

Donald Waterston – and – Canadian Broadcasting Corporation

This motion for approval of a settlement and for other relief is adjourned to be heard by a bilingual judge on a date in the next four weeks if the judge is available within that period. Counsel will be advised of the date and the time of the return of the motion. The appointment on that date is to be peremptory to the parties and to the Syndicat des communications de Radio - Canada ("SCRC").

The first motions to be heard will be those of SCRC for leave to intervene and, if granted, for a stay pending final adjudication of a grievance matter now pending in the Quebec Court of Appeal.

On the return date it is imperative that the status and the membership of SCRC relative to that of the CBC Pensioners' National Association be clarified and the exclusion of SCRC from the settlement is explained. Counsel for SCRC should be prepared to make their submissions on the motion for settlement approval in the event that they are given intervenor status but a stay is refused.

A brief notice of the adjournment and the return date is to be given by the plaintiff in the same manner as notice of today's hearing was provided. As, pursuant to an order to be made under section 34 (2) of the CPA, another judge will become seised of this matter, I express no opinion on the merits of the various motions to be argued. I will comment only that he is unfortunate that the position of SCRC was not clarified earlier by its counsel, or through inquiries by counsel for the parties to the proceeding.

Released: Dec 11/09


CULLITY J.