

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

JOHN GOODWIN, JAMES McMAHON and JAMES SPRAY

Applicants

– and –

THE ELEMENTARY TEACHERS' FEDERATION OF ONTARIO, THE ONTARIO  
SECONDARY SCHOOL TEACHERS' FEDERATION DISTRICT 17, THE  
EXECUTIVE OF LOCAL 1310 OF THE CANADIAN UNION OF PUBLIC  
EMPLOYEES, THE ONTARIO PUBLIC SERVICE EMPLOYEES UNION and THE  
SIMCOE COUNTY DISTRICT SCHOOL BOARD

Respondents

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**AFFIDAVIT OF AMANDA DARRACH**

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I, **AMANDA DARRACH**, of the City of Toronto, in the Province of Ontario,  
make oath and say as follows:

**I. Background**

1. I am an Associate at Cavalluzzo Hayes Shilton McIntyre and Cornish LLP,  
and Counsel for the Respondent Ontario Public Service Employees Union  
("OPSEU").
2. I have knowledge of the matters to which I hereinafter depose. All the  
information I have deposed I believe to be true.

**II. Order dated January 27, 2010**

3. On January 27, 2010 the parties in this proceeding appeared before this Honourable Court requesting an Order approving the wind-up of part of the Simcoe County District School Board Insurance Trust (the "Insurance Trust") and the distribution of certain of its assets.
4. In this Court's Order of the same date, the distribution of a \$22 million portion (the "First Distribution") of the Insurance Trust Assets was approved.
5. This Honourable Court further ordered that the balance of the Insurance Trust Assets (the "Reserve") were to be held in trust and were to be used to pay outstanding and ongoing fees and expenses attributable to the Insurance Trust.
6. This Court further ordered that any portion of the Reserve which remained after the satisfaction of the remaining liabilities were to be distributed to the Respondents as soon as possible after such liabilities had been satisfied, by way of a further distribution (the "Second Distribution") in the same proportions as the First Distribution.
7. Prior to the distribution of any assets from the Insurance Trust this Honourable Court ordered that the Applicants comply with a number of prerequisites; all of which have been satisfied.

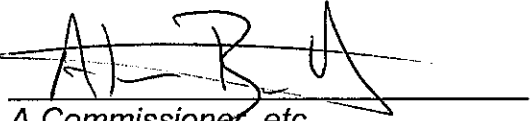
**III. Notice Program**

8. Both the Applicants and the Respondents have engaged in a comprehensive program (the "Notice Program") in order to ensure that members, former members and creditors of the Insurance Trust have

received notice of the wind up and proposed distribution of the Insurance Trust.

9. The Notice Program has involved the following elements:
  - a. notice was published in local and national newspapers on two successive Saturdays (in English and French);
  - b. a letter explaining the proposed distribution was sent to employees and former employees of the Simcoe County District School Board who were at any time covered by group insurance provided by the Insurance Trust (the "Covered Employees") and for whom the Trustees have addresses, by first-class mail to the last known address of each Covered Employee;
  - c. the notice and the letter (referred to in clause (a) and (b) above, respectively) was published on each of the respective Respondents' websites;
  - d. a toll-free hotline and website, which contained further information concerning the proposed distribution and copies of the court documents filed in the Application, were established; and
  - e. a separate notice directed at notifying possible creditors of the Insurance Trust of the proposed wind up and distribution was published for each Saturday for two consecutive weeks, commencing in local and national newspapers.
  
10. In addition, the Respondents retained NPT RicePoint ("RicePoint") to manage the administrative aspects of the Notice Program. The details of the services being provided by RicePoint can be found in David Weir's Affidavit, sworn the 5<sup>th</sup> day of July 2011.

11. Having complied with the terms and conditions of this Honourable Court's Order OPSEU now seeks to distribute its share of the surplus directly to its members. In order to do so, OPSEU seeks this Court's approval of its distribution methodology as detailed in the Affidavit of Anne Stevenson-Schramm sworn the 6<sup>th</sup> day of July 2011.
  
12. It is OPSEU's intention to use any remaining monies to pay benefit premiums for the current benefit program.
  
13. I make this affidavit in support of a motion to distribute the surplus of the Insurance Trust to the OPSEU members and for no other purpose.

SWORN BEFORE ME at the City of )  
Toronto, in the Province of Ontario, )  
this 20<sup>th</sup> day of July, 2011 )  
 )  
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 )  
A Commissioner, etc. )

  
AMANDA DARRACH