

## HEARING NOTICE

Dear [DIL Representative Class Member],

### DIL Representative Action

**Were you a DIL Depositor in the Lutheran Church – Canada, Alberta British Columbia Investments Ltd. (“DIL”) RRSP/RRIF/TFSA Fund who suffered a loss on your investment and did not opt-out of the Representative Action sanctioned by the Court of Queen’s Bench of Alberta in Action No. ABQB No. 1501-00955 (the “CCAA Proceedings”)?**

*This notice may affect your legal rights. Please read it carefully.*

A class action has been commenced against various Defendants on behalf of the following proposed Class (the "DIL Representative Action Class"):

- a. people resident in Alberta who on January 2, 2015 were depositors to The Lutheran Church – Canada, Alberta and British Columbia District Investments Ltd. and who had not opted out of the Representative Action referred to in Article 5.1 of the Amended Amended Plan of Arrangement of DIL prepared and sanctioned in the CCAA Proceedings (the “DIL Plan”) in the manner set out in Art. 5.7 of that Plan prior to the commencement of the DIL Representative Action; and
- b. people resident outside of Alberta and who on January 2, 2015 were depositors to The Lutheran Church – Canada, Alberta and British Columbia District Investments Ltd. and who had not opted out of the Representative Action referred to in Article 5.1 of the DIL Plan in the manner set out in Art. 5.7 of that Plan prior to the commencement of the Representative Action.

A partial settlement has been reached with some of the Defendants (the "Settling Defendants"). The Settling Defendants, while not admitting liability, have agreed to a settlement of their portion of this lawsuit subject to court approval and partial certification of the Action for the purpose of approval of such settlement only, on terms as set out in a settlement agreement dated March 24, 2021, a copy of which is available for viewing on [www.smrlaw.ca](http://www.smrlaw.ca) (the “Settlement Agreement”). All capitalized groups of words in this Hearing Notice which are defined in the Settlement Agreement have the same definition in this Hearing Notice.

If you are a member of the DIL Representative Action Class, **you will automatically be included** in this Representative Action and are not required to take any further steps at this stage.

### **The Terms of the Proposed Settlement**

Under the Settlement Agreement, members of the Settlement Class will be entitled to payment of the following amounts by the Settling Defendants.

The total settlement amount under the settlement and the portion thereof allocated as between this DIL Representative Action (the “Settlement Funds”) and the District Representative Action is accessible through the computer portal as described below. If the settlement is approved, and subject to court approval, each member of the DIL Representative Action Class will be paid a proportionate share of the Settlement Funds, calculated as set out below:

<b>Total Settlement Amount</b>	\$to remain undisclosed but still part of the calculation
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<b>LESS DISTRICT Settlement Allocation</b>	\$to remain undisclosed but still part of the calculation
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<b>DIL Settlement Allocation</b>	\$to remain undisclosed but still part of the calculation
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**LESS**

\$\* to augment the existing litigation holdback to cover costs associated with the settlement approval process which are not incurred by the time of distribution, potential future costs and disbursements in the DIL Representative Action and to protect the Representative Plaintiffs in this Action against potential adverse court costs, or in such other amount as the court may direct.

**LESS**

\$\* estimated class counsel legal fees plus 5% GST, subject to approval by the Court.

**LESS**

\$\* Estimated third party professional fees related to court approval of the Settlement Agreement and distribution of the Settlement Funds, subject to approval by the Court

**Your share of the Distribution is proposed to be determined proportionately as follows:**

**Net Amount of Settlement Funds available for distribution**

\$to remain undisclosed but still part of the calculation

**Multiplied by the following fraction:**

Total amount of each Class member's "Remaining Claim"\* divided by the Total Amount of all Representative Action Class members' Remaining Claims\*

\* as determined by the Monitor in the CCAA Proceedings

Your share of the Settlement Funds is calculated/estimated to be \$[**class member's proportionate share of the settlement funds**], subject to adjustments and updates approved by the Court. To view the amount of your share as updated from time to time, go to (**insert website**) (the "Portal") and input your personalized passcode [**class member's individual passcode**]. You will also be able to see the dollar amounts left in blank in the calculation outlined above.

The information in the Portal is confidential and is not to be divulged to anyone other than those assisting you with computer access and/or your professional advisors on a confidential basis.

A copy of the Settlement Agreement, redacted for the Consideration [total settlement amount] and for the allocation thereof, can be found on Class Counsel's website: [www.smrlaw.ca](http://www.smrlaw.ca).

## **No Further Opt-Out**

The Representative Plaintiffs in the Class Action will be asking the Court to direct that no further opt-out process be required as an opt-out process has already been completed in the CCAA Proceedings.

IF NO FURTHER OPT-OUT PROCESS IS ORDERED, ANY JUDGMENT OBTAINED ON THE COMMON ISSUES FOR THE PROPOSED CLASS, WHETHER REACHED BY SETTLEMENT OR NOT, WHETHER FAVOURABLE OR NOT, WILL BIND ALL CLASS MEMBERS WHO HAVE NOT ALREADY OPTED OUT OF THIS ACTION.

## **The Partial Settlement Approval and Partial Certification Hearing and Your Right to Observe or Participate**

An Application to approve the partial settlement of this Action and to partially certify this Action as a class proceeding for the purpose of approving such partial settlement only, is scheduled to be heard on November 25, 2021 at 10:00 am at the Court of Queen's Bench of Alberta in Calgary, Alberta at 601 5 St SW. Class Counsel will also seek to confirm their appointment as Class Counsel and ask the Court to approve an award of fees and disbursements for their work in achieving the settlement.

If you agree with the proposed settlement and wish to participate in it, you do not have to do anything at this time.

The Application will proceed before the Court by videoconference. If you wish to attend the Application as an observer, you may do so by using the videoconference link and password found on Class Counsel's website.

If you disagree with the proposed settlement, you have the right to object. To object, you must provide a letter to Class Counsel and to JSS Barristers, Attn: Mr. Carsten Jensen, a representative of counsel for the Non-Settling Defendants, using their respective contact information below. Your letter must include your name, contact information, and a brief statement of the nature and reasons for your objection, and be received no later than November 5, 2021. If you wish to attend the Application to speak about your objection, you must also provide a further letter in the same fashion to Class Counsel and to JSS Barristers, Attn: Mr. Carsten Jensen requesting to do so by no later than November 15, 2021. Upon such request, you will be provided with a separate password which, when used in conjunction with the videoconference link on Class Counsel's website, will enable the Court to hear you. The Court will decide during the hearing of the Application whether you will be permitted to speak about your objection.

## **What are the Financial Consequences?**

No member of the Representative Action Class, other than the Representative Plaintiffs, will be liable for costs.

Class Counsel has entered into an agreement with the Representative Plaintiffs and the DIL Subcommittee, which was established in the CCAA Proceedings, with respect to legal fees and disbursements. This agreement provides that counsel will not receive payment for their work unless and until the DIL Representative Action is successful or monies are recovered from the Defendants. The agreement must be approved by the Court.

All capitalized groups of words in this Notice which are defined in the Settlement Agreement have the same definition in this Notice.

**FOR MORE INFORMATION, OR TO MAKE INQUIRIES ABOUT THIS ACTION, PLEASE CONTACT:**

**SUGDEN McFEE & ROOS LLP (Putative Class Counsel)**

Attention: Errin a. Poyner  
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Email: dilrepaction@smrlaw.ca  
For further information go to [www.smrlaw.ca](http://www.smrlaw.ca)

**JSS Barristers (Representative Counsel of Counsel for Non-Settling Defendants)**

#800 – 304 8<sup>th</sup> Avenue SW,  
Calgary, Alberta  
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Tel: (403) 571-1520 Fax: (403) 571-1528  
Email: [jensenc@jssbarristers.ca](mailto:jensenc@jssbarristers.ca)

**MNP LLP (Putative Claims Administrator)**

Attention: Rick Anderson  
1500, 640 – 5 Ave SW  
Calgary, AB T2P 3G4  
Tel: 403-538-3187  
Email: [dillccsettlement@mnp.ca](mailto:dillccsettlement@mnp.ca)  
For further information: <https://dillccsettlement@mnp.ca>