

## NOTICE OF CERTIFICATION OF A CLASS PROCEEDING

### TO:

- i. Members of the British Columbia Public Service Pension Plan (the "Pension Plan") who retired on or before November 30, 2002, and who were presently entitled to receive premium-free Medical Services Plan Benefits and Extended Health Care Benefits (the "Retiree Benefits"); or,
- ii. The surviving spouses or dependents of retired members of the Pension Plan who were presently entitled to receive free Retiree Benefits under the Pension Plan as of November 30, 2002; or,
- iii. The beneficiaries and/or estates of persons in paragraphs (i) or (ii) above who died prior to any settlement or judgment in this action.

(Collectively, (i), (ii), and (iii) comprise the "Class")

### AND TO:

- iv. Members of the Pension Plan who retired on or before November 30, 2002, who were presently entitled to receive Retiree Benefits, and were, prior to retirement, directly employed by Her Majesty the Queen in right of the Province of British Columbia (the "Government"); or,
- v. The surviving spouses and dependents of members of the Pension Plan who were presently entitled to receive the Retiree Benefits, and were, prior to retirement, directly employed by the Government; or,
- vi. The beneficiaries and/or estates of persons in paragraphs (iv) or (v) above who died prior to any settlement or judgment in this action.

(Collectively, (iv), (v) and (vi) comprise the "Government Retiree Subclass", and members of the Government Retiree Subclass are included in the Class).

### TAKE NOTICE THAT

**Frederick Bennett (the "Representative Plaintiff") has commenced a class action proceeding against the Government (the "Defendant") on behalf of the Class and the Government Retiree Subclass.**

**The proceeding commenced on behalf the Representative Plaintiff and the Class claims damages against the Defendant for breaching fiduciary obligations with respect to the provision of the Retiree Benefits.**

**The proceeding commenced on behalf of the Representative Plaintiff and the Government Retiree Subclass claims additional damages against the Defendant for breaching contractual obligations with respect to the provision of the Retiree Benefits.**

**There has been no judgment on the merits and the Defendant denies the allegations.**

The Representative Plaintiff has retained Albert C. Peeling, Barrister and Solicitor, and Mark Zigler, Barrister and Solicitor of the law firm of Koskie Minsky LLP (collectively, "Class Counsel") with respect to the proceeding.

## **PARTICIPATION AND EXCLUSION FROM THE CLASS**

If you are person who meets the criteria for membership in the Class, you are automatically included in this proceeding.

If you wish to participate in this proceeding, you do not have to take any steps at this time. You have a right to receive information regarding the progress of the proceeding, and you have the right to share in the proceeds of any Judgment or settlement in favour of respective Class or Subclass which may result from this Class Action.

If you do not wish to participate, you must follow the opting out procedure set out in the next section.

## **OPTING OUT**

If you wish to exclude yourself from this proceeding, you must mail the attached Opt-Out Coupon, which will confirm your desire to opt out. The Coupon must be mailed to the following address:

Albert Peeling  
c/o Underhill Faulkner Boies Parker Law Corporation  
1124 Fort Street  
Victoria , British Columbia  
V8V 3K8

Your notice to opt out must be sent on or before **Monday, March 31, 2008.**

**ANY JUDGMENT OBTAINED IN THIS ACTION WILL BE BINDING ON ALL GOVERNMENT RETIREE CLASS MEMBERS AND NON-GOVERNMENT RETIREE CLASS MEMBERS WHO DO NOT OPT OUT OF THIS ACTION, WHETHER THE JUDGMENT IS FAVOURABLE OR NOT.**

## **FINANCIAL CONSEQUENCES**

1. No members of the Government Retiree Subclass or Non-Government Retiree Subclass, other than the Representative Plaintiff, will be liable for the costs of the Defendant with respect to these common issues if the action is unsuccessful on the common issues.
2. Members of the Government Retiree Subclass and Non-Government Retiree Subclass may be entitled to receive financial compensation from the Defendant if the Court determines the relevant common issues in favour of the Plaintiff.
3. All fees charged by Class Counsel must be approved by the Court pursuant to the *Class Proceedings Act*, 1992.

## **FURTHER INFORMATION**

If you wish to obtain further information about your rights, you may contact a Solicitor of your choice as your expense or you may contact Class Counsel, Koskie Minsky, attention “BC Benefits Class Action”, in writing at Albert Peeling c/o Underhill Faulkner Boies Parker Law Corporation, 1124 Fort Street, Victoria, BC V8V 3K8 or by telephone at 1-888-502-7455, or by email at [bcbenefitsclassaction@kmlaw.ca](mailto:bcbenefitsclassaction@kmlaw.ca). Please do not contact the Defendant Government or Court Office for such information.