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File Ref: 09018-001

**DECEMBER 4, 2014**

**VIA MAIL**



**Attention:** ◆

Dear Sirs / Mesdames:

**Re: Class action lawsuit regarding the 1992 conversion from a defined benefits pension plan to a defined contribution pension plan for employees at Cominco/Teck/Agrium *Weldon v. Teck Metals Ltd., Vancouver Registry, SCBC Action No. S-095159***

Camp Fiorante Matthews Mogerman along with Victory Square Law Office are class counsel in this class action. You are getting this notice/letter because you are a member of the class. Please read this notice/letter carefully as it affects your rights. Mr. Justice Smith of the BC Supreme Court supervises this class action and has reviewed and approved this notice/letter.

We are writing to update you and ask for information.

***Update #1: Settlement of Lawsuit***

We have reached an agreement to settle the class-action lawsuit with Cominco/Teck and Towers who have agreed to pay \$4 million to the class members for their losses, plus up to an additional \$300,000 to cover the expenses incurred on behalf of the class members in the course of the litigation.

To become effective, the BC Supreme Court must approve the settlement. You will be getting another notice/letter informing you of the date of the court hearing to approve the settlement and explaining your rights to object to the settlement.

Class counsel will be seeking fees and expenses along with administration costs to be deducted from the settlement funds. The BC Supreme Court must also approve the payment of these fees, expenses and costs. You will be getting another notice/letter informing you of the date of the court hearing to approve the payment of these fees, expenses and costs and explaining your rights to object to the payment of these fees, expenses and costs.

### ***Information Needed from You***

If you want to file a claim to receive funds from the settlement, you must fill out the attached form identifying yourself as a settlement class member. If you are the personal representative of a deceased class member and wish to file a claim to receive funds from the settlement, you must identify the estate of the deceased class member as indicated on the attached form. **You must send the completed form to us by mail, e-mail or fax no later than January 31, 2015. Failure to do so will disentitle you to any further notice and any participation in the distribution of settlement monies.**

### ***Update #2: How the Settlement Funds Will be Divided Among Class Members***

Class counsel are working on a plan to distribute the settlement funds among the class members. To determine the portion of the settlement funds to be allocated to each settlement class member, Cominco/Teck and Agrium have agreed to make reasonable efforts to provide us with the following information:

- year of birth;
- years of service as of December 31, 1992;
- year of employment termination, if not still employed;
- cause of employment termination;
- annual salary in 1992, to be inferred from a 1992 pension adjustment file; and
- initial account value at December 31, 1992.

Cominco/Teck will also provide the initial account values of class members who became employees of Agrium in 1993, if they are able to determine that from their records. If we do not obtain all of the necessary information pertaining to each settlement class member, we will contact each of those settlement class members further to address this matter.

To become effective, the distribution plan must also be approved by the BC Supreme Court. Once we have designed the distribution plan, you will be getting a copy of the distribution plan and another notice/letter informing you of the date of the court hearing to approve the distribution plan and explaining your rights to object to the distribution plan.

If approved by the BC Supreme Court, the distribution plan will indicate the allocation for each settlement class member and will spell out the right of each individual class member to object to their proposed allocation by following the appeal procedure described in the distribution plan.

### ***Reminder: Please Send Us Information If You Want Settlement Funds***

**As noted above, if you want to share in the settlement funds you must identify yourself to us by completing the enclosed form and sending it to us by mail, e-mail or fax no later than**

January 31, 2015. Failure to do so will disentitle you to any further notice and any participation in the distribution of settlement monies.

**Camp Fiorante Matthews Mogerman**  
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We will be pleased to answer any questions or address any concerns you have. Please contact Julie Facchin in my office at 1-800-689-2322 or [jfacchin@cfmlawyers.ca](mailto:jfacchin@cfmlawyers.ca).

Yours truly,

Camp Fiorante Matthews Mogerman

A handwritten signature in blue ink, appearing to read "J.J. Camp", is shown within a light blue rectangular box.

J.J. Camp, Q.C.

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