

SCHEDULE "A"

NOTICE OF CERTIFICATION

IN THE MATTER OF THE ONTARIO GOVERNMENT RETIREES HEALTH BENEFITS CLASS ACTION LITIGATION

PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.

TO:	All persons retiring after August 28, 1974 who were eligible to receive retirement benefits from the Ontario Government as set out in the Supplemental Health and Hospital Insurance, Dental and Life Insurance Plan in effect immediately prior to June 1, 2002
1 Summary of Proceeding	<p>Barbara Kranjcec, on behalf of all persons retiring after August 28, 1974 who were eligible to receive retirement benefits from the Ontario Government as set out in the Supplemental Health and Hospital Insurance, Dental and Life Insurance Plan in effect immediately prior to June 1, 2002 has commenced a class action. The claim alleges that the Memorandum dated June 1, 2002 from the Ontario Government to all of its retirees, setting out the changes to the retirement benefits, breached a binding promise and breached the Ontario Government's fiduciary duty owed to class members. The claim also alleges that the Ontario Government's actions and its Memorandum dated June 1, 2002, setting out the retirement benefits, violates the retirees' equality rights under S. 15 of the <i>Canadian Charter of Rights and Freedoms</i>. The Plaintiff seeks damages, as well as declarations concerning her entitlement, if any, to retirement benefits.</p> <p>The class proceeding was certified by the Ontario Superior Court of Justice on January 7, 2004.</p>
2 Common Issues	<p>The Ontario Superior Court of Justice has ordered a trial of the following common issues:</p> <ul style="list-style-type: none"> (a) Did the Class Members' benefits vest upon retirement? (b) If the Class Members' benefits vested upon retirement, is the Defendant able to rely on Order in Council 162/91 in defence of its reduction of the benefits provided to Class Members? (c) If improvements to Class Members' benefits took place after retirement, is the Defendant entitled in law to reduce or

	<p>eliminate such benefits?</p> <p>(d) Was the reduction in benefits a breach of a contractual, fiduciary or other duty owed to Class members that is enforceable by them in this Court?</p> <p>(e) Does the reduction of benefits violate the equality rights of Class Members pursuant to s. 15 of the <i>Canadian Charter of Rights and Freedoms</i>?</p> <p>(f) Have all class members, or some identifiable subset of them, suffered damages?</p> <p>(g) Are the Class Members entitled to damages on an aggregate basis equivalent to the total savings realized by the Defendant?</p> <p>(h) What are the total savings which the Defendant has realized as a consequence of the June 1, 2002 benefit changes?</p> <p>A Judgment of the Ontario Superior Court of Justice on the above common issues, whether favourable or not, will bind all class members who do not opt out of the proceeding.</p> <p>Whether or not you opt out, a resolution of the common issues may affect your entitlement to the retirement benefits which you currently receive.</p>
<p>3 Individual Issues</p>	<p>If any or all of the common issues are resolved in favour of the class members, a further notice may be provided with respect to any individual issues that remain to be determined.</p>
<p>4 Financial Consequences</p>	<p>If the Plaintiff is successful on the common issues trial, you may be eligible for compensation. If the Plaintiff is not successful in the common issues trial, you will not personally be responsible for the legal fees of either class counsel or the Ontario Government's counsel.</p>

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<p>5 Class Counsel Legal Fees</p>	<p>Class counsel have agreed to undertake the litigation on an entirely contingent basis. They will only be paid if they achieve a Judgment or settlement which compensates class members. They will pay for all expenses associated with the common issues litigation themselves. If successful, Class Counsel will request a fee of up to 25% from the Court and will seek to be reimbursed for expenses incurred.</p>
<p>6 Opting Out of the Class Action</p>	<p>If you wish to remain as a member of the class, YOU DO NOT NEED TO DO ANYTHING. You will be informed of developments in this proceeding by way of subsequent Notice.</p> <p>If you wish to exclude yourself from the class proceeding, you are required to OPT OUT. You can opt out by completing the attached Opt Out Coupon by no later than July 14, 2004, or by sending a legible, written and signed request to opt out, containing substantially the same information as set out in the Opt Out Coupon by no later than July 14, 2004 to the attention of either one of the law firms set out in the attached Opt Out Coupon, and as set out below.</p> <p>If you opt out, you will not be bound by any Judgment in this class action.</p>
<p>7 Class Counsel</p>	<p>The following law firms represent the Class Members:</p> <p>Siskind, Cromarty, Ivey & Dowler LLP Barristers & Solicitors 680 Waterloo Street London, Ontario N6A 3V8 Attention: Charles M. Wright</p> <p>Cavalluzzo Hayes Shilton McIntyre & Cornish Barristers & Solicitors 474 Bathurst Street, Suite 300 Toronto, Ontario M5T 2S6 Attention: Michael D. Wright</p>

Use the following Opt Out form if you wish to opt out of the class action or send a written signed request to opt out, containing substantially the same information as set out in this Opt Out Coupon.

OPT OUT COUPON

To: **Siskind, Cromarty, Ivey & Dowler LLP**
Barristers & Solicitors
680 Waterloo Street
London, Ontario
N6A 3V8

Attention: Charles M. Wright

Cavalluzzo Hayes Shilton McIntyre & Cornish
Barristers & Solicitors
474 Bathurst Street, Suite 300
Toronto, Ontario
M5T 2S6

Attention: Michael D. Wright

I wish to opt out of the Kranjcec 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 one of the above addresses by no later than **July 14, 2004**

DISTRIBUTION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE