

**CAPITAL PENSION PLAN, RETIREMENT ANNUITY FUND
COURT APPLICATION - PREVIOUS UPDATES**

Update: April 4, 2013

The first batch of letters to individuals that verified their mailing address was mailed on April 2, 2013. This letter provided these individuals with the dollar amount of their eligible portion of the distribution as well as information regarding their two distribution options.

Those eligible individuals that verified their mailing address after March 15th will receive further information regarding their eligible portion in subsequent letters. It is anticipated that the next batch of letters will be sent in early May.

Eligible individuals that have not verified their mailing address remain entitled to an eligible portion of the distribution.

Update: February 15, 2013

The Capital Pension Plan is pleased to report that the appeal that was filed by Mr. Bennett has now been withdrawn, and is at an end. Following a pre-appeal meeting with the Court of Appeal on October 4, 2012, it was agreed that in return for payment of his legal costs, Mr. Bennett would abandon his appeal. With the appeal at an end, the Capital Pension Plan is now able to turn its attention to carrying out the direction of Judge Dovell from 2009 as to how the surplus in the fund needs to be distributed.

The Court directions provide that the surplus will be distributed to employees of the employers who contributed to the surplus. Further, the surplus will be distributed to only those employees (i.e. Capital Pension Plan members) who were employed with one of the contributing employers on the relevant date determined by the Court.

Further to Judge Dovell's directions, only those individuals eligible to receive a portion of the surplus distribution will be notified. Letters were mailed to eligible individuals to the last address on file with the Plan on February 15, 2013.

We are currently finalizing distribution data. Before we can inform individuals of their eligible portion of the surplus, their current mailing addresses must be confirmed. We expect to begin notifying individuals that have confirmed their mailing address of their eligible portion in late March.

Update: February 2, 2012

Since the last update in September, Mr. Bennett has signified that he will be carrying on with his appeal to the Court of Appeal. His written materials were filed with the Court in December of 2011, and January of 2012.

The parties who appeared before Judge Dovell in the Court of Queen's Bench (including CIC, on behalf of the Capital Pension Plan) are now entitled to file written responses to those submissions. Once all of

these written materials have been filed with the Court of Appeal, it will set an appeal date (in Saskatoon) where the appeal will be heard. That appeal is open to the public.

Notification of the appeal date (which will likely not be until mid- to late-2012) will be provided on this website, once it is set by the Court of Appeal.

Update: September 12, 2011

Over the last number of months, the parties have held discussions to determine if there was a way to avoid having this case proceed to the Court of Appeal. Unfortunately, it does not at this time appear that an agreement is possible, given the differing interests that each group represents.

Therefore it would appear that if Mr. Bennett wishes to continue to appeal, the case will have to go ahead before the Court of Appeal, which will in all likelihood not be finally concluded for close to 12 months.

Update: December 17, 2010

On November 1, 2010, the Court Application went ahead before Judge Dovell, as referenced in earlier updates. Prior to the hearing, Mr. Bennett advised that he would not be seeking payment of his legal fees in advance of being appointed a representative, so that argument was not made. Instead, the sole question before the Judge was whether Mr. Bennett should be appointed as a representative of the other members, for the purposes of the appeal.

While the Court did not make a final ruling on this point, the Court was not prepared at this time to appoint Mr. Bennett as a representative. The Court felt that having issued its previous decision, it no longer had any ability to make a decision in the case. Mr. Bennett will have to apply again to the Court of Appeal.

Instead of dismissing the application completely, however, Judge Dovell encouraged the parties to discuss further amongst themselves whether there was a way in which the issue could be resolved without further Court proceedings. The parties are currently holding those discussions.

Update: October 26, 2010

Since the last update on October 2, 2009, the court case has moved very slowly. The Plan member who filed the appeal, Mr. Evan Bennett, is seeking to be appointed by the Court as a representative on behalf of all members or former members of the Plan who were not employed by a contributing employer as of January 1, 1994, and who are therefore not entitled, according to the Court's ruling, to a share of the surplus.

Mr. Bennett made an application to the Court of Appeal on June 14, 2010, to receive such status. However, the Court dismissed that application, ruling that it should first be brought before the original Judge who heard the case, Madam Justice Dovell. Mr. Bennett has since filed such an application, which is to be heard by the Court of Queen's Bench on Monday, November 1, 2010, at 10:00 am. To be decided at that time is whether Mr. Bennett is to be appointed a representative of the other members

so that the appeal can go forward on that basis, and also whether Mr. Bennett's legal fees for the Court applications are to be paid out of the pension plan surplus at this time.

Update: October 2, 2009

On September 30, 2009, CIC was served with a Notice of Appeal seeking to overturn Judge Dovell's decision. The appeal has been filed by a Plan member who is dissatisfied with Judge Dovell's decision, and in particular the Court's decision to limit the distribution of the surplus only to members or former members employed by employers who contributed to the surplus in the first place. The appeal will also challenge the court's selection of January 1, 1994 as the cut-off date for eligibility to share in the surplus.

The appeal will be heard by the Saskatchewan Court of Appeal, likely some time in 2010. Under the Court of Appeal Rules, a party (such as CIC) is prohibited from carrying through with the lower Court's decision until the appeal has been heard and finally decided. Therefore, CIC cannot make any payments or distribution of surplus until the appeal is decided. It is expected that this process will take a minimum of six months and quite possibly longer.

Update: September 1, 2009

On June 11, 2009, the parties returned to court to clarify several issues arising from the Court's Preliminary Directions. At that time, CIC provided a draft of the distribution schedule for the surplus distribution, which was accepted by the Court.

At the conclusion of the hearing, after providing the clarifications requested, the Court asked CIC to prepare a draft Order of the Court, confirming the directions it has given, and to circulate the draft Order to the other parties for review.

That was done, and the draft Order was confirmed by the other parties. Accordingly, the Court has now issued its binding Order, providing CIC with the general directions it requested as to how the surplus is to be distributed.

As set out in the Order itself, the only notification of the Order that CIC is required to provide to members and former members is through posting the Order on this website.

There are no further court applications contemplated at this time. The next steps are for CIC to begin the process of distributing the surplus. This is expected to take several months. The Court has given permission to the parties to return to the Court for clarification, should any questions arise in distributing the surplus.

Update: April 21, 2009

On April 7, 2009, the Court issued certain preliminary directions to guide the parties as to next steps. It is important to note that these directions are preliminary only, and may be subject to change. A further Court hearing has been scheduled for the parties to obtain and provide further information to the Court. Two main preliminary directions have now been issued by the Court.

The first main preliminary direction which the Court has given to CIC is that the surplus is only to be distributed to the employees of the employers who contributed to the surplus in the first place (in 1986). There were approximately 27 employers who created the surplus.

The second significant preliminary direction is that the "cutoff" date for eligibility to share in the surplus is January 1, 1994. This means that, subject to some further directions from the Court, and with the exception of Cameco employees and non-electing PCS Inc. employees (see below), the surplus will be distributed only to employees who were employed on January 1, 1994 by one of the contributing employers. Employees of those employers who left their employment before January 1, 1994, or who began their employment after January 1, 1994, will not be entitled to share in the surplus, according to the Court. For Cameco employees, the only difference is that the relevant date is July 1, 1993, when Cameco withdrew from the Plan. For non-electing employees at PCS Inc. (i.e. those PCS Inc. employees who left their pension funds in the CIC Pension Plan when PCS Inc. set up its own pension plan), the only difference is that the relevant date is the date of PCS Inc.'s withdrawal from the CIC Pension Plan in 1993.

The Court has also ruled that the legal fees and expenses for the application for the legal counsel that have appeared to date are to be paid from the surplus. Another preliminary direction given was that at this time, the ad hoc payment which was made to annuitants from the Retirement Annuity Fund should not be taken into account in calculating the surplus entitlement for those individuals.

The Court has directed that CIC prepare a proposed schedule of surplus distribution, based upon the directions given thus far. A further Court date has been scheduled for Thursday, June 11, 2009, commencing at 9:00 o'clock a.m. at the Court of Queen's Bench in Saskatoon. Like all previous Court hearings, this hearing is open to the public, and individuals may attend and be heard, if desired.

Update: November 17, 2008

The court application went ahead on Thursday, November 13, 2008, and was completed the same day. The case was heard by Madam Justice M. Dovell in Saskatoon and legal counsel were present on behalf of CIC, Cameco and SGI (and certain other employers). Present in court as well were several individuals, two of whom made verbal representations to the court.

The 9 issues which CIC required directions on were explained to the Judge, and all parties had a chance to respond and provide their views.

The hearing took most of the day, but the second day was not required.

The Judge has "reserved" her decision, meaning that she will take time to consider all of the written and verbal arguments made, and then provide her decision in writing. All written submissions made by members or former members have been placed before the Judge for her review.

There is no set time limit for the court decision to be provided. Given the complexity of the case and numerous issues, it is not likely that this decision will be handed down until sometime in the New Year. When that occurs, the decision will be public, and placed on this website for individuals to review.

Update: October 2, 2008

As directed by the Court on June 12, 2008, CIC on October 1, 2008 filed its Written Submissions regarding the main court application, which as set out below has been set for Thursday, November 13, 2008 at 10:00 am, and continuing if necessary on Friday, November 14, 2008 at 10:00 am.

CIC's Written Submissions have been filed with the Court. Supplementary Affidavit of Ken Klein has also been filed with the Court, updating the court on events since the last affidavit was filed in February of 2008.

Update: June 26, 2008

The third court hearing was held on June 12, 2008 in Saskatoon. At that time, CIC requested of the Court that a final hearing date be set so that all issues in the application as to how to distribute the surplus could be argued, and all interested parties could be heard. After hearing from legal counsel on behalf of certain employers and former employers, the Judge agreed to do so. Therefore, the final hearing date for the application has been set for Thursday November 13, 2008 at 10:00 am, and continuing if necessary on Friday November 14, 2008 at 10:00 am.

However, the Court has also set a deadline for filing written materials, with the Court, being Wednesday, October 1, 2008. Therefore, any party who wishes to file any written materials to be considered by the Court in making its decision must provide those materials to CIC or the Court by this date. If you have already sent written materials, you do not need to re-send them.

That court hearing, like the others, is open to the public and any interested member or former member to attend, either to observe, or to make oral arguments to the Court.

At that hearing, the Court will be asked to give directions to CIC on several questions regarding how the surplus is to be distributed, and to whom. A letter will be sent to all members and former members with this information, and further updates will be provided on this website when they become available.

Update: April 14, 2008

The second court hearing was held on April 11, 2008 in Saskatoon. At that time, the Judge heard from legal counsel on behalf of CIC, and legal counsel on behalf of certain employers and former employers, as to the various groups of members or former members who would be affected by the court application. CIC provided a written submission to the Court, suggesting that there were 16 or 32 possible such groups.

After hearing from the parties on the issue of groupings, the Judge then asked questions about the process of hearing the court application. There were some different views, ranging from having one hearing to deal with all issues at once, or a series of hearings dealing with individual threshold issues. The Court asked legal counsel to attempt to come to some agreement on the process for the court to follow for scheduling the hearings, and to return and present that to the Court on Thursday, June 12, 2008 at 10:00 a.m. The court hearing, like the others, is open to the public and any interested member or former member is entitled to attend.

No decision will be made at that time as to the distribution of the surplus. Instead, the court will decide on the process for the hearing(s), and the dates of those hearings. Given the court's current backlog of cases, those hearings will likely not be held until the fall of 2008. Members will be notified of the date of the hearings once they are set by the court.

Update: March 17, 2008

The initial court application was held in Saskatoon on February 15, 2008. No decisions were made at that time. Instead, the Judge heard the background information regarding the application and asked the parties return to Court on Friday, April 11, 2008. The Judge asked the parties to prepare a listing of the various groups of members and former members and employers and former employers that may be affected by the application, and present it to the Court at that time.

Therefore, the purpose of the Court hearing on April 11, 2008 will only be to discuss the various groups affected by the application. No decision will be made at that time to the distribution of the surplus. It is anticipated that the Court hearing will be adjourned on that date to early June 2008, when the Court may then be in a position to hear the full arguments regarding the application.