

ATTENTION ALL RESIDENTS OF
PORT COLBORNE, ONTARIO

Please Read This Notice Carefully

It Contains Important Information that May Affect Your Legal Rights and Entitlements

NOTICE OF CHANGE OF CLASS DEFINITION IN

PEARSON V. INCO LIMITED

(Ontario Superior Court of Justice Docket: 12023/01)

ON JUNE 29, 2009, THE ONTARIO SUPERIOR COURT OF JUSTICE MADE AN ORDER AMENDING THE CLASS DEFINITION IN THIS CLASS PROCEEDING. THIS CLASS PROCEEDING IS BROUGHT ON BEHALF OF PORT COLBORNE PROPERTY OWNERS ALLEGING THAT THE DEFENDANT, INCO LIMITED, IS LIABLE FOR DAMAGES FOR THE NEGATIVE IMPACT ON PROPERTY VALUES IN THE RODNEY STREET AREA AND ELSEWHERE IN PORT COLBORNE AS A RESULT OF THE DISCLOSURE FROM AND AFTER SEPTEMBER 2000 OF INFORMATION CONCERNING NICKEL CONTAMINATION IN PORT COLBORNE.

AS A RESULT OF THE ORDER, THIS CLASS PROCEEDING IS NOW PROCEEDING ON BEHALF OF OWNERS OF RESIDENTIAL PROPERTY ONLY. THIS CLASS PROCEEDING WILL NO LONGER BE PROCEEDING ON BEHALF OF NON-RESIDENTIAL PROPERTY OWNERS, INCLUDING AGRICULTURAL, INDUSTRIAL AND COMMERCIAL PROPERTY OWNERS.

THE PURPOSE OF THIS NOTICE IS TO INFORM POTENTIAL NON-RESIDENTIAL PROPERTY OWNERS IN PORT COLBORNE THAT THIS CLASS PROCEEDING NO LONGER RELATES TO ANY LOSSES THEY MAY HAVE SUFFERED AS A RESULT OF THE DISCLOSURES REFERRED TO ABOVE. SUCH NON-RESIDENTIAL PROPERTY OWNERS WILL NOW BE REQUIRED TO PURSUE THEIR CLAIMS AGAINST THE DEFENDANT INDIVIDUALLY AND ARE ADVISED TO SEEK INDEPENDENT LEGAL ADVICE WITH RESPECT TO ANY POTENTIAL CLAIM THEY MAY HAVE AND THE APPLICABLE LIMITATION PERIOD.

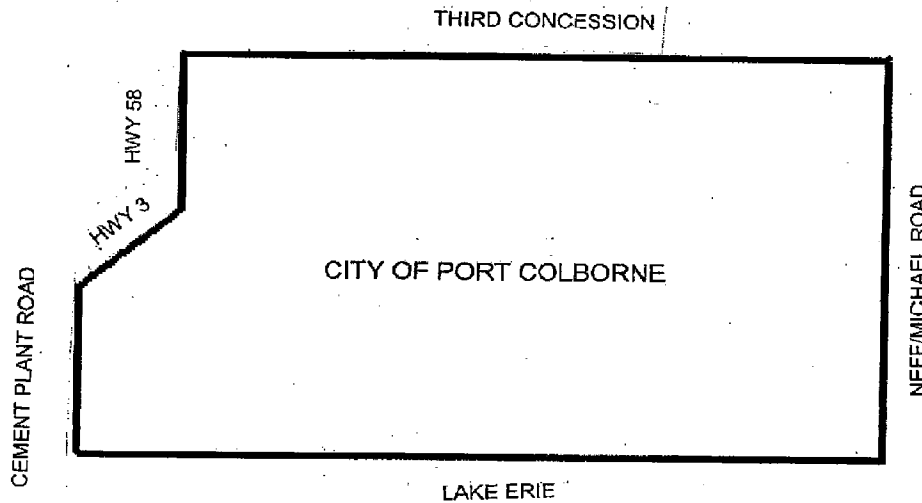
THIS CLASS PROCEEDING IS STILL AT THE PRE-TRIAL STAGE. THE TRIAL OF THE ACTION IS EXPECTED TO COMMENCE IN OCTOBER 2009. THERE HAS BEEN NO DETERMINATION OF THE LIABILITY OF INCO LIMITED. NO COMPENSATION FOR CLASS MEMBERS HAS BEEN ORDERED.

THE NEW REPRESENTATIVE PLAINTIFF

The Court previously certified this action as a class proceeding. Pursuant to the Court's June 29, 2009 Order, a new representative plaintiff, Ellen Smith, a resident of the Rodney Street area of Port Colborne, has been appointed to replace the previous representative plaintiff, Wilfred Robert Pearson.

WHO IS NOW A MEMBER OF THE CLASS

- (1) All persons owning **residential property** since September 20, 2000 within the area of the City of Port Colborne bounded by Lake Erie to the south, Neff Road/Michael Road to the east, Third Concession Road to the north and Cement Road/Main Street West/Hwy 58 to the west; AND
- (2) Where a person referred to in (1) above is deceased, the heir(s), executor(s), or administrator of the estate of the deceased person.



IF YOU HAVE OWNED RESIDENTIAL PROPERTY WITHIN THE AREA DESCRIBED ABOVE ON OR AFTER SEPTEMBER 20, 2000, **YOU ARE A MEMBER OF THE CLASS.**

IF YOU ARE THE HEIR, EXECUTOR, OR ADMINISTRATOR OF THE ESTATE OF A DECEASED PERSON WHO OWNED RESIDENTIAL PROPERTY WITHIN THE AREA DESCRIBED ABOVE ON OR AFTER SEPTEMBER 20, 2000, **YOU ARE A MEMBER OF THE CLASS.**

IF YOU ARE AN OWNER OF NON-RESIDENTIAL PROPERTY WITHIN THE AREA DESCRIBED ABOVE, **YOU ARE NO LONGER A MEMBER OF THE CLASS.**

IMPORTANT INFORMATION FOR MEMBERS OF THE CLASS

IF YOU ARE A MEMBER OF THE CLASS, YOU DO NOT NEED TO TAKE ANY POSITIVE STEPS WITH RESPECT TO THE PROSECUTION OF THE CLASS

PROCEEDING. The class proceeding is being prosecuted on your behalf, and does not require you to be actively involved.

IF YOU ARE AN OWNER OF NON-RESIDENTIAL PROPERTY WITHIN THE AREA DESCRIBED ABOVE, AND THEREFORE NO LONGER A MEMBER OF THE CLASS, YOU WILL NOW BE REQUIRED TO PURSUE YOUR CLAIMS AGAINST THE DEFENDANT INDIVIDUALLY AND ARE ADVISED TO SEEK INDEPENDENT LEGAL ADVICE WITH RESPECT TO ANY POTENTIAL CLAIM YOU MAY HAVE.

STRICT LIMITATION PERIODS ARE IMPOSED BY ONTARIO LAW. NON-RESIDENTIAL PROPERTY OWNERS SHOULD ACT PROMPTLY TO PROTECT THEIR INTERESTS. THEY SHOULD COMMENCE ANY INDIVIDUAL ACTION WITHIN THE APPLICABLE LIMITATION PERIOD, WHICH HAS BEEN SUSPENDED SINCE THE COMMENCEMENT OF THIS ACTION ON MARCH 26, 2001. THE LIMITATION PERIOD WITH RESPECT TO NON-RESIDENTIAL PROPERTY OWNERS' CLAIMS, BEGINS TO RUN AGAIN AS OF JUNE 29, 2009.

Whether the class proceeding is successful or unsuccessful, all class members will be bound by any decision of the Court in the class action or any terms of settlement approved by the Court unless they have previously opted out. **NON-RESIDENTIAL PROPERTY OWNERS WILL NOT BE BOUND BY ANY DECISION OF THE COURT AT TRIAL OR ANY TERMS OF SETTLEMENT APPROVED BY THE COURT.**

FURTHER INFORMATION AND INQUIRIES

If you have any questions or concerns, please contact Eric K. Gillespie or Celeste Poltak, lawyers for the class, at the following addresses:

<p>ERIC K. GILLESPIE PROFESSIONAL CORPORATION 10 King Street East Suite 600 Toronto, ON M5C 1C3</p>	<p>KOSKIE MINSKY LLP Barristers and Solicitors 20 Queen Street West Suite 900, Box 52 Toronto, ON M5H 3R3</p>
<p>ERIC K. GILLESPIE Tel: 1.416.703.6362 Fax: 1.416-703-9111</p>	<p>CELESTE B. POLTAK Tel: 1.877.398.0497 Fax: 416.977.3316</p>
<p>Firm Website: www.kmlaw.ca</p>	

THIS NOTICE HAS BEEN APPROVED BY THE ONTARIO SUPERIOR COURT OF JUSTICE.

PLEASE DO NOT CONTACT THE ONTARIO SUPERIOR COURT OF JUSTICE REGARDING THIS CLASS PROCEEDING. THEY WILL NOT BE ABLE TO ANSWER YOUR QUESTIONS.