

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

IN THE MATTER OF the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c.C-36 as amended

AND IN THE MATTER OF a Proposed Plan of Compromise or Arrangement of Canwest Global Communications Corp. and the other Applicants listed on Schedule "A"

APPLICANTS

NOTICE OF MOTION

(Returnable February 17, 2010)

Communications, Energy and Paperworkers Union of Canada (the "Union") will make a motion to a judge of the Commercial List at the courthouse at 330 University Avenue, Toronto, Ontario on February 17, 2010 at 10:00 a.m. or as soon thereafter as the motion can be heard.

PROPOSED METHOD OF HEARING: The motion is to be heard orally.

THE MOTION IS FOR:

1. **AN ORDER**, if necessary, that service of the Union's motion record, factum and brief of authorities is validated, such that this motion is properly returnable on February 17, 2010.
2. **AN ORDER** directing the Applicants to immediately satisfy all obligations in respect of severance payments and notice of termination and/or notice of severance payments in accordance with the terms of the applicable collective

agreements to members of the Union that rendered services to the Applicants after the date of the Initial Order.

3. **AN ORDER** directing the Applicants to establish a process to enable former employees that are experiencing financial hardship to apply for immediate payment on account of their future claim distributions in the Applicants' CCAA proceedings.

THE GROUNDS FOR THE MOTION ARE:

1. On October 6, 2009 the Applicants obtained an Order, pursuant to the CCAA, staying all proceedings and claims against them (the "Initial Order"). The Applicants are insolvent.
2. The Applicants laid off or provided notice of layoff to approximately thirty-five (35) members of the Union in or around the filing of Initial Order (the "Affected Members"). The Affected Members were employed in the Applicants' operations located in Calgary (8 members), Kelowna (9 members), Saskatoon (9 members) and Ontario (9 members).
3. The Affected Members employed in connection with the Calgary and Ontario operations were all on lay off and receiving severance payments as of the date of the Initial Order. Although additional severance payments remained outstanding, the Applicants discontinued all such payments to the Affected Members employed at the Calgary and Ontario operations as of the date of the Initial Order.
4. The Affected Members employed in connection with the Kelowna and Saskatoon operations all received notices of layoff with effective dates that fell subsequent to the date of the Initial Order. Accordingly, all of the Affected Members employed at the Kelowna and Saskatoon continued to render services to the Applicants after the date of the Initial Order. However, and notwithstanding the

provision of services to the Applicants after the date of the Initial Order, when the Affected Members at the Kelowna and Saskatoon operations reached their respective lay-off dates the Applicants refused to comply with their obligations to make severance payments and notice of termination and/or notice of severance payments in accordance with the terms of the applicable collective agreements.

5. The Affected Members have suffered financial hardship as a result of the Applicants' refusal to comply with the terms of the applicable collective agreements.
6. Section 11 of the CCAA.
7. Section 11.01 of the CCAA.
8. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be read in support of this motion:

1. The Affidavit of Robert Lumgair sworn January 6, 2010;
2. The Affidavit of Carol MacGregor sworn January 7, 2010
3. The Affidavit of Steve Barker sworn January 7, 2010;
4. The Affidavit of Patrick Vanderburg sworn January 7, 2010;
5. The Affidavit of David Lewington sworn February 7, 2010; and
6. Such further and other material as counsel may advise and this Honourable Court may permit.

February 11, 2010

CaleyWray

Labour/Employment Lawyers
1600 - 65 Queen Street West
Toronto, Ontario M5H 2M5

Douglas J. Wray (LSUC #18023C)
Tel: 416- 775-4673
Fax: 416-366-3293
wrayd@caleywrap.com

Jesse Kugler (LSUC #55269V)
Tel: 416-775-4677
Fax: 416-366-3293
kuglerj@caleywrap.com

Lawyers for Communications, Energy
and Paperworkers Union of Canada