

**LEGAL NOTICE OF CERTIFICATION
PURSUANT TO THE *CLASS PROCEEDINGS ACT*, 1992,
S.O. 1992, C.6.**

THE NATURE OF THE LAWSUIT

A class action has been commenced in the Ontario Superior Court of Justice, against the Government of Ontario (the "Defendant"). The proceeding has been brought by Sue McSheffrey as the representative Plaintiff, by her solicitors, Green and Chercover.

The representative Plaintiff claims damages against the Defendant for negligent misrepresentation and breach of contractual undertaking on behalf of certain members and/or former members of the Ontario Public Service Employees Union and the Association of Allied Health Professionals: Ontario (see "The Class" below).

These allegations arise out of the actions of the Government of Ontario during the transfer of home care services from other organizations to Community Care Access Centres ("CCACs"). The financial losses claimed are those losses which the employees have incurred or will incur in their pension plan benefits payable on retirement as a result of the transfer of their pension plan memberships in the Ontario Municipal Employees Retirement System and/or the Victorian Order of Nurses Pension Plan to the Hospitals of Ontario Pension Plan.

The representative Plaintiff is seeking special damages for the financial losses suffered as a result of the alleged negligent misrepresentations and breach of contractual undertaking on the part of the Defendant.

The Defendant denies the Plaintiff's allegations and has stated that it will defend the action and will deny any wrongdoing and liability for damages.

This notice does not mean that the Court has taken a position as to the likelihood of recovery on the part of any Plaintiff, or as to the merits of the claims or defenses asserted by either side. This notice is being provided because you may be a member of the Class whose rights may be affected by the lawsuit.

THE CLASS

By Court Order, the Class to which this lawsuit applies has been defined as follows:

All former employees of municipal and other home care service providers who subsequently became employees of CCACs and who were members of the Ontario Public Service Employees' Union ("OPSEU") or the Association of Allied Health Professionals at the time of such change to their employment.

THE COMMON ISSUES

At present the class action will determine the following issues:

- (1) Whether the Defendant is liable to pay damages in respect of any losses in the value of class members' pension benefits that may have been incurred by reason of the termination of their membership in the former pension plans and their enrollment in HOOPP.
- (2) If the answer to question # 1 is yes, what actuarial assumptions and methodology are to be employed in determining the existence and amount of such losses and what would be the measure of damages?
- (3) Whether the amount of any such damages be appropriately determined on an aggregate basis; and
- (4) If the answer to question # 3 is yes, how should such amounts be distributed or otherwise applied for the benefit of class members?
- (5) Following a determination of the common issues, further stages of litigation may be required. Stage 2, only if necessary, will involve determining the issue of liability on an individual basis. Stage 3, again only if necessary, will involve the assessment of damages on an individual basis.

PARTICIPATION AND EXCLUSION FROM THE CLASS

If you wish to remain a member of the Class, you do not have to do anything at this time. If you wish to obtain more information about your rights as a class member you may contact the solicitors for the representative Plaintiff, Green & Chercover, in writing at the address below.

IF YOU WISH TO EXCLUDE YOURSELF FROM THE CLASS PROCEEDING ("opt-out") you MUST file a written notice, in the form of a letter or by completing a Request for Exclusion form, with the Court (at the address listed below) and serve the solicitors for the parties (at the addresses listed below) specifying your desire to opt-out of the class proceeding. Notice of your decision to opt-out must be received by the Court and the solicitors on or before **December 31, 2005**.

ANY JUDGEMENT OBTAINED ON THE COMMON ISSUES IN THIS ACTION, WHETHER FAVOURABLE OR NOT, WILL BIND ALL CLASS MEMBERS WHO DO NOT OPT-OUT OF THIS ACTION.

FINANCIAL CONSEQUENCES

The class proceeding shall deal with the common issues as outlined above. No class member, other than the representative Plaintiff, will be liable for costs with respect to the determination of these common issues. However, once the Court has decided the common issues, it may be necessary that the individual members of the Class participate in individual proceedings to determine issues which are not common to the Class in order

to establish their claim. If this is necessary, each member of the Class may have to bear costs of such individual proceedings and, if unsuccessful, could be liable to pay a portion of the Defendant's costs incurred with respect to such individual proceedings.

Class members may be entitled to receive financial compensation from the Defendant if the class action is successful.

The representative Plaintiff has entered into an agreement with her solicitor whereby fees and disbursements related to the trial of the common issues will be payable only in the event of success in the class action. Any fees charged by the solicitors for the representative Plaintiff must be approved by the Court.

For further information please contact Sue McSheffrey in writing at the address below.

To opt-out of the proceeding, please file a letter or a completed Request for Exclusion with:

Ontario Superior Court of Justice
361 University Avenue
Toronto, Ontario
M5G 1T3

Solicitors' Addresses for Service:

Ms. Sue McSheffrey
c/o Green & Chercover
Barristers & Solicitors
30 St. Clair Avenue West, 10th Floor
Toronto, Ontario
M4V 3A1
Solicitors for the Plaintiffs

Dennis W. Brown
Ministry of the Attorney General
Crown Law Office
8th Floor
720 Bay Street
Toronto, Ontario
M5G 2K1
Solicitors for the Defendant

REQUEST FOR EXCLUSION

To: **Cullity J.**
Ontario Superior Court of Justice
Court House
361 University Avenue
Toronto, Ontario
M5G 1T3

Ms. Sue McSheffrey
c/o **GREEN & CHERCOVER**
Barristers & Solicitors
30 St. Clair Avenue West, 10th Floor
Toronto, Ontario
M4V 3A1

Dennis W. Brown
Ministry of the Attorney General
Crown Law Offices, 8th Floor
720 Bay Street
Toronto, Ontario
M5G 2K1

I wish to opt out of the *Sue McSheffrey v. Her Majesty the Queen in Right of Ontario* class action.

Signature

Name [please print]: _____

Address: _____

Postal Code: _____

Telephone: _____

Note: To opt out this coupon must be completed and received at the above address on or before **December 31, 2005**.