

LIDLAW EARLY RETIREMENT CLASS ACTION

NOTICE OF HEARING FOR APPROVAL OF CLASS ACTION SETTLEMENT AGREEMENT

PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS.

**TO CLASS
MEMBERS:**

This notice is to all persons, who were employees of Laidlaw Carriers Inc. ("Laidlaw") who, in 1988, accepted Laidlaw's early retirement offer or, where such person is deceased, to the executor of such person's estate.

If you are one of the 12 individuals whose claims against Laidlaw have already been resolved through the *Ford v. Laidlaw Carriers Inc.* action, or if you have already settled your dispute independently, you are automatically excluded from the Settlement and not eligible to participate.

**1 PURPOSE OF THIS
NOTICE**

A class action was commenced in Ontario in 2001 claiming damages arising out of alleged misrepresentations by Laidlaw Carriers Inc. in respect of early retirement offers that were extended to employees with more than 10 years of service with the company in May 1988.

Laidlaw denies any wrongdoing or liability on its part; however, the parties have reached a proposed Settlement of the action, subject to obtaining the necessary Court approval. The Settlement is a compromise of disputed claims, and Laidlaw has agreed to pay the sum of \$750,000.00 to settle the claims of all Class Members, in full and final settlement of all claims, including, but not limited to, class counsel fees, disbursements, taxes, interest and administration costs in return for a release of claims and the dismissal of the action.

From the Settlement amount, Class Counsel will ask the Court to award Class Counsel fees and disbursements not to exceed 25% of the Settlement Amount, in order to compensate Class Counsel for work done on behalf of the Class.

A motion to approve the proposed Settlement will be heard by the Ontario Superior Court of Justice, on December 16, 2009, at 10:00 a.m. at the Court House at 361 University Ave, Toronto, Ontario, M5G 1T3.

Class Members who are in favour of the proposed Settlement do not need to appear at the hearing or take any other action at this time to indicate their intention to participate in the proposed Settlement.

Class Members who oppose the proposed Settlement are requested to, not later than 2 p.m. on December 13, 2009, deliver a written

objection to Class Counsel for delivery to the Court.

Any written objection should include the following information:

(a) the objector's name, address, telephone number, fax number and/or email address;

(b) a brief statement of the nature and reason for the objection;

(c) a representation that the objector is a Class Member, or the legal representative of such;

(d) whether the objector intends to appear at the hearing in person or by counsel, and if by counsel, the name, address, telephone number, fax number and email address of counsel.

Should the Settlement receive final approval, further notices will be sent by direct mail, and published on the website of Class Counsel at www.classaction.ca.

**2 DISTRIBUTION
PROTOCOL**

If the Settlement is approved by the Court, the Settlement payments will be paid out in accordance with the Claims Administration portion of the Settlement Agreement. Claims will be administered by Class Counsel.

A copy of the Settlement Agreement is available on Class Counsel's website at www.classaction.ca or by contacting Class Counsel directly as provided below.

**3 RELEASE OF
CLAIMS AND THE
EFFECT ON OTHER
PROCEEDINGS**

If you are a Class Member, then you will automatically be included in the class and will be bound by the terms of the Settlement Agreement if approved by the Court. This means that you will not be able to bring or maintain any other claim or legal proceeding against Laidlaw in connection with the May 1988 early retirement offers.

4 LEGAL FEES

The Plaintiff retained the law firm of Siskinds^{LLP} to represent her and the class in the lawsuit, on the basis that Class Counsel were only to be paid if they were successful in the litigation. Class Counsel were responsible for funding all time and disbursements incurred in pursuing this litigation. The fees, expenses and taxes approved by the Court will be deducted from the total Settlement and will not exceed 25% of the Settlement Amount, or \$187,500.

5 CLASS COUNSEL

Questions about this Notice should NOT be directed to the Court.

For all inquiries relating to the Settlement Agreement, please contact Class Counsel at:

Siskinds LLP
680 Waterloo Street
London, ON
N6A 3V8

Attention: James D. Virtue
Tel: (519) 672-2121
Fax: (519) 672-6065
jim.virtue@siskinds.com

6 INTERPRETATION

If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

DISTRIBUTION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO
SUPERIOR COURT OF JUSTICE