

**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

AFFIDAVIT OF DAVID WEIR

I, **DAVID WEIR**, of the City of London, in the Province of Ontario, make oath and say as follows:

I. Background

1. I am the President of NPT RicePoint ("RicePoint"). RicePoint offers a complete line of class action administrative services for, amongst others, employment and pension settlements.

2. RicePoint offers services for each phase of the settlement process including assisting claimants, administering the notification, administering the claims process and finally facilitating the distribution of the settlement.
3. RicePoint was retained by the Respondent Ontario Public Service Employees Union ("OPSEU") on April 27, 2010, to provide administrative services in respect of the Simcoe County District School Board Surplus Distribution (the "Distribution").
4. I have knowledge of the matters to which I hereinafter depose. All the information I have deposed I believe to be true.

II. RicePoint's Services

5. Upon approval of the distribution of the Simcoe County District School Board Insurance Trust Surplus, RicePoint has committed to offering OPSEU and OPSEU members a number of services in order to facilitate the Distribution.

A. Notice

6. In respect of providing notice to OPSEU members, RicePoint has committed to:
 - a. opening a post-office box to receive claims and other mail;
 - b. assisting OPSEU in the development of the notice, claim form and cover letter;
 - c. distributing relevant materials to the appropriate parties;
 - d. establishing a "800" number to respond to inquiries; and
 - e. establishing a website upon which to post relevant information and to respond to inquiries.

B. Claims Administration

7. In respect of administering claims, RicePoint has committed to:
- a. reviewing claim forms to ensure timeliness, appropriate documentation, identify technical deficiencies and to verify whether the claimant meets the criteria for inclusion;
 - b. responding to correspondence with responses provided by OPSEU; and
 - c. calculating the distribution amounts due each approved claimant pursuant to the methodology described in Anne Stevenson-Schramm's Affidavit.

C. Distribution

8. In respect of the Distribution of the Surplus Fund, RicePoint has committed to:
- a. establishing an escrow account for the surplus fund;
 - b. receiving the surplus fund;
 - c. compiling and reconciling information regarding all claims against the surplus fund;
 - d. printing and mailing the distribution cheques and any approved letter or attachment to approved class members;
 - e. preparing an alphabetical printout and/or electronic file of the cheque register listing the payee's names, cheque numbers and cheque amounts; and
 - f. responding to inquiries from Claimants in respect of the distribution.

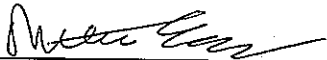
D. Post – Distribution

9. In respect of the post – Distribution phase, RicePoint has committed to:
- a. processing all correspondence and telephone calls following distribution;
 - b. correcting any logistical issues in respect of delivery of distribution cheques;
 - c. sending any required follow-up correspondence;
 - d. reconciling chequing account statements until the conclusion of the distribution;
 - e. preparing a final report for OPSEU accounting for all monies received, administered, and disbursed; and
 - f. re-allocating the balance of the distribution funds according to the guidelines provided by OPSEU.

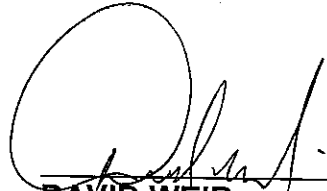
E. Tax Compliance Consultation

10. In respect of tax compliance consultation, RicePoint has committed to:
- a. summarizing the activity in the settlement fund;
 - b. preparing and filing all the necessary tax forms and returns for the surplus fund, if required; and
 - c. responding to any communication from the taxing authorities, if applicable.
11. 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 5th day of July, 2011



A Commissioner, etc.

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DAVID WEIR