

## NOTICE OF COURT APPROVAL OF PARTIAL SETTLEMENT OF CLASS ACTION

### THE CLASS ACTION

In 2017, a lawsuit (the "**Lawsuit**") was commenced against Richard Pelletier and Peter Capkun, (collectively referred to as the "**Defendants**"), who, it is alleged were, at all materials times, directors of Pacer Promec Energy Corporation ("**PPEC**"). By order of the Court of Queen's Bench granted on December 20, 2018 and filed on January 22, 2019 (the "**Certification Order**"), the Lawsuit was certified as a class proceeding pursuant to the *Class Proceedings Act*.

The Representative Plaintiff in the Lawsuit is Alexander Montague who is seeking compensation on his own behalf and on behalf of other individuals whose employment contract or terms of employment respecting PPEC's Kearl Lake Expansion Contract and Mildred Lake Mine Replacement Contract (the "**PPEC Contracts**") included PPEC's retention bonus policy payable December 15, 2014, and who have not been paid their retention bonus payout at all or in part (the "**Class**"). The Amended Statement of Claim alleges that the Class Members are entitled to relief including, but not limited to, Judgment against the Defendants plus costs and interest.

The Class has been defined by the Certification Order as follows:

All employees and contractors (including their estates, executors, and personal representatives) whose employment contract or terms of employment respecting Pacer Promec Energy Corporation's Kearl Lake Expansion Contract and Mildred Lake Mine Replacement Contract (the "**PPEC Contracts**") included PPEC's retention bonus policy payable December 15, 2014, who have not been paid their retention bonus payout at all or in part.

If you were employed respecting the Kearl Lake Expansion Contract or the Mildred Lake Mine Replacement Contract, your employment contract or terms of employment included PPEC's retention bonus policy payable December 15, 2014, and you have not been paid your retention bonus at all or in part, you may be a member of the Class in the Lawsuit. If you are not sure whether or not you are a member of the Class, you should speak to Class Counsel at the address referenced below.

### PARTIAL SETTLEMENT

By order of the Court of Queen's Bench of Alberta granted and filed on September 10, 2019, a partial settlement agreement between the Plaintiff and the Defendant, Peter Capkun, was approved by the Court (the "**Partial Settlement Agreement**"). The Court declared the Partial Settlement Agreement including the settlement amount referred to therein (the "**Settlement Amount**") to be fair, reasonable and in the best interests of the Class Members. The Partial Settlement Agreement does not settle the Lawsuit against the Defendant, Richard Pelletier, and the Lawsuit continues against him. The Court also awarded Jensen Shawa Solomon Duguid Hawkes LLP ("**Class Counsel**") legal fees, disbursements and applicable taxes ("**Class Counsel**

**Costs**"). As is customary in such cases, Class Counsel conducted the class action Lawsuit on a contingent fee basis pursuant to a contingency fee agreement (the "**CFA**"). Class Counsel was not paid as the matter proceeded and funded the expenses of conducting the litigation. Class Counsel Costs, certain Court approved disbursements incurred by Class Counsel in previous proceedings, and an honorarium for the Representative Plaintiff in the amount of \$4,000 (collectively, the "**Deductions**") will be deducted from the Settlement Amount.

To protect the interest of the Class Members, the Settlement Amount and the related Class Counsel Costs which form a percentage of the Settlement Amount have been sealed by the Court and therefore are not available or disclosed on the public record. If a Class Member wishes to review the sealed Settlement Amount and related sealed Class Counsel Costs, the Class Member must do so by filing a Court application on notice to Class Counsel, counsel for the Settling Defendant, and the Claims Administrator within 10 days of the date of this Notice's publication.

### **CLAIMS ADMINISTRATOR**

The Court has appointed MNP Ltd. as the Claims Administrator of the Settlement Amount. The Claims Administrator will, among other things: (i) receive and process the Claim Forms submitted by Class Members; (ii) make determinations of each Class Member's eligibility for compensation pursuant to the Court approved Distribution Plan; (iii) communicate with Class Members regarding their eligibility for compensation; and (iv) manage and distribute the Settlement Amount in accordance with the Distribution Plan. The Claim Forms can be found at the Claims Administrator's website below, and the Claims Administrator can be contacted at:

Telephone: 1-877-500-0792

Address: 1500, 640 – 5 Avenue SW, Calgary, AB, T2P 3G4

Claims Administrator's Website: [www.mnp.ca/ppecclassaction](http://www.mnp.ca/ppecclassaction)

### **COMPENSATION TO CLASS MEMBERS**

To seek compensation from the settlement, Class Members must submit their Claim Form and required documentation postmarked (if applicable) no later than February 6, 2020 (the "**Claims Deadline**"). The Claim Form can be found at the website of the Claims Administrator noted above.

Only Class Members are permitted to participate in the settlement. In particular, any persons who have opted out of this class action are not permitted to participate in the settlement.

The Settlement Amount plus certain other Court approved amounts less the Deductions (the "**Net Settlement Amount**") will be distributed to Class Members in accordance with the Distribution Plan after payment of the Claims Administrator's fees and disbursements (the "**Payout Amount**").

Class Member's actual compensation from the Net Settlement Amount will be his/her *pro rata* share of the Payout Amount.

If a Class Member receives from the Claims Administrator notice that his/her claim has been denied (the "**Notice**") and if he/she disputes the Claims Administrator's decision, whether in whole or in part, the Class Member may appeal the decision by bringing a Court application, on notice to the Plaintiff, Class Counsel and the Claims Administrator. The Court application must be served within 10 days after the date of the Notice. The Class Member must use his/her best efforts to ensure that the Court application is scheduled and heard within 120 days of the date of the Notice. A decision of the Court shall be binding and no further appeal shall lie therefrom.

### **COPIES OF THE SETTLEMENT DOCUMENTS**

Copies of the Partial Settlement Agreement and the Distribution Plan may be found on the website of Class Counsel at: <https://www.jssbarristers.ca/pages/class-actions/class-actions.cfm>

### **IMPORTANT DEADLINE**

**Claim Deadline: February 6, 2020**

***Claim Forms will not be accepted after the Claim Deadline. As a result, it is necessary that you act without delay.***

### **CLASS COUNSEL**

Questions about the matters in this Notice must not be directed to the Court. 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, email or telephone to them at the contact coordinates listed below:

Christa Nicholson / Charlotte Stokes  
Jensen Shawa Solomon Duguid Hawkes LLP  
800, 304 – 8 Avenue SW  
Calgary, Alberta T2P 1C2  
(403) 571-1520  
[ppecclassaction@jssbarristers.ca/nicholsonc@jssbarristers.ca/stokesc@jssbarristers.ca](mailto:ppecclassaction@jssbarristers.ca/nicholsonc@jssbarristers.ca/stokesc@jssbarristers.ca)

**DISTRIBUTION OF THIS NOTICE HAS BEEN AUTHORIZED**

**BY THE ALBERTA COURT OF QUEEN'S BENCH**