

Appendix "A"

**NOTICE OF
PENSION CLASS ACTION**

FOR BENEFICIARIES OF:

- **WHITE TRUCKS PENSION PLAN (SINCE 1966)**
- **WHITE WESTERN STAR PENSION PLAN (SINCE 1966)**
- **WESTERN STAR TRUCKS INC. PENSION PLAN**
- **FREIGHTLINER LTD. PENSION PLAN**

NO. L021149
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PETER GREGG, PETER WOOLLEY, JOHN LANGERGRABER,
JAMES GILCHRIST, TERRY BARKER AND GEORGE SCHIEVEN

PLAINTIFFS

AND:

FREIGHTLINER LTD., doing business as WESTERN STAR TRUCKS,
TRUST COMPANY A, THE CANADA TRUST COMPANY, AND
CIBC MELLON TRUST COMPANY

DEFENDANTS

INTRODUCTION

This class action is different from the action claiming remedies relating to the employment law claims of prior employees of Western Star/Freightliner. This action relates to pension claims only. You may have received separate notice of the employment class action.

YOUR ACTION MAY BE REQUIRED

On April 16, 2002, Peter Gregg of 315 Peck Road, Kelowna, British Columbia, commenced an action against Freightliner Ltd. ("Freightliner"), doing business as Western Star Trucks, Trust Company A, The Canada Trust Company ("Canada Trust") and CIBC Mellon Trust Company ("CIBC Mellon"), in the Supreme Court of British

Columbia. The other plaintiffs were added by order of the court in order to ensure there was separate representation for sub-classes of plaintiffs.

The Court has ordered that this action proceed as a class action, and that this notice be mailed to all potential class members. You are receiving this notice because you may be a member of the class.

The court has ordered that the main class includes the following people:

All salaried or hourly non-bargaining unit employees or former employees of the Western Star Division of White Motor Corporation of Canada Limited, the White Trucks Division of White Motor Corporation of Canada Limited, Western Star Trucks Inc. or Freightliner Ltd. who are or were formerly members of any of the following pension plans and any amendments thereto for such employees ("Plan Members") and all persons claiming entitlement with respect to such pension plans through them ("Dependents"):

- (a) the Cockshutt Farm Equipment 1962 Plan;
- (b) the Cockshutt Farm Equipment 1966 Plan;
- (c) the White Trucks 1966 Plan;
- (d) the White Western Star 1971 Plan;
- (e) the White Motor 1975 Plan;
- (f) the WSTI 1981 Plan;
- (g) the WSTI 1985 Plan;
- (h) the WSTI 1988 Plan; and
- (i) the WSTI 1998 Plan.

The Court has ordered that the main class be subdivided into seven sub-classes, with the following sub-class representatives:

- (a) Plan Members who were members of the Cockshutt Farm Equipment 1962 Plan or the Cockshutt Farm Equipment 1966 Plan and were transferred to the White Western Star 1971 Plan effective January 1, 1971 or to the White Motor 1975 Plan effective January 1, 1975 and their Dependents (the "Cockshutt Sub-Class") – class representative is George Schieven;
- (b) Plan Members who were members of the White Trucks 1966 Plan prior to the transfer to the White Motor 1975 Plan effective January 1, 1975, and their Dependents (the "White Trucks Sub-Class") – class representative is Peter Woolley;
- (c) Plan Members who were members of the White Western Star 1971 Plan prior to the transfer to the White Motor 1975 Plan effective January 1, 1975 and their

Dependents (the "White Western Star Sub-Class") – class representative is Peter Gregg;

- (d) Plan Members who became members of the White Motor 1975 Plan after the transfers effective January 1, 1975 and before the transfer to the WSTI Plan effective April 1, 1981 and their Dependents ("the White Motor Sub-Class") – class representative is John Langergraber;
- (e) Plan Members who became members of the WSTI 1981 Plan after the transfer effective April 1, 1981 but before the amendments to the WSTI 1985 Plan in 1985, and their Dependents (the "WSTI Pre-1985 Sub-Class") – class representative is Terry Barker;
- (f) Plan Members who became members of the subsequent pension plans after the 1985 amendments to the WSTI Plan and their Dependents (the "WSTI Post-1985 Sub-Class") – class representative is James Gilchrist;
- (g) Plan Members who reside outside the Province of British Columbia and their Dependents (the "Non-Resident Sub-Class") – class representative is George Schieven.

WHAT IS THE CASE ABOUT?

The claims asserted against the defendants include claims for breach of contract, breach of trust, a claim that any surplus in the pension plan upon winding up belongs to the plaintiffs and not to Freightliner Ltd., a claim for monies improperly used for the administration of the pension plan, a claim for monies improperly removed from the plans, and a claim for monies in respect of improper contribution holidays. The defendants deny these claims. The court has not yet determined whether the plaintiffs' claims have merit.

AM I IN OR OUT?

WHAT DO I NEED TO DO TO OPT IN OR OUT?

- **If you are not a resident of British Columbia:**

If you are not a resident of British Columbia you are not automatically included in the class action, even if you fit the description of a potential class member.

If you want to participate you must complete the attached form titled "Opting In To the Class Action" and mail it, fax it or e-mail it to TevlinGleadle Employment Law Strategies, so that it is received by no later than May 19, 2005.

If you do not want to participate in the class action, you may simply take no action. In that event you will not be able to recover any money that may be awarded in the class action and you will not be bound by any decisions rendered.

- **If you are a resident of British Columbia:**

If you are a British Columbia resident, and fit the description of a class member, you are automatically included in the class action unless you opt out.

If you wish to bring your own action, or for any other reason prefer not to participate in the class action, you must complete the attached form titled "Opting Out Of the Class Action" and mail it, fax it or e-mail it to TevlinGleadle Employment Law Strategies, so that it is received by no later than May 19, 2005. Unless you opt out, you will not be able to bring your own lawsuit in relation to the same issues and you will be bound by the outcome, whether favorable or not.

HOW WILL THE CASE PROCEED?

Class actions have two stages. The first stage is the resolution of the common issues. A list of common issues is contained in the Certification Order available on the TevlinGleadle Employment Law Strategies website.

A date for the trial of common issues will be obtained from the court. The court will make a determination of the common issues which will govern the rights of those class members who have chosen to participate in the class action.

If the common issues are determined in favour of the class, the court will determine what steps class members need to take in order to determine if each class member is entitled to recover any money, and in what amount.

FINANCIAL CONSEQUENCES

As a member of the class you will be entitled to the benefit of any ruling on the common issues of whether the defendants are liable to the class members. If the action is not successful, you will not be responsible for any of the costs of this action. You may be responsible for the costs of proving your own personal damages however.

AGREEMENT WITH SOLICITORS REGARDING FEES

You do not need to pay any legal fees out of your pocket. If the case is successful, the fees payable will be paid out of any judgment or settlement obtained.

TevlinGleadle Employment Law Strategies ("TevlinGleadle") are legal counsel for the class. If the class action is successful, TevlinGleadle will apply to court to receive from 12% to 24% of each member's total recovery, depending on the stage of the proceedings at which recovery is obtained. The court will decide whether this arrangement is reasonable and the fee appropriate.

Disbursements, that is monies actually paid out to advance the action, are the responsibility of class counsel, unless or until the action is resolved. A claim for payment of disbursements by the defendants will be made in the action. If the action

is not successful, the disbursements will be the responsibility of class counsel.

PARTICIPATION BY CLASS MEMBERS

If any class member wishes to participate directly in the action he or she may do so by making an application to the Court. Class members may be required to participate in order to establish their own entitlement to damages, after the common issues are determined.

FURTHER INFORMATION

If you require further information about this action, you may contact Murray Tevlin or Dan Gleadle at TevlinGleadle at the address set out above or through any of the following means:

Phone: 604-648-2966

Fax: 604-648-2967

E-mail: info@tevlingleadle.com

Mail: 111 Smithe Street,
Vancouver, BC,
V6N 4Z8

Before contacting us you should visit the TevlinGleadle Class Action web site at www.tevlingleadle.com, where there is a detailed set of “frequently asked questions” and copies and description of all relevant court proceedings.

Class members should keep TevlinGleadle Employment Law Strategies advised of any address changes by fax or be e-mail.