

## NOTICE OF CERTIFICATION

### What is the Class Action about?

A lawsuit has been certified as a class proceeding pursuant to the *Class Proceedings Act* (the “**Lawsuit**”) 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**”).

A Judgment was obtained on January 19, 2017 in the Court of Queen’s Bench of Alberta, Action No. 1501-02243 against PPEC (the “**Judgment**”) which has not been satisfied (the “**Unsatisfied Judgment Amount**”). Pursuant to s. 119 of the Alberta *Business Corporations Act*, the Defendants are jointly and severally liable for the Unsatisfied Judgment Amount, or such other amount, and the Amended Statement of Claim filed in the Lawsuit alleges the foregoing.

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 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, 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.

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

The Class has been defined by the Court Order granted on December 20, 2018, and filed on January 22, 2019 (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, 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 Lawsuit do not need to do anything at this time. They are automatically included in the Lawsuit.

Any Class Member who wishes to opt out of the Lawsuit must do so by sending a written opt-out form, signed by the Class Member, stating that he or she opts out of the Lawsuit. The written opt-out form can be obtained from Class Counsel, must be sent by pre-paid mail, courier or by e-mail to Class Counsel at the following address:

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)

The written opt-out form must be received by Class Counsel no later than March 18, 2019, 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 Lawsuit is successful in establishing that the Defendants are liable to pay money to the Class Members, the Court will then proceed to determine which Class Members may be entitled to that money, and how such amounts should be distributed to those Class Members.

If the Lawsuit 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, email or telephone to them at the contact coordinates listed above.