

C A N A D A
PROVINCE OF SASKATCHEWAN

IN THE COURT OF QUEEN'S BENCH
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

**CROWN INVESTMENTS CORPORATION
OF SASKATCHEWAN,**

APPLICANT

AND:

**THE BENEFICIARIES OF THE SURPLUS IN
THE RETIREMENT ANNUITY FUND OF THE
CAPITAL PENSION PLAN,**

RESPONDENTS

ISSUES REQUIRING DIRECTIONS FROM THE COURT

ISSUE NO. 1: Is the surplus existing in the Capital Pension Plan (which arose from the monies originally transferred from the Retained Employer's Contribution Account) to be distributed only to members and former members whose employer has withdrawn from the Plan and set up its own pension plan, or are all members and former members (subject to the answer to Issue Number 2) potentially eligible to share in the distribution, regardless of whether their employer withdrew from the Capital Pension Plan?

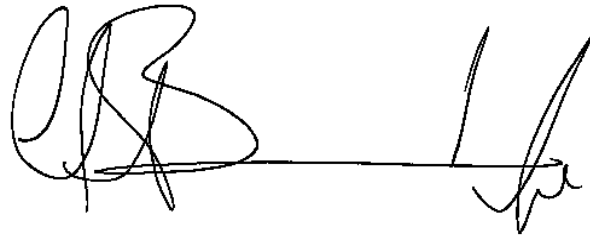
- ISSUE NO. 2:** Is the surplus existing in the Capital Pension Plan to be distributed only to members and former members whose employers contributed to the surplus, or is it to be distributed to all members and former members, regardless of whether their employer contributed to the surplus (which would therefore include employers who did not contribute anything to the surplus)?
- ISSUE NO. 3:** For those entitled to a share of the surplus, would the distribution of such surplus include individuals currently receiving a pension from the Capital Pension Plan through the Retirement Annuity Fund, and if so, is the amount of surplus distribution to be reduced for those annuitants who received an increase to their pensions from the surplus in approximately 1993?
- ISSUE NO. 4:** For those entitled to a share of the surplus, how is CIC to distribute those monies – by separate cheque to each individual, or by single cheque to the applicable employer for distribution to the individual’s pension plan account? Further, where the individual is no longer employed by an employer or former employer who is/was part of the Capital Pension Plan, is a cheque to be issued less the required withholding tax?
- ISSUE NO. 5:** If this issue becomes necessary, how is CIC to calculate the interest to be applied to the pension accounts of former members, where that account information is no longer within CIC’s computer system, but must be ascertained manually?
- ISSUE NO. 6:** If this issue becomes necessary, how is CIC to notify individuals who are entitled to a distribution of the surplus where CIC does not have that individual’s current address, or where the individual has passed away?
- ISSUE NO. 7:** Is the surplus existing in the Plan to be charged with the expenses of this Court application, including legal fees, notification expenses, etc.?

ISSUE NO. 8: Is the formula to be used by CIC to calculate any particular surplus distribution (as may be directed by the Court) the same formula that was used in the PCS decision, or is a different formula required?

ISSUE NO. 9: If this issue becomes necessary, what date is to be used to determine eligibility for entitlement to share in the surplus? That is, is there a “cut off” date after which employees employed after that time do not share in the surplus, and if so, what is that date?

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 26th day of June, 2008.

BAINBRIDGE JODOUIN CHEECHAM

A handwritten signature in black ink, appearing to read 'GARY L. BAINBRIDGE', written over a horizontal line.

GARY L. BAINBRIDGE,
Solicitors for the Applicant, Crown
Investments Corporation of Saskatchewan