

CLASS ACTION UPDATE

Vol. I Issue VII – February 2005

Introduction

We apologize for the delay in reporting to you. Much has occurred and we are eager to share it with you.

The Class Action Lawsuit

Our case convened before the Court in October in order to determine whether a number of individuals from the ranks of the current non-unionized employees could stand as representatives of that group.

Unfortunately, the Court declined to add those individuals citing problems posed by the position of those individuals on the merits of the lawsuit.

As a result, the Certification Motion scheduled for November 29, 2004 was adjourned again.

A New and Invigorated Approach

Your executive and legal counsel have interpreted the Judge's decision with respect to the addition of the current non-unionized employees and have sought to revise the procedural structure of the case in order to prevent further delays and enable the case be quickly resolved.

The pensioners will be divided into a series of subclasses. Those subclasses will be defined based on dates of retirement and benefits received under the plan.

Meetings between legal counsel and members of each of the new subgroups have occurred recently in North Bay. Potential representatives had been identified with respect to these groups and legal counsel have been retained to represent the interests of some of those groups.

Schedule Moving Forward

Justice Hennessy, the Case Management Judge, has asked all of the lawyers involved to be prepared to set a new schedule for the certification date. A conference call will take place on February 16, 2005 and it is anticipated that a schedule will be set at that time.

Conclusion

As always, we remain confident and committed to a speedy and successful resolution of this case for all of us.

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