

Electronic Rights Defence Committee
Special General Meeting
Wednesday, November 28, 2012

Attending:

Legal counsel: Mireille Goulet and Catherine Sylvestre

Members: Mary Soderstrom, Ellen Lee, Ron Diamond, Julie Gideon, Stephanie O'Hanley, Nancy Lyon, David Homel

Observer: Andrew Belding

1. The meeting began at 19h40
2. David Homel was appointed secretary.
3. Mary Soderstrom presented the document "Proposition for Distribution" that was available for reading at the meeting, and that all members had an opportunity to read prior to the meeting. Mary outlined the main points, and some discussion followed.

It was pointed out that members' estates can apply. There was discussion of the Recognition Payment (RP). The RP recognizes those writers who did not sign the contracts after 1996, and who wrote during the 1985-1996 period. Mireille Goulet pointed out that the RP has a legal basis in her opinion. Also in her opinion and that of Catherine Sylvestre, the RP does not create any subclasses within the group. The following gray area was discussed: some members may have written for the Gazette after 1996 without necessarily signing the contract. The result was the following criterion for an RP: "Did you sign the Gazette's e-rights contract starting in 1996?" (NB: the actual question for the form remains to be approved by counsel.) So the issue for an RP is signing the contract, not writing.

Further discussion: the ERDC will not issue any advice concerning eventual disposition of the stock by members. The actual claim form remains to be written up. When preparing their claims, members should consult as many data bases as possible, not limiting themselves to Proquest. Access Copyright was mentioned, as well as Infomart, the latter being hard to obtain.

In the end, this motion was introduced: "The group approves in principle the Proposition for Distribution with the following two changes: legal counsel has a right to 25% of cash assets and 25% of stock as payment; access to an RP will depend on whether the member signed the Gazette's e-rights contract starting in 1996."

Proposed by Julie Gideon; seconded by Ellen Lee. Passed unanimously without abstentions.

Legal counsel will seek approval of the Proposition for Distribution from the Court with all deliberate speed; the target is early in 2013.

The following motions were made: "The group wishes to express its appreciation of the work of legal counsel, the Chair, Secretary, Treasurer and Class Action Representatives."

Moved by Julie Gideon; seconded by Stephanie O'Hanley. Passed unanimously without abstentions.

"The group wishes to thank the ERDC executive for its work."

Moved by Ellen Lee; seconded by Nancy Lyon. Passed unanimously, without abstentions.

The meeting was adjourned at 20h35.

Notes by David Homel

Approved by Mary Soderstrom