

**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 KIM MACPHERSON**

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

**I. Background**

1. I am a Benefits Officer in the Membership Benefits Unit 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. Steps Taken by OPSEU to Notify Members

3. On October 13, 2009 OPSEU posted the Superior Court of Justice's Notice of Publication on its provincial website. OPSEU also posted a copy of the letter which it sent to affected current members as well as former members on its website.
4. On October 13, 2009 OPSEU Local 330 ("Local 330") also posted the Notice of Publication on its website. Local 330 also emailed a copy of the Notice of Publication to all current and former members for whom Local 330 had an email address on file.
5. On January 29, 2010 OPSEU announced on its provincial website that the Application by the Administrative Trustee for partial distribution of the surplus had been approved. As part of its announcement OPSEU included a description of the steps which had to take place in order for the distribution to take place.
6. On the same date, Local 330 emailed the announcement to all current and former members of Local 330 for whom it had an email address on file. In addition, OPSEU created a dedicated email address for inquiries from current and former members ([simcoewindup@opseu.org](mailto:simcoewindup@opseu.org)).
7. On February 22, 2011 Local 330 emailed their distribution list to inform affected current and former members of an information meeting scheduled for June 8, 2011.
8. On February 25, 2011 OPSEU posted an update to its members and former members on its provincial website. The update was also posted on the Local 330 website. The update noted that there would be an

information meeting on June 8, 2011 for any affected current and past members of Local 330.

9. The update also informed members that the insurer data had been obtained and that a methodology for distribution was being developed. The update was also emailed to all current and former members for whom Local 330 had an email address on file.
10. On June 8, 2011 OPSEU held an information meeting for affected Local 330 current and former members. The purpose of the meeting was to update current and former members of the status of the surplus distribution.
11. As part of the meeting Local 330 distributed a "backgrounder", and a "Frequently Asked Questions" information sheet.
12. At the information meeting all attendees were asked to contact anyone they thought might be eligible. A contact sheet was developed and distributed. A 1-800 number was set up in order for current and former members to call with inquiries or to provide their contact information. Attendees were also asked to provide OPSEU with their current contact information. Active members were also asked to contact any former members of Local 330 that they knew who were no longer employed by the Board in order to advise them to complete a contact form.
13. On June 9, 2011 the above noted backgrounder, Frequently Asked Questions information sheet and contact information sheet were posted on the OPSEU provincial website as well as the Local 330 website. These documents were also circulated via email to all current and former members for whom Local 330 had an email address on file.

14. I make this affidavit in support of a motion to distribute the surplus of the OPSEU Insurance Trust and for no other purpose.

SWORN BEFORE ME at the City of )  
Toronto, in the Province of Ontario, )  
this 1<sup>st</sup> day of July, 2011 )

  
A Commissioner, etc.

  
**KIM MACPHERSON**