

SUNNYBROOK HOSPITAL EMPLOYEES SUPERANNUATION PLAN

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING

TO ALL ACTIVE MEMBERS, PENSIONERS, DEFERRED VESTED MEMBERS, ANNUITANTS AND OTHER BENEFICIARIES OF THE SUPERANNUATION PLAN FOR EMPLOYEES OF SUNNYBROOK HOSPITAL (Reg. No. 0546754) inclusive of all persons claiming through them and their estates and any other person with an accrued or contingent beneficial interest in the Superannuation Plan for Employees of Sunnybrook Hospital as at either August 16, 2004 or December 3, 2009 (collectively the "Class Members")

TAKE NOTICE THAT an application for the withdrawal of surplus from the Superannuation Plan for Employees of Sunnybrook Hospital (the "Plan") will be filed by Sunnybrook Health Sciences Centre ("Sunnybrook") with the Financial Services Commission of Ontario ("FSCO"). As part of the application, and pursuant to all applicable legislation, Sunnybrook will take the necessary steps and file the necessary documents with FSCO to support its request for consent to distribute the Plan's surplus assets (the "Surplus") to itself and the Class Members as set out below while the Plan continues in existence.

Pursuant to a Surplus Sharing Agreement, after securing a statutorily mandated reserve in the Plan, and making any necessary adjustments for applicable expenses and other amounts, 50% of the Surplus will be paid to the Sharing Group (defined below) and 50% will be paid to Sunnybrook. The Sharing Group consists of:

- (i) Plan members, including those who were disabled and qualified for benefits under Sunnybrook's disability plan, who were accruing benefits under the Plan on August 16, 2004;
- (ii) Plan members who were entitled to deferred vested pension payments from the Plan as of August 16, 2004;
- (iii) Plan members who were entitled to receive or were receiving periodic pension payments from the Plan as of August 16, 2004 (including those who were entitled to receive or were receiving an annuity from Sun Life or Manulife in connection with a pension benefit under the Plan);
- (iv) Spouses of Plan members and others who were entitled to receive or were receiving periodic pension payments under the Plan as of August 16, 2004 by reason of the death of a Plan member before August 16, 2004; and
- (v) All other persons entitled to receive benefits under the Plan as at August 16, 2004,

and for greater certainty includes the surviving spouse or estate as applicable of any individual described in subparagraphs (i) to (v) above, who died on or after August 16, 2004.

Information about this proposed surplus sharing arrangement has already been conveyed in an information package mailed to individuals in the Sharing Group in May 2008. Information packages were sent to all members of the Sharing Group, where mailing addresses were available.

ALSO TAKE NOTICE THAT in connection with the application, Sunnybrook has commenced an application to the Superior Court of Justice (the "Court Application") for, among other things, a determination that Section 13.04 of the Plan permitting the withdrawal of surplus from the Plan is valid. The outcome of the Court Application may affect whether you receive a distribution of any Surplus.

The Court Application was certified as a class proceeding on December 3, 2009 under the *Class Proceedings Act, 1992*, S.O. 1992 c. 6. The Court named Marian Lorenz, Al Harrison and Mary Silva as representative respondents for the Class Members.

The representative respondents have retained the law firm of Koskie Minsky LLP, which firm has been appointed counsel to the Class Members with respect to the Court Application ("Class Counsel"). Pursuant to the Surplus Sharing Agreement, the legal fees of Koskie Minsky LLP will be paid out of the Surplus in the Plan. **As such, there is no direct cost to you to participate in this class proceeding if you retain Koskie Minsky LLP as your counsel.**

ANY JUDGMENT THAT IS OBTAINED IN THIS CLASS PROCEEDING, WHETHER FAVOURABLE OR NOT, WILL BIND ALL CLASS MEMBERS UNLESS INDIVIDUAL CLASS MEMBERS OPT OUT OF THE CLASS PROCEEDING IN ACCORDANCE WITH THE PROCEDURE OUTLINED HEREIN. IF YOU WISH TO OPT OUT OF THE CLASS PROCEEDING, YOU MUST DELIVER BY FIRST CLASS MAIL OR BY FAX TO 416-204-2897 A WRITTEN NOTICE OF INTENTION TO OPT OUT TO KOSKIE MINSKY LLP AT OR BEFORE 4:00 P.M. ON FEBRUARY 8, 2010, AT THE FOLLOWING ADDRESS:

**KOSKIE MINSKY LLP
BARRISTERS AND SOLICITORS
20 QUEEN STREET WEST
SUITE 900, BOX 52
TORONTO, ONTARIO M5H 3R3**

ATTENTION: SUNNYBROOK PENSION

IF YOU DO NOT OPT OUT AT OR BEFORE 4:00 P.M. ON FEBRUARY 8, 2010, YOU WILL BE DEEMED TO BE A CLASS MEMBER AND WILL NOT BE PERMITTED TO OPT OUT OF THE CLASS AT A LATER DATE.

Please consult: <http://www.kmlaw.ca/client/links/SunnybrookPension/home.aspx> for detailed information on the Surplus Sharing Agreement.

THE PARTIES WILL BE SEEKING JUDGMENT, INCLUDING APPROVAL OF THE SETTLEMENT OF THE APPLICATION ON THE TERMS OF THE SURPLUS SHARING AGREEMENT, ON FEBRUARY 11, 2010, AT 10:00 A.M. AT THE COURT HOUSE AT 361 UNIVERSITY AVENUE, TORONTO, ONTARIO.

IF YOU WISH TO OBJECT TO THE PROPOSED SETTLEMENT, YOU ARE REQUESTED TO SUBMIT YOUR OBJECTION BY FIRST CLASS MAIL OR BY FAX TO 416-204-2897 TO KOSKIE MINSKY LLP BEFORE 4:00 P.M. ON FEBRUARY 8, 2010, AT THE FOLLOWING ADDRESS:

**KOSKIE MINSKY LLP
BARRISTERS AND SOLICITORS
20 QUEEN STREET WEST
SUITE 900, BOX 52
TORONTO, ONTARIO M5H 3R3**

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IT WOULD BE HELPFUL IF ANY WRITTEN OBJECTION INCLUDES THE FOLLOWING:

1. Your name, address, telephone number, fax number and email address;
2. A brief statement of the nature of and reason for the objection; and
3. Whether you intend to appear at the hearing in person or by counsel, and if by counsel the name, address, telephone number, fax number and email address of your counsel.

Any Class Member is entitled to appear and, subject to the Court's direction, to be heard at the settlement approval hearing on February 11, 2010, with or without counsel of their choice.

If you have any inquiries regarding the class proceeding, please contact Class Counsel at the address provided above, by telephone at 1-800-286-2266, or by email at:

sunnybrookpension@kmlaw.ca

Class Members may also review copies of the materials filed with the Court in respect of the Court Application at the offices of Class Counsel in Toronto. To arrange a time to view these documents, please contact Class Counsel by mail, telephone, or email per the contact information noted above.