


ONTARIO
SUPERIOR COURT OF JUSTICE
(Central East Region)

CANADA)	HER MAJESTY THE QUEEN
)	
Province of Ontario)	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 1st, 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 1st, 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*.

5. Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly, stand charged that, between October 1st, 2002 and March 10th, 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 1st, 2003 and May 9th, 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*.
7. Frank A. Dunn, Douglas C. Beatty, and Michael J. Gollogly, stand charged that, between April 1st, 2003 and August 12th, 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 Tse
Crown Counsel and
Agent for Attorney General of Ontario

June 30, 2010

Oshawa

Crown: R. Hubbard & A. Rubaszek

Def: D. Porter & J. Dent for Dunn, G. Lafontaine & L.A. Thomas
R. McKee for Gallop for Beatty

All counsel present. Adj'd by designation.

JRT could. On consent, adj'd to August 6, 2010, 9:30a in Osh.

to continue trial.

Sumida J.

Aug 6/10

Oshawa

All counsel present. Adj'd on consent to September 24, 2010, 9:30a in Newark before RSG Brown, re Adj M to change venue to Toronto.

Sumida J.

SEP 24 2010

A Rubaszek for Crown G Lafontaine for Beatty by designation filed
D Porter & J Dent for Dunn by designation filed
~~as Gallop~~ S. Laine for Gallop by designation filed

Change of venue to Toronto granted on consent.

On consent, matter adjourned to Toronto at 361 University

Ave Courtroom 1-1 at October 20, 2010 at 9:00 am

to set date for trial.

Mt Brown J.

4
APPEARANCE NO.
DATE: Oct. 20/2010

PRE-TRIAL: HELD ☐ SET ☒
BEFORE JUSTICE: @ 9:00

ADJOURNED TO: November 5/10
FOR TRIAL ☐ TSD ☐ TBST ☒ PLEA ☐

@ 9:30

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐
W/Without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

JUSTICE

Nordheimer

APPEARANCE NO.
DATE: Nov. 5/2010

PRE-TRIAL: HELD ☐ SET ☒ @ 9:00
BEFORE JUSTICE:

ADJOURNED TO: January 6/2011
FOR TRIAL ☐ TSD ☐ TBST ☒ PLEA ☐

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐
W/Without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

Mr JUSTICE

Nordheimer

Designation en file
APPEARANCE NO.
DATE: Jan. 6/11

PRE-TRIAL: HELD ☐ SET ☒
BEFORE JUSTICE: @ 9:00

ADJOURNED TO: February 7/11
FOR TRIAL ☐ TSD ☐ TBST ☒ PLEA ☐

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐
W/Without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

JUSTICE

JUDGES' NOTES

9
APPEARANCE NO.

DATE: February 7/11

PRE-TRIAL: HELD ☐ SET ☐
BEFORE JUSTICE:

ADJOURNED TO: March 8/11
FOR TRIAL ☐ TSD ☐ TBST ☒ PLEA ☐

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐
W/Without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐


JUSTICE

APPEARANCE NO.

DATE: March 8/11

PRE-TRIAL: HELD ☐ SET ☐
BEFORE JUSTICE:

ADJOURNED TO: March 14/11
FOR TRIAL ☐ TSD ☐ TBST ☒ PLEA ☐

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐
W/Without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐


JUSTICE Nordheimer

APPEARANCE NO.

DATE: March 14/11

PRE-TRIAL: HELD ☐ SET ☐
BEFORE JUSTICE:

ADJOURNED TO: March 29/11
FOR TRIAL ☐ TSD ☐ TBST ☒ PLEA ☐

@ 9:30

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐
W/Without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐


JUSTICE

JUDGES' NOTES

DATE: March 29/11

APPEARANCE BY DESIGNATION ☒

PRE-TRIAL: HELD ☐ SET ☐ @ _____

☒ ADJOURNED TO: March 31/11
TSD ☐ TBST ☒ PLEA ☐
C 9:30

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

jury ☐
judge alone ☐

11(b) Waived ☐
w/without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

[Signature]
JUSTICE

JUDGE'S NOTES

DATE: MAR. 31/11

APPEARANCE BY DESIGNATION ☒

PRE-TRIAL: HELD ☐ SET ☐ @ _____

☒ ADJOURNED TO: April 14/11
TSD ☐ TBST ☒ PLEA ☐

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

jury ☐
judge alone ☐

11(b) Waived ☐
w/without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

[Signature]
JUSTICE

NORDHEIMER

JUDGE'S NOTES

DATE: 14/Apr. 1/11

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☒ @ 9:00 (cont'd)

☒ ADJOURNED TO: May 5/11
TSD ☐ TBST ☒ PLEA ☐

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

Jury ☐
Judge alone ☐

11(b) Waived ☐
w/without Counsel ☐
Peremptory ☐
Bench Warrant to Issue ☐
w/discretion ☐
Bail noted for estreat ☐

JUSTICE Nordheimer

JUDGE'S NOTES

DATE: May 05/11

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☒ @ 9:00 (cont'd)

☒ ADJOURNED TO: May 13/11
TSD ☐ TBST ☒ PLEA ☐

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

Jury ☐
Judge alone ☐

11(b) Waived ☐
w/without Counsel ☐
Peremptory ☐
Bench Warrant to Issue ☐
w/discretion ☐
Bail noted for estreat ☐

JUSTICE

JUDGE'S NOTES

DATE: May 13/11

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☐ @ _____

☒ ADJOURNED TO: June 30/11

TSD ☐ TBST ☐ PLEA ☐

appel'n @ 10:00 before me

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

jury ☐

Judge alone ☐

11(b) Waived ☐

w/without Counsel ☐

Peremptory ☐

Bench Warrant to issue ☐

w/discretion ☐

Bail noted for estreat ☐

Delia J. Nordheimer
JUSTICE NORDHEIMER

JUDGE'S NOTES

DATE: June 30th/2011

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☐ @ 9:00 (cont'd)

☒ ADJOURNED TO: July 26/11

TSD ☐ TBST ☒ PLEA ☐

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

jury ☐

Judge alone ☐

11(b) Waived ☐

w/without-Counsel ☐

Peremptory ☐

Bench Warrant to issue ☐

w/discretion ☐

Bail noted for estreat ☐

Delia J. Nordheimer
JUSTICE Nordheimer

JUDGE'S NOTES

DATE: July 26/11

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☒ @ 2:30 (cont'd)

☒ ADJOURNED TO: September 9/11
TSD ☐ TBST ☒ PLEA ☐

C 2:30

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

jury ☐
judge alone ☐

11(b) Waived ☐
w/without Counsel ☐
Peremptory ☐
Bench Warrant to Issue ☐
w/discretion ☐
Bail noted for estreat ☐

JUSTICE [Signature]

JUDGE'S NOTES

*Pretrial
Sept 11/11
Chambers
CPO*

DATE: 9 Sept/11

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☐ @ _____

☒ ADJOURNED TO: Oct 14/11
TSD ☐ TBST ☒ PLEA ☐

C 9:30

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

jury ☐
judge alone ☐

11(b) Waived ☐
w/without Counsel ☐
Peremptory ☐
Bench Warrant to Issue ☐
w/discretion ☐
Bail noted for estreat ☐

JUSTICE [Signature]

JUDGE'S NOTES

APPEARANCE NO.

DATE: Oct. 14/11

PRE-TRIAL: HELD ☐ SET ☐
BEFORE JUSTICE:

ADJOURNED TO: Nov. 3/11
FOR TRIAL ☐ TSD ☐ TBST ☒ PLEA ☐

C9:30

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐
W/Without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

Justice *Justice*

APPEARANCE/NO.

DATE: Nov. 3/11

PRE-TRIAL: HELD ☐ SET ☐
BEFORE JUSTICE:

ADJOURNED TO: Nov. 8/11
FOR TRIAL ☐ TSD ☐ TBST ☒ PLEA ☐

C9:30

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐
W/Without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

Justice *Justice*

APPEARANCE NO.

DATE: Nov. 8/11

PRE-TRIAL: HELD ☐ SET ☐
BEFORE JUSTICE:

ADJOURNED TO: Nov. 9/11
FOR TRIAL ☐ TSD ☐ TBST ☒ PLEA ☐

C9:30

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐
W/Without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

Justice *Justice*

JUDGES' NOTES

APPEARANCE NO.

DATE:

9
Nov. 8/11

PRE-TRIAL:

HELD ☐

SET ☐

BEFORE JUSTICE:

ADJOURNED TO:

Nov. 15/11

FOR TRIAL ☐

TSD ☐

TBST ☒

PLEA ☐

@ 4:30

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐

W/Without Counsel ☐

Peremptory ☐

Bench Warrant to issue ☐

w/discretion ☐

Bail noted for estreat ☐

JUSTICE

APPEARANCE NO.

DATE:

Nov. 18/11

PRE-TRIAL:

HELD ☐

SET ☐

BEFORE JUSTICE:

ADJOURNED TO:

Nov. 21/11

FOR TRIAL ☐

TSD ☐

TBST ☒

PLEA ☐

@ 4:30

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐

W/Without Counsel ☐

Peremptory ☐

Bench Warrant to issue ☐

w/discretion ☐

Bail noted for estreat ☐

JUSTICE

APPEARANCE NO.

DATE:

Nov. 15/11

PRE-TRIAL:

HELD ☐

SET ☐

BEFORE JUSTICE:

ADJOURNED TO:

Nov. 18/11

FOR TRIAL ☐

TSD ☐

TBST ☒

PLEA ☐

@ 9:30

READINESS DATE:

TRIAL DATE:

TRIAL LENGTH (est):

11(b) Waived ☐

W/Without Counsel ☐

Peremptory ☐

Bench Warrant to issue ☐

w/discretion ☐

Bail noted for estreat ☐

JUSTICE

JUDGES' NOTES

DATE: Nov. 21/11

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☒ @ 8:45

☒ ADJOURNED TO: Nov. 29/11
TSD ☐ TBST ☒ PLEA ☐
9:30

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

Jury ☐
Judge alone ☐

11(b) Waived ☐
w/without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

Justice
JUSTICE

JUDGE'S NOTES

DATE: Nov. 29/11

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☒ @ 8:30

☒ ADJOURNED TO: Dec 12/11
TSD ☐ TBST ☒ PLEA ☐
9:30

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

Jury ☐
Judge alone ☐

11(b) Waived ☐
w/without Counsel ☐
Peremptory ☐
Bench Warrant to issue ☐
w/discretion ☐
Bail noted for estreat ☐

Justice
JUSTICE

JUDGE'S NOTES

DATE: December 12th / 2011

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☐ @ _____

☐ ADJOURNED TO: Jan 12 / 12
TSD ☐ TBST ☐ PLEA ☐

motion for particulars

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

Jan 16 / 12

TRIAL LENGTH (est):

Jury ☐
Judge alone ☐

11(b) Waived ☐
w/without Counsel ☐

Peremptory ☐

Bench Warrant to issue ☐

w/discretion ☐

Bail noted for estreat ☐

Manoos
JUSTICE

Marrocco

JUDGE'S NOTES

DATE:

APPEARANCE BY DESIGNATION ☐

PRE-TRIAL: HELD ☐ SET ☐ @ _____

☐ ADJOURNED TO:
TSD ☐ TBST ☐ PLEA ☐

☐ ADJOURNED TO
READINESS DATE:

AND TO TRIAL DATE:

TRIAL LENGTH (est):

Jury ☐
Judge alone ☐

11(b) Waived ☐
w/without-Counsel ☐

Peremptory ☐

Bench Warrant to issue ☐

w/discretion ☐

Bail noted for estreat ☐

JUDGE'S NOTES

March 26, 2010

CROWN: S. TSE

COUNSEL: ALL BY DESIGN

Acc'd by desig

Dunn: D. POEBA & J. DENT

BETTY G. LAFONTAINE & C. THOMAS

GOLLOGLY: S. LAUNE & R. MCKAY HNEY

All counsel present. Crown & defence adj'd to June 30, 2010, 9:30am, Durham Consol'd. Court House Osh. to fix date for JAT

Stambridge

April 16/10

Crown: S. Tse

& counsel by desig

Dunn: ^{mems} Poeba & Dent

Betty: Ms LaFontaine

Gollogly: Ms Laune

- This matter was returnable before me today for two principle reasons:
- (1) To follow up on the Crown's obligation to update the materials previously identified as the "Concordance Database", which update was to have been completed April 15/10; and
 - (2) To address the defence motion for production of redacted documents and for an index of documents over which a claim to privilege has been asserted by the Crown.

The matters were last before me on Feb 19/10. Since that date, a trial judge (Shaymeny J) has been appointed. In my view, I am not seized of any of the disclosure issues and they ought properly to be addressed by the T.J.

Should the Crown seek to extend the time periods set out in my ruling on disclosure, they should do so on written application.

All matters are otherwise adj to a date to be before

Right to life, before Shaymeny J.

GB Boswell T.

FEB 19 2010

CROWN:- TSE, S.
DUNN:- PORTER, D / DENT, J.
BEATTY:- LAFONTAINE, J.
GOLLOGLY:- McKECHNEY / LAVINE.

10-00000698

Court File No. 10 00145
C.A. File No. 10 / 02

By way of background, on Dec 7-10, 2009
I heard evidence and argument on a
defence disclosure motion while the
charges were still in the OJ. My
ruling on that disclosure motion
was released Dec 21/09. ~~On~~ The

ONTARIO
SUPERIOR COURT OF JUSTICE
(Central East Region)

BETWEEN:

Defendants subsequently elected to
waive a prelim. and proceed to trial
by judge alone in the SCJ. On
Feb 16/10 I heard a motion by the

HER MAJESTY THE QUEEN

v.

Crown to remove Mr. Dunn's counsel,
McCarthy Tétrault, as counsel due to
an alleged conflict. The application is
pending on venue. On Feb 17-19, 2010

Frank Dunn, Douglas Beatty
and Michael J. Gollogly

I heard evidence & argument on a
further defence disclosure motion. On
Feb 19/10 the parties filed a consent
minutes of the application.

INDICTMENT


Both the initial disclosure
application and the second
disclosure application are adjourned
to be spoken to on April 16, 2010
at 9:30 a.m.

MINISTRY OF THE ATTORNEY
GENERAL

Crown Law Office - Criminal
720 Bay Street
10th Floor
Toronto, Ontario
M5G 2K1

In the meantime, a JPT is
set for March 26/10 at 9:30 a.m.
before Judge J.

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

 Justice J.