



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

P.O. Box 55, 19th Floor
20 Queen Street West
Toronto ON M5H 3S8

CP 55, 19e étage
20, rue queen ouest
Toronto ON M5H 3S8

**IN THE MATTER OF AN APPLICATION
UNDER SECTION 17 OF THE *SECURITIES ACT*,
R.S.O. 1990, c. S.5, AS AMENDED**

- and -

**IN THE MATTER OF FRANK DUNN, DOUGLAS BEATTY AND MICHAEL
GOLLOGLY**

O R D E R
(Subsection 17(1) of the *Securities Act*)

WHEREAS a Motion was brought by Frank Dunn (the “Moving Party”) before the Ontario Securities Commission (the “Commission”) on January 6, 2012 for an Order pursuant to subsection 17(1) of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the “Act”) authorizing the disclosure and use of the evidence referred to in Schedule “A” to this Order, which evidence was obtained by Staff of the Commission in the course of its investigation of the Respondents;

AND WHEREAS the Commission has reviewed the Notice of Motion, the Affidavits of Helen Burnett, the Affidavits of Sandy Allan, the Factum of the Moving Party, and the Factum of Staff of the Commission, heard submissions from counsel for the Moving Party, counsel for Staff of the Commission, counsel for Nortel Networks Corporation and Nortel Networks Limited (collectively, “Nortel”), and counsel for Michael Gollogly, who joined in the submissions of Mr. Dunn, and received a subsequent written request from counsel for Douglas Beatty for the same relief as Mr. Dunn;

AND WHEREAS no one appeared for the respondents to the Motion, Messrs. A and B, whose compelled testimony is the subject of this Order, although both of those respondents were properly served with the Motion;

AND WHEREAS the Commission has considered and balanced all of the competing interests raised by the Motion and this Order;

AND WHEREAS the Commission is of the opinion that it is in the public interest under subsection 17(1) of the Act to make this Order;

IT IS ORDERED THAT Frank Dunn, Douglas Beatty and Michael Gollogly be permitted to disclose and use the evidence listed in Schedule “A” for the purpose of making full answer and defense in their criminal trials in the Superior Court of Justice on Indictment #10-00145, and for all appeals therefrom, but for no other purpose.

DATED at Toronto this 6th day of January, 2012.

“James E. A. Turner”

James E. A. Turner

Schedule "A"

1. Transcripts of interviews of Mr. A identified as Bates Numbers 0002856-0003107 and 0003108-0003345.

2. Transcript of interview of Mr. B identified as Bates Numbers 0009437-0009869.

3. Records of Nortel's Disclosure Committee as identified by the following Bates Numbers:
 - (a) NN 031013
 - (b) NNOSC0004650 - NNOSC0004679
 - (c) NNOSC0004996 - NNOSC0005006
 - (d) NNOSC0005057 - NNOSC0005077
 - (e) NNOSC0006185 - NNOSC0006460
 - (f) NNOSC0004500 - NNOSC0004537
 - (g) NNOSC0004538 - NNOSC0004592
 - (h) NNOSC0004680 - NNOSC0004756
 - (i) NNOSC0004757 - NNOSC0004780
 - (j) NNOSC0006236 - NNOSC0006299
 - (k) NNOSC0004798 - NNOSC0004863
 - (l) NNOSC0006099 - NNOSC0006142
 - (m) NNOSC0005012 - NNOSC0005056
 - (n) NNOSC0006171 - NNOSC0006182
 - (o) NNOSC0004781 - NNOSC0004797
 - (p) NNOSC0004864 - NNOSC0004890
 - (q) NNOSC0004893 - NNOSC0004962
 - (r) NNOSC0004966 - NNOSC0004995
 - (s) NNOSC0006154 - NNOSC0006170
 - (t) NNOSC0005007 - NNOSC0005009
 - (u) NNOSC0005010 - NNOSC0005011
 - (v) NNOSC0006234 - NNOSC0006235

4. Nortel accounting document identified as Bates Number NN014898 – NN014937

