

Court of Appeal File No.:
Court File No.: 99-CL-003317

COURT OF APPEAL FOR ONTARIO

BETWEEN:

**METROPOLITAN TORONTO POLICE WIDOWS AND ORPHANS FUND,
VANCOUVER ISLAND MULTIPLE SCLEROSIS SOCIETY, SONS OF SCOTLAND
BENEVOLENT ASSOCIATION, SUN LIFE ASSURANCE COMPANY OF CANADA,
THE CANADA LIFE ASSURANCE COMPANY, THE STANDARD LIFE ASSURANCE
COMPANY, COMMERCIAL UNION LIFE ASSURANCE COMPANY OF CANADA,
THE NATIONAL LIFE ASSURANCE COMPANY OF CANADA, THE PROVINCE OF
ALBERTA, METROPOLITAN LIFE INSURANCE COMPANY, ZURICH LIFE
INSURANCE COMPANY OF CANADA, YIELD MANAGEMENT LTD., EMPIRE
LIFE INSURANCE COMPANY, CUMIS LIFE INSURANCE COMPANY, THE
MUTUAL LIFE ASSURANCE COMPANY OF CANADA, DOFASCO EMPLOYEES'
SAVINGS AND PROFIT SHARING FUND, DOFASCO SUPPLEMENTARY
RETIREMENT INCOME PLAN, CANADIAN MEDICAL PROTECTIVE
ASSOCIATION, CHEVRON MASTER TRUST, THE CONTRIBUTARY PENSION
PLAN FOR SALARIED EMPLOYEES OF MCMASTER UNIVERSITY, MEMORIAL
UNIVERSITY OF NEWFOUNDLAND, ABITIBI CONSOLIDATED INC. MASTER
TRUST FUND, INTEGRA CAPITAL FINANCIAL CORPORATION, INTEGRA
CAPITAL MANAGEMENT CORPORATION**

Plaintiffs (Respondents)

- and -

TELUS COMMUNICATIONS INC.

Defendant (Appellant)

NOTICE OF APPEAL

**THE DEFENDANT/APPELLANT, TELUS COMMUNICATIONS INC., APPEALS
to the Court of Appeal from the Order of Justice Lax of the Commercial List of the Superior
Court of Justice dated February 19, 2008, Court File No. 99-CL-003317, made at Toronto.**

THE APPELLANT ASKS:

1. that the Order be varied to provide that

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- (a) the applicable rate of pre-judgment interest is the simple rate of 3.5%;
 - (b) the applicable rate of post-judgment interest is the simple rate of 6%;
2. that the appellant be granted its costs of this appeal; and
 3. such further and other relief as counsel may advise and this Honourable Court permit.

THE GROUNDS OF APPEAL are as follows:

1. the learned Judge erred in fact and law by finding that a compound rate of pre-judgment and post-judgment interest is appropriate;
2. in finding that a compound rate of pre-judgment interest and post-judgment interest is appropriate, the learned judge misapprehended evidence, failed to appreciate relevant evidence and relied upon irrelevant evidence;
3. in finding that a compound rate of pre-judgment and post-judgment interest was appropriate, the learned Judge made an error of law;
4. sections 128 and 129 of the *Courts of Justice Act*; and
5. such further and other grounds as counsel may advise and this Honourable Court permit.

THE BASIS OF THE APPELLATE COURT'S JURISDICTION IS:

1. section 61(1)(b) of the *Courts of Justice Act*, the Order appealed from being the final order of a Judge of the Ontario Superior Court of Justice; and

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2. leave to appeal is not required.

March 17, 2008

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