

## Schedule “B”

### CANADIAN WHEAT BOARD CLASS ACTION – NOTICE OF CERTIFICATION

*Dennis v. HMQ et. al.*, Court File No. [CI-17-01-04998](#)

#### **THIS NOTICE MAY AFFECT YOUR RIGHTS – PLEASE READ IT CAREFULLY**

#### **TO:**

Producers, as defined by the s. 2 of the *CWB Act*, or their Estates, who sold grain through a Canadian Wheat Board pool account, on or after August 1, 2020 and before July 31, 2012, and, pursuant to s. 32(1)(d) of the *CWB Act*, were entitled to an equitable share of the distribution of the surplus, if any, arising from the operations of the Canadian Wheat Board in respect of that grain (the “Class”).

#### **This Notice is published by order of the Queen’s Bench – Winnipeg Centre**

The Court has allowed a class action lawsuit to proceed, which may make it possible for you to obtain compensation for losses you may have incurred as a producer relating to the pool periods between August 1, 2010 and July 31, 2012. The Representative Plaintiff is seeking an accounting as well as monetary damages for the Class Members. Some issues of fact and law will be tried on a common basis, and individual trials may be required of any remaining issues.

The Court has not yet determined whether the lawsuit will succeed. You are being provided with this notice because you may be affected by the outcome of the lawsuit, and so that you can choose to “opt out” of the lawsuit if you wish.

Edward Andrew Dennis (the “Representative Plaintiff”) has been appointed the Representative Plaintiff by the Court, and the law firms of Goldblatt Partners LLP (“GP”) and Adair Goldblatt Bieber LLP (“AGB”) and Anders Bruun have been approved Court to act for the Class Members, as “Class Counsel”.

Please contact GP with any questions about this class action at 416-977-6070 or 1-800-387-5422 or at the address below. More information is available at:

- <https://goldblattpartners.com/experience/class-action-cases/post/dennis-v-canada/> or
- <http://www.cwbafacts.ca/constitutional-and-classaction/>

#### **Your right to choose whether or not to be part of the lawsuit**

**DO NOTHING IF YOU WISH TO TAKE PART IN THIS LAWSUIT.** If you are a person falling within the Class definition described above, you will automatically be included in the Class unless you opt out of this proceeding. **This means that you will be bound by the result in the lawsuit, win or lose.**

**IF YOU DO NOT WANT TO BE PART OF THIS LAWSUIT,** you must fill out the “opt-out” form below (or a letter setting out the same information) and send it to GP. The deadline for opting

out is September 4, 2022. If your written request to opt out is not post-marked by that date you will remain a member of the Class.

By opting out of this Class, you are confirming that you do not wish to participate in this class action. If you decide to opt-out of this class action, you will be excluded from any settlement or award of damages awarded by the Court. Once you opt-out of this class action, you will receive no further communications regarding this action from Class Counsel.

### **Financial consequences for you**

If the lawsuit is successful, the Court may award compensation to the Class as a whole. In the alternative, the Court may also establish a process, including individual hearings, to review the amount of damages each individual Class Member may claim and to assess the amount of damages each individual Class Member may be entitled to receive.

If the class action lawsuit is not successful, the Class Members will not be awarded damages and you will not receive any money. The members of the class, other than the Representative Plaintiff, will NOT be responsible for any legal costs of the class action lawsuit and will NOT have any other financial obligations because of the class action lawsuit.

Whether or not the class action lawsuit is successful, all members of the Class who do not opt out of the class action will be bound by the judgment of the Court. This means, for example, that after this lawsuit is over, if you remain a Class Member in this proceeding you could not start your own lawsuit against the Defendants for losses relating to the August 1, 2010 to July 31, 2012 pool period.

As of the date of this notice the Court has not set a date for trial.

### **Fees/Funding**

The Representative Plaintiff has retained Goldblatt Partners LLP (formerly Sack Goldblatt Mitchell LLP), Adair Goldblatt Bieber LLP (formerly Adair Barristers LLP) and Anders Bruun to represent him in this class action (collectively, "Class Counsel").

Pursuant to the retainer arrangement between the Representative Plaintiff and GP, AGB and Bruun (the "Retainer"), the Class shall not be responsible for any legal fees, or disbursements incurred, unless and until the successful resolution of the action. In no case shall class members be responsible for any adverse costs awarded. In the event of success, Class Counsel are entitled to a multiplier on their fees, plus a percentage of the overall amount paid to the Class, if it exceeds a certain amount negotiated between Class Counsel and the Representative Plaintiff. In this regard, successful resolution means either (a) a final judgment on the common issues ordering payment of financial compensation to some or all Class Members or (b) a Court-approved settlement including payment of financial compensation one or more Class Members.

Counsel shall not recover more in fees than the total aggregate amount the Class recovers from a judgment or settlement.

Class Counsel's fees and disbursements, including the payment of a success premium, are subject to court approval.

**Other matters**

The Representative Plaintiff has retained Class Counsel to represent them and the Class in the lawsuit. If you wish to participate personally in the lawsuit, you may apply to the Court for permission to do so.

**OPT OUT NOTICE**

To: Goldblatt Partners LLP  
20 Dundas Street W., Suite 1039  
Toronto ON M5G 2C2  
Attn: Tanya Atherfold-Desilva  
Email: [tatherfold@goldblattpartners.com](mailto:tatherfold@goldblattpartners.com)  
Fax: 416-591-7333

I confirm that I **do not** wish to be a Class Member in the class action lawsuit *Edward Andrew Dennis v. Attorney General of Canada et al.* I understand that by opting out I will not be eligible for any compensation that may be awarded in the class action. I confirm that having chosen to opt-out of this class, I will receive no further communications from Class Counsel regarding this class action.

\_\_\_\_\_  
Signature

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

*Note: To opt out this notice must be received before **September 4, 2022***