

NOTICE OF SETTLEMENT OF CLASS PROCEEDING



Linda Marchuk, Daniel Lang and Cathy MacNaughton
v. The University of Calgary and The Crown
In the Right of the Province of Alberta, et al.
(Alberta Court of Queen's Bench
Action No. 1001-09969)

To: All persons who worked as a "Trust Employee" at the University of Calgary on or prior to December 31, 2008 for any period or lengths of time including on a full-time, part-time, term, occasional, temporary or other basis (the "**Class Members**").

Re: Settlement for Trust Employees at the University of Calgary for All Pre-2009 Pension and All Other Employment-Related Claims

This Notice is being issued pursuant to a Court Order to give you notice of a settlement of a class proceeding. The Court has ordered that there be a three-month period during which Class Members may consider the settlement as full satisfaction for any and all Claims and decide whether to remain a Class Member and participate in and be bound by the settlement or whether to "opt-out" of the settlement. The three-month period starts from the date of this Notice and ends at 5 p.m. Mountain time on **November 4th, 2015** (the "**Take-Up Period Deadline**"). **Your legal rights are affected. Please read this Notice carefully.**

On June 4, 2015, the Court certified the above-noted Action as a class proceeding and appointed Linda Marchuk, Daniel Lang and Cathy MacNaughton as class Representative Plaintiffs. Koskie Minsky LLP is counsel to the Class Members ("**Class Counsel**"). The Court also approved this settlement and authorized this Notice.

If you believe that you are a Class Member or an estate or beneficiary of a Class Member and have not received a Settlement Form or Claim Form, or if you wish to make an inquiry in this regard, or if you know someone who may be a Class Member who has not received any information, you or they should contact the University of Calgary by writing to trustsettlement@ucalgary.ca. The University will provide information that will help anyone who writes to them determine if they are a Class Member or an estate or beneficiary of a Class Member and, if they are, about how to claim a share of the settlement.

The terms of the settlement are set out in a Settlement Agreement. The Settlement Agreement is a legal document. You can review it and other settlement documents including Court documents concerning this matter at Class Counsel's website: www.kmlaw.ca/UofCalgary. For convenience, a summary and explanation of the Settlement Agreement is described in the **Summary of the Class Settlement**, also available on Class Counsel's website.

The central feature of the settlement is that the University will set aside three pools of settlement funds, totalling \$6.5 million in the aggregate, from which Trust Employees may claim a settlement share during the three-month period prior to the Take-Up Period Deadline. Settlement shares will vary depending on which of three categories of Trust Employee you fall into. These categories are generally based on the period during which you worked as a Trust Employee and whether you would have been eligible to contribute to the Public Service Pension Plan (the "**Pension Plan**"). If you do not fall into one of the three categories, you are not part of this class proceeding.

Group 1 Trust Employees and Group 2 Trust Employees are Trust Employees with a record of service at the University between January 1, 2007 and December 31, 2008 (the "**Settlement Period**") who would have been eligible to be enrolled in the Pension Plan during this period. They are entitled to receive a cash payment from the University for up to two years of employer contributions that would have been made by the University to the Pension Plan, plus interest at the Pension Plan rate, plus additional consideration on account of other potential employment benefits from service as a Trust Employee prior to 2007, all in satisfaction of all possible "Claims" (as that term is defined in the Settlement Agreement).

Group 3 Trust Employees are persons who are not a Group 1 or Group 2 Trust Employee and who have service at the University at any time prior to January 1, 2009. Group 3 Trust Employees are entitled to claim a fixed payment of up to \$300 in satisfaction of all possible Claims.

If you do not return a Settlement Form or Claim Form to the University before the Take-Up Period Deadline (November 4, 2015), it can result in your legal rights being affected and you may receive no share of the settlement. You will be bound by the Court settlement, even if you do not come forward to claim a share of the settlement.

In accordance with Alberta law, every Class Member (meaning, each Group 1 Trust Employee, Group 2 Trust Employee and Group 3 Trust Employee) has the right to "opt-out" of this settlement. If you opt-out, you will not receive any share of the settlement funds and you will not be bound by the Court order affecting the settlement. Any legal rights you may have vis-à-vis the University and the government regarding any legal claims you may have stemming from your status as a Trust Employee will remain (as will all rights and defenses available at law to the University and the government).

To opt-out, you will need to obtain an Opt-Out Form, which is available at Class Counsel's website: kmlaw.ca/UofCalgary. You are required to fill out the form and submit it to Class Counsel by regular post to Koskie Minsky LLP c/o Ari Kaplan at 20 Queen St. W., Suite 900, Toronto, Ontario M5H 3R3, which must be received no later than 5 p.m. on the Take-Up Period Deadline (November 4, 2015). If you do not opt-out, you will be bound by the Court order and settlement.

More information concerning this settlement can be obtained at Class Counsel's website: kmlaw.ca/UofCalgary.