

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

**SECOND SUPPLEMENTARY AFFIDAVIT OF KEN KLEIN**

I, KEN KLEIN, of the City of Regina, in the Province of Saskatchewan, HEREBY  
MAKE OATH AND SAY:

**INTRODUCTION**

1. I am employed by the Applicant, the Crown Investments Corporation of Saskatchewan ("CIC"). I began my employment with CIC in April of 1994, in the position of Information Officer. In March of 2001, I became the Executive Director of the Capital Pension Plan, and currently hold that position. As Executive Director, my duties involve overseeing the day to day administration of the Capital Pension Plan, and its associated Retirement Annuity Fund. As such, I have personal knowledge of the matters and facts

hereinafter deposed to, except where stated to be on information and belief, and whereso stated I verily believe the same to be true.

2. This Affidavit is filed to advise the Court of the events which have occurred since my last Affidavit sworn February 15, 2008.

**ELECTION FORMS**

3. As outlined in paragraph 18 of my Affidavit sworn February 15, 2008, Capital received close to 3,000 election forms from members and former members of the Plan. Of these returned forms, 25 individuals indicated that they intended to attend the Court proceedings. Attached hereto and marked as Exhibit "A" to this my Affidavit is a true copy of the election forms from those individuals.

**WRITTEN SUBMISSIONS**

4. In addition, several members or former members returned the election forms, indicating that they did not wish to attend Court, but wished instead to make a written submission to the Court. 104 such written submissions have been received by Capital, to date. 102 of those submissions were summarized in the tables submitted to this Court as an attachment to Capital's Written Submissions Respecting Proposed Groupings of Affected Members, which were filed with the Court by CIC's legal counsel for the Court hearing on April 11, 2008. An additional two written submissions were received after those tables were created. Attached hereto and marked as Exhibit "B" to this my Affidavit is a true copy of these written submissions from each of the individuals who provided them to Capital.

**NOTIFICATION OF MEMBERS**

5. As outlined in my previous Affidavit, members and former members, and employers and former employers, have been notified and kept updated as to these proceedings through a combination of direct mailings, newspaper advertisements, and the creation of a separate website.

6. Since the website was set up in December 2007, CIC has posted updates to that website following each Court appearance, so as to keep all affected individuals (and the public) updated as to the status of this application. Members and former members were originally advised of this website in a direct mailing to them in January of 2008, and the website address was published in newspaper advertisements in January 2008. Attached hereto and marked as Exhibit "C" to this my Affidavit is a true copy of the updates to the website, posted March 17, 2008, April 14, 2008 and June 26, 2008.

7. Following the decision of the Court on June 12, 2008 to set hearing dates of November 13 and 14, 2008 for the full hearing of CIC's application, CIC felt that it should do another direct mailing to the potentially affected individuals, advising of the Court dates and the filing deadline.

8. In addition, at the Court Hearing on June 12, 2008, the Court requested that CIC prepare a document setting out the precise issues upon which it was seeking directions from the Court. That list of issues has been prepared, and is attached hereto and marked as Exhibit "D" to this my Affidavit.

9. Therefore, on 21 July 2008, Capital mailed a letter to each of the employers and former employers potentially affected by this application. The employers and former employers who were sent this letter were the same as those set out in paragraph 9 of my Affidavit sworn February 15, 2008. There were 70 such letters mailed, advising of the hearing dates, and the filing deadlines. Enclosed with the letter was a copy of the list of issues upon which CIC was seeking directions. Attached hereto and marked as Exhibit "E" to this my Affidavit is a true copy of the template letter sent to each of the employers or former employers.

10. Seven days following this letter to the employers and former employers, Capital then mailed a letter to each of the members and former members of the Plan. The list used for this mailing, and the process followed, was the same as that referred to in my Affidavit sworn February 15, 2008 at paragraphs 13 to 18. The only individuals who were not mailed letters were individuals for whom Capital did not have a current address, including

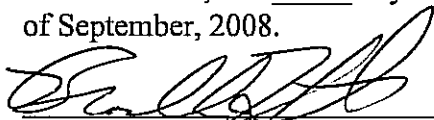
a number of individuals who were sent letters originally in January of 2008, where those letters were returned.

11. Thus, on 28 July 2008, Capital mailed 10,220 letters, one to each of the members and former members of the Plan, advising of the Court dates and filing deadlines. Once again, CIC enclosed with each of these letters the list of issues upon which CIC was seeking directions. Attached hereto and marked as Exhibit "F" to this my Affidavit is a true copy of the template letter sent to each of the members or former members of the Plan.

12. Also, as noted in paragraph 6 herein and Exhibit "C" to this Affidavit, the website was updated on June 26, 2008 to advise of the Court dates and filing deadlines, as an additional form of notification to these direct mailings. Further, the list of issues requiring directions was also placed on the website for general access.

13. That I make this affidavit to provide the Court with an update of the steps taken to notify the parties affected by this litigation of the upcoming hearing dates.

SWORN BEFORE ME at the City )  
of Regina, in the Province of )  
Saskatchewan, this 29 day )  
of September, 2008. )



A COMMISSIONER FOR OATHS  
in and for the Province of Saskatchewan.

My Commission Expires: June 30, 2012

OR: Being a Solicitor

  
\_\_\_\_\_  
KEN KLEIN

THIS AFFIDAVIT DELIVERED BY: BAINBRIDGE JODOUIN CHEECHAM