

## **NOTICE OF CERTIFICATION**

### **What is the Class Action about?**

A lawsuit has been certified as a Class Action against Pacer Promec Energy Corporation and Pacer Promec Energy Construction Corporation (collectively referred to as “Pacer Promec”), both of whom are in Receivership. The Statement of Claim alleges that Pacer Promec failed to pay employees and contractors amounts owing pursuant to a retention bonus policy.

The Statement of Claim alleges that Class Members who were promised payments according to a retention bonus policy, and who were not paid such amounts, are entitled to relief. The Statement of Claim seeks compensation for Class Members, plus other relief including costs and interest.

The Representative Plaintiff is Alexander Montague. In this lawsuit, the Representative Plaintiff is seeking compensation on his own behalf and on behalf of other individuals who were employees or contractors of Pacer Promec between April 1, 2013 and March 10, 2015, the date of the Receivership of the Defendants (which date range is hereinafter referred to as the “Date Range”).

Pacer Promec is currently in Receivership, however this lawsuit has been expressly permitted to be advanced by Court Order granted on June 15, 2016.

### **How do I know if I am a member of the Class?**

The Class has been defined by Court Order granted on September 27, 2016 (the “Certification Order”) as follows:

All Pacer Promec employees and contractors (including their estates, executors, and personal representatives) whose employment contract or terms of employment with Pacer Promec included the retention bonus policy payable December 15, 2014

If you were employed by Pacer Promec, either as an employee or as a contractor, at any time during the Date Range, you may be a member of the Class. If you are not sure whether or not you are a member of the Class, you should speak to Class Counsel, whose address is outlined below.

### **What if I do not want to participate in this Class Action?**

Class Members who wish to participate in the Class Action do not need to do anything at this time. They are automatically included in the Class Action.

Any Class Member who wishes to opt out of the Class Action must do so by sending a written opt-out form, signed by the Class Member, stating that he or she opts out of the Class Action.

The written opt-out form can be obtained from Class Counsel and must be sent by pre-paid mail, courier or by e-mail to them at:

Christa Nicholson and Oliver Ho  
Jensen Shawa Solomon Duguid Hawkes LLP  
800, 304 – 8 Avenue SW  
Calgary, Alberta T2P 1C2  
(403) 571-1520  
nicholsonc@jssbarristers.ca / hoo@jssbarristers.ca

The written opt-out form must be received by Class Counsel no later than **December 1, 2016** and no Class Member will be permitted to opt out of the Class Action after that date. If you opt out of the Class Action, you will take full responsibility for initiating your own lawsuit against the Defendants, including obtaining any necessary leave of the Court to do so, and for taking all legal steps necessary to protect your claim, if you wish to proceed with a claim.

### **What are the costs to me?**

Class Members will not be personally liable to pay any legal fees or disbursements to Class Counsel.

If the Class Action is successful in establishing that the Defendants are liable to pay money to the Class Members, further determination may be made including which Class Members may be entitled to that money, and how such amounts should be distributed to those Class Members.

If the Class Action is successful, legal costs will be deducted from the amounts recovered on behalf of the Class Members. All legal costs must be approved by the Court.

The Representative Plaintiff has retained Class Counsel to represent him and the Class in this lawsuit. Class Counsel will only be paid legal fees if the lawsuit is successful. If the lawsuit is successful, Class Counsel will request that legal fees be set by the Court.

### **How do I find out more about this Class Action?**

Questions about the matters in this Notice must not be directed to the Court. The Certification Order and other information with respect to the Class Action can be obtained at the following website: <http://www.jssbarristers.ca/pages/class-actions/class-actions.cfm>

In addition, questions for Class Counsel may be directed by mail, e-mail or telephone to them at the contact coordinates listed above.