

NOTICE OF CERTIFICATION OF THE BSE CLASS ACTION AGAINST THE GOVERNMENT OF CANADA

This notice may affect your rights. Please read carefully.

To class members who are:

All persons who as at May 20, 2003 were resident in Canada (except the province of Québec) and farmed cattle, including but not limited to cow-calf, backgrounder, purebred, veal, feedlot and dairy producers.

In this class definition 'person' means any individual, partnership, corporation, cooperative, communal organization, trust, band farm or other association who as at May 20, 2003 was farming cattle within the meaning of the *Income Tax Act*.

CERTIFICATION ORDER

Class action lawsuits were commenced in April, 2005 in Ontario, Québec, Saskatchewan and Alberta against the government of Canada alleging that the government was responsible for allowing the introduction of bovine spongiform encephalopathy (BSE) into the Canadian cattle herd.

The Québec action was authorized as a class action in June of 2007 as against the government of Canada. Notice of the authorization of the Québec action to the Québec class was published in September of 2007.

On September 3, 2008 the Ontario Superior Court of Justice certified the action as a class action against the government of Canada on behalf of all class members in Canada, apart from those in Québec. On January 22, 2009 the Ontario Divisional Court denied the government of Canada leave to appeal the certification order.

Complete information on the decision of the Ontario Superior Court of Justice certifying this action as a class action against the government of Canada can be found at www.bseclassaction.ca.

The Common Issues approved by the Ontario Superior Court of Justice to be determined at trial are:

1. Does section 9 of the *Crown Liability and Proceedings Act* bar the Class Members' claims against the federal Crown?
2. Were the defendants negligent and if so, when and how?
3. Is the Attorney General of Canada liable to the Class Members for misfeasance in public office?
4. What is the appropriate apportionment of fault, if any, between the defendants?
5. Can the amount of compensatory damages, if any, be reasonably determined on an individual basis? If so, how should individual damages be determined?
6. If the answer to question 5 is no, can the amount of compensatory damages, if any, be determined on an aggregate basis? If so, what is the amount of damages and how should they be distributed?

This notice is a summary only. If you believe you are a class member, you may review and/or obtain copies of the statement of claim and the judgment certifying the action as a class action against the government of Canada at www.bseclassaction.ca or by contacting the Administrator toll free at 1-866-800-0075. Questions may be directed to the Administrator by telephone or email: bse@crawco.ca.

OPTING OUT

Crawford Class Action Services has been appointed by the Ontario court as Administrator of the opt out process.

Any class member who does not wish to participate in the BSE class action against the government of Canada must opt out of the BSE class action by sending a written and signed election to the Administrator as described below.

Please note carefully that any class member who opts out of the BSE class action will not be eligible for any of the benefits that may result from any successful conclusion of the BSE class action against the government of Canada, whether by way of trial or settlement.

RELEASE OF CLAIMS AND EFFECT ON OTHER PROCEEDINGS

Any class member who does not opt out of the class action will remain in the BSE class action and will not be able to bring or maintain any other claim or legal proceeding in connection with any aspect of the BSE crisis against the government of Canada, and any individual action that this class member commences against the government of Canada will be dismissed.

HOW TO OPT OUT

Any class member who wishes to opt out shall send a written and signed election by fax or mail to the Administrator:

**BSE Class Action
Crawford Class Action Services
101 Randall Drive, Unit A
Waterloo Ontario N2V 1C5
Telephone
1-866-800-0075
Fax 519 578 7739
bse@crawco.ca**

The written election to opt out must state the person's full name, current address and telephone number, and that the person opts out of the BSE class action. It must be signed by the person opting out, or an authorized representative of the person.

To be effective the written opt out must be sent to the Administrator by fax or by mail postmarked on or before June 12, 2009.

This notice is approved by the Superior Court of Justice for Ontario.

QUESTIONS

Any questions about the substantive matters in this notice should not be directed to the courts as their administrative structures are not designed to address this type of inquiry. Questions should be directed to:

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