

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**BARBARA KRANJCEC, on her own behalf and on behalf
of all retired former employees of the Ontario Government
receiving coverage under the Supplementary Health and
Hospital Insurance, Dental and Life Insurance Plan as of
June 1, 2002**

Plaintiff

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendant

Proceeding under the *Class Proceedings Act, 1992*

NOTICE OF MOTION

THE PLAINTIFF, will make a motion to the court on Thursday, September 7, 2006
or as soon after as the motion can be heard, before Mr. Justice Cullity at the Court House,
361 University Avenue, Toronto, Ontario, M5G 1T3.

PROPOSED METHOD OF HEARING: This Motion is to be heard

in writing under subrule 37.12(1);

in writing as an opposed motion under subrule 37.12.1(4);

orally

THE MOTION IS FOR:

1. An Order that the capitalized terms used herein have the following meanings:
 - (a) **Action** means Ontario Court File No. 02-CV-238484CP.
 - (b) **Released Claims** means any and all manner of claims, lawsuits, grievances, demands and causes of action related in any way to the retiree benefit plan that have been, could have been or should have been made by the Settlement Class, including the Plaintiff, in the Action. For greater certainty, Released Claims do not include any claim that might arise from any change in benefits after March 7, 2006.
 - (c) **Releasee** means the Defendant and all of its assigns, employees, agents, advisors, or other representatives.
 - (d) **Releasors** means the Plaintiff and the Settlement Class Members and the heirs, executors, administrators and assigns of each of the foregoing.
 - (e) **Settlement Agreement** means this agreement executed by the Parties on June 1, 2006, including the recitals and schedules.
 - (f) **Settlement Class** means all persons retiring after August 28, 1974 who were eligible to receive retirement benefits from the Ontario Government as set out in the Supplemental Health and Hospital Insurance, Dental and Life Insurance Plan in effect immediately prior to June 1, 2002 and who have not validly opted out of the Settlement Class.
 - (g) **Settlement Class Member** means a member of the Settlement Class.

(h) **Total Settlement Amount** means \$20,000,000 plus actual interest accrued, which amount includes Class Counsel Fees and Administration Expenses.

2. A Declaration that the Settlement Agreement is fair, reasonable and in the best interests of the Settlement Class;

3. An Order that the Settlement Agreement is approved pursuant to s. 29 of the *Class Proceedings Act*, 1992 and shall be implemented in accordance with its terms;

4. A Declaration that the Settlement Agreement is incorporated by reference into and forms part of the order and is binding upon the representative plaintiff, upon all Settlement Class Members, and upon the defendant;

5. An Order and Declaration that each Releasor has released and shall be conclusively deemed to have fully, finally and forever released the Releasees from the Released Claims;

6. An Order and Adjudication that the Action be dismissed against the defendant without costs;

7. An Order that the Total Settlement Amount, less Class Counsel Fees and Administration Expenses, be distributed to Settlement Class Members on a pro-rata basis, in accordance with Section 5.1 of the Settlement Agreement, no later than 90 days following court approval; and

8. Such further and other relief as to this Honourable Court may seem just.

THE GROUNDS FOR THE MOTION ARE:

1. The proposed settlement is fair, reasonable and in the best interests of the class;

2. The *Class Proceedings Act*, 1992, S.O. 1992, c.6; and
3. Such further and other grounds as counsel may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion:

- (i) The Affidavit of Barbara Kranjcec, sworn June 1, 2006;
- (ii) The Affidavit of Charles Wright, sworn June 27, 2006;
- (iii) The Affidavit of Fred Holmes, sworn June 22, 2006;
- (iv) The Affidavit of Mario Alloi, sworn June 14, 2006;
- (v) The Supplemental Affidavit of Charles Wright, sworn August 29, 2006; and
- (vi) Such further and other material as counsel may advise and the Honourable Court may permit.

August 30, 2006

CAVALLUZZO HAYES SHILTON
McINTYRE & CORNISH LLP
Barristers & Solicitors
474 Bathurst Street
Suite 300
Toronto, Ontario
M5T 2S6

Michael D. Wright - LSUC #32522T
Shaun O'Brien - LSUC #43547F
Tel: (416) 964-1115
Fax: (416) 964-5895

SISKIND, CROMARTY, IVEY & DOWLER LLP

Barristers & Solicitors
680 Waterloo Street
PO Box 2520, Stn. B.
London, Ontario
N6A 3V8

Charles M. Wright - LSUC #36599Q

Tel: (519) 672-2121

Fax: (519) 672-3093

Solicitors for the Plaintiffs

TO: **HICKS MORLEY HAMILTON STEWART STORIE LLP**

Barristers & Solicitors
Toronto-Dominion Tower
30th Floor
P.O. Box 371, T-D Centre
Toronto, Ontario
M5K 1K8

John C. Field

Tel: (416) 864-7301

Fax: (416) 362-9680

Solicitors for the Defendant