June 30, 2003, (representing the 2002 Year End and the First Quarter and Second Quarter of 2003), contrary to section 397(1)(a) of the *Criminal Code of Canada*.
- 4. Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly, stand charged that, between October 1<sup>st</sup>, 2002 and April 28, 2004, in the Province of Ontario, and elsewhere in Canada and elsewhere in the United States of America did with intent to defraud, omit a material particular in a book, paper, writing or document: to wit: the accounting books and records of Nortel Networks Corporation (NNC) for the period between January 1, 2002 and June 30, 2003, (representing the 2002 Year End and the First Quarter and Second Quarter of 2003), contrary to section 397(1)(b) of the *Criminal Code of Canada*.

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- 5. Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly, stand charged that, between October 1<sup>st</sup>, 2002 and March 10<sup>th</sup>, 2003 did, in the Province of Ontario, and elsewhere in Canada, and elsewhere in the United States of America make, circulate or publish a statement or an account, whether written or oral, to wit: the 2002 Year End financial results of Nortel Networks Corporation (NNC), knowing that it was false in a material particular, with intent to deceive or defraud the members, shareholders or creditors, whether ascertained or not, of Nortel Networks, contrary to section 400(1) of the Criminal Code of Canada.
- 6. Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly, stand charged that, between January 1<sup>st</sup>, 2003 and May 9<sup>th</sup>, 2003 did, in the Province of Ontario, and elsewhere in Canada, and elsewhere in the United States of America make, circulate or publish a statement or an account, whether written or oral, to wit: the First Quarter (Q1) 2003 financial results of Nortel Networks Corporation (NNC), knowing that it was false in a material particular, with intent to deceive or defraud the members, shareholders or creditors, whether ascertained or not, of Nortel Networks, contrary to section 400(1) of the Criminal Code of Canada.
- Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly, stand charged that, between April 1<sup>st</sup>, 2003 and August 12<sup>th</sup>, 2003 did, in the Province of Ontario, and elsewhere in Canada, and elsewhere in the United States of America make, circulate or publish a statement or an account, whether written or oral, to wit: the Second Quarter (Q2) 2003 financial results of Nortel Networks Corporation (NNC), knowing that it was false in a material particular, with intent to deceive or defraud the members, shareholders or creditors, whether ascertained or not, of Nortel Networks, contrary to section 400(1) of the Criminal Code of Canada.

DATED this 28th day of January, 2010

J.Sandy Ise

Crown Counsel and

Agent for Attorney General of Ontario

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all council present: acid by designate.

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all council present adjet on consent to September 24, 2010. 9130c. in Neumlet before RSJ Brown, re Nof M to charge venue to Toronto.

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On contect, matter adjunised to Tormto at 361 University

Are Courtoon 1-1 at October 20, 2000 at 5:00 am

to set date for trial.

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COUNSEL- ALL DY DOSIONA. CLOWN: S.TSE DUNN: D. POEREZ & J. DENT. marca 24, 2010 accely design BEATTY GLAFONTA INE & C. THOMAS all coursel present. Crown & defence conociy: s. LAUINE IR. MKBUHNEY abjet to June 30, 2010. 9:30a, Durham Consolid. Court House Osh, to lix date for TAT Standary. Crow: S. Te D commo, by derinate: Dun: Parte & Sunt thus replie Buty: M. Lo (entaris Solloghy: us iavino. This with was returnable before un toget for pro brually monom: (1) to tollow up on the Crow's obligation to under don to meterals pressorely chanded as the "Concordance database", use a mondona was to have been completed speciality and (1) To order to defer a motion for production of usotal deciments and to an under of documents one while a close to pourly has se anested by Nortel. The witters were last before one on Eds 19/10. Surce Thet det, a tried judy (Shouthnessy I) has been appointed. In my view, I and not serged of physippe put has no server and they only the pure it to be exchanged by To fij. Shows to are were to extud the this Rogitation Slaghereny J. " Registre de date lo be leve Commen 7.

10-20000698 CROWN' -TSE, S. FEB 1 9 2010 PORTER. DIDENT. J. Dunn: -LAFONTAINE, J. BEATTY :-COLLOGLY: - MCKECHMEY / LAUNE. By way of basiground, on Dec 7-10, 2009 **Court File No. 10 00145** C.A. File No. 10 / 02 I heard surder and degument on a défence du clas un mêtre ut. le The **ONTARIO** SUPERIOR COURT OF JUSTICE chaques were still in the own. My (Central East Region) ruling or that disclosine mot BETWEEN: was released Dec 21/09. Defendants subsequently elected to HER MAJESTY THE QUEEN wain a prelim. and proceed to true by Judge clone in the sec. on v. Feb (le)10 1 heard a motion by to Crow to remove Mr. Danu's come, Frank Dunn, Douglas Beatty and Michael J. Gollogly micanthy tetranet, as council due to en alleged conflict. The opplication is greserty on veries. On Fcb 17-19,2010 heard curar ce of argument on a INDICTMENT Porto afece chidosono moto. Or Febiglio the parties filed a count intern unoliva of the application. Roth the witho ducherme MINISTRY OF THE ATTORNEY application and the second GENERAL Crown Law Office - Criminal du closure op "cetia are adouned 720 Bay Street to be spoken to or Im to, 2010 10<sup>th</sup> Floor at 9:30 am Toronto, Ontario M5G 2K1 - The meantine, a APT u

Bosares T

us 08.9 to now 2 le 10 at 9.30 en

before ilnder J.

416-326-4600 (tel) 416-326-4656 (fax)