

ANNEX E – NOTICE PLAN



Monday, February 4, 2008

Cameron Pallett
Barrister & Solicitor
800 – 65 St. Clair Ave. E.
Toronto, ON
M4T 2Y3

Dear Mr. Pallett,

Re:

BSE Class Actions**Proposed Notice of Certification and Agreement Approval Program**

Bill Sauer, Flying E Ranche, Clarence Ewasiw,
Ivan Murray and Donald Berneche (hereinafter "Plaintiffs")

and

Ridley Inc., a corporation incorporated under the laws of Manitoba, Canada
with its head office located at 34 Terracon Place, Winnipeg, Manitoba,
Canada R2J 4G7 (hereinafter "Ridley" or "Settling Defendant")

Crawford Class Action Services has been asked to prepare an independent Proposed Notice of Certification Program for this matter by Mr. Cameron Pallett.

Overview

Proposed class actions were commenced in April 2005 in Ontario, Alberta, Saskatchewan and Québec ("Actions") by the Plaintiffs. The allegations by the Plaintiffs against the Settling Defendant are set out in the pleadings of the four Actions, being Ontario Superior Court File No. 05-CV-287428 CP (Sauer), Alberta Court of Queen's Bench Court File No. 0501 05326 (Flying E Ranche and Ewasiw), Saskatchewan Queen's Bench Court File No. 0582 of 2005 Judicial Centre of Saskatoon (Murray) and Québec Superior Court File No. 500-06-000284-055 (Bernèche). The Plaintiffs and Settling Defendant are hereinafter referred to as the "Parties".

The Parties have entered into an Agreement to resolve and settle all matters at issue between them in the Actions.

Notice of Certification and Agreement Program Goal:

This Notice Program must provide adequate notice to a significant percentage of class members entitled to notice as identified in the class definition pursuant to the Act¹

¹ *Bywater v. Toronto Transit Commission (1998)*, C.P.C. (4th) 172 (Ont. Gen. Div.) at p. 175. Winkler J.



Program Methodology

In formulating a program for delivering "Adequate Notice," Crawford has been mindful of the natural justice and fair process concerns expressed by Canadian courts, as well as the factors listed in the *Ontario Class Proceedings Act, S.O. 1992, c.6* (as amended) and Book 9 of the *Code of Civil Procedure of Québec*.

Target Audience – is defined in the Ontario Action as:

"All Persons who as at May 20, 2003 were resident in Canada (except the Province of Québec) and farmed cattle including, but not limited to, cow-calf, backgrounder, purebred, veal, feedlot and dairy producers";²

and in the Québec Action as:

"All physical and moral persons residing in Québec who raise cattle or who sell their cattle and who suffered damages due to the discovery of a case of bovine spongiform encephalopathy ("BSE") in a cow, confirmed on May 20, 2003, in the province of Alberta, and who were affected by the closure of the border to beef and live cattle exports from Canada."

Estimated Size of the Class

1. Statistics Canada website "The Daily — Livestock Estimate" for January 1, 2007 reports³

that the breakdown of cattle herd size by province from largest to smallest is as follows:

Livestock in Ontario at January 1 ⁴		
	Cattle	
	Thousands of head	
	2006	2007
Canada	14,830	14,315
Alberta	5,900	5,680
Saskatchewan	2,950	2,930
Ontario	2,139	2,056
Manitoba	1,490	1,380
Quebec	1,405	1,395
British Columbia	660	590
Atlantic	286	284

Note: Figures may not add up to totals because of rounding.⁵

² BSE Class actions – Agreement – Section 1 – Definitions – "Settlement Class"

³ <http://www.statcan.ca/Daily/English/070215/d070215b.htm>

⁴ <http://www.statcan.ca/Daily/English/070215/d070215b.htm>

⁵ *ibid*



2. Statistics Canada – "Snapshot of Canadian Agriculture" reported in Stats Can "The Daily" on May 16, 2007 that 26.6% of all farms in Canada are Beef Farms, and 6.4% of all farms are Dairy Farms.⁶

3. The Canadian dairy industry remains centered in Quebec, which accounted for 47.4% of Canada's dairy farms and 38.4% of the dairy cows. Second place Ontario accounted for 33.7% of the dairy operations in the country.⁷

4. Statistics Canada – "Snapshot of Canadian Agriculture" reported in Stats Can "The Daily" on May 16, 2007, that the total number of Operators on Canada's farms in 2006 was 327,060.⁸

Reasonable Assumptions for this Notice Campaign.

Livestock inventories are spread across every province of Canada.

33% of all farms are cattle producer farms, (26.6% + 6.4% = 33%) and the total number of operators involved in farming is 327,060. Therefore, the size of the potential cattle producer class is at least 107,930.

Quebec and Ontario have the two largest cohorts of dairy farms and dairy cattle.

Alberta, Ontario, Saskatchewan and Manitoba have the largest number of beef farms and cattle.

Proposed Notice of Certification and Agreement Program Development Recommendations

To develop this proposed Notice of Certification and Agreement Program in a reasonably calculated manner, Crawford relied heavily upon the terms and conditions of the proposed Agreement and the Statistics Canada information detailed above.

Accurate and current mailing lists for all resident Persons who farmed cattle in Canada as at May 20, 2003, are not reasonably available. Therefore, the substantial weight of adequate Notice falls on paid media to effectively reach the class.

Program Tactic Recommendation #1:

Published Notice

1. **Paid Advertising** to reach individual class members. I recommend paid advertising of the Notice of Certification and Agreement in mainstream newspaper print media to include the following publications:

National Edition Globe and Mail Average circulation – Saturday – 409,746⁹

La Presse Average circulation – Saturday – 279,478¹⁰

⁶ <http://www.statcan.ca/english/agcensus2006/articles/snapshot.htm#censusfarm>

⁷ ibid

⁸ ibid

⁹ CARDonline – The Media Information Network Confirmed November 28, 2007

¹⁰ CARDonline – The Media Information Network Confirmed January 8, 2008



Program Tactic Recommendation #2:

2. **Paid Advertising** to reach individual class members. I recommend **paid advertising** of the Notice of Certification and Agreement in mainstream cattle producer industry print media to include the following publications:

Publication	Size of Ad	Cost	Circulation	Province	Circ Breakdown
Canadian Cattlemen ¹¹	Full page	2,919.00	17,938	AB SK ON	5,822 3922 3860
The Western Producer ¹²	Full Page	7,000	64,428	AB/NT/NU SK	20,076 31,232
Canadian Hereford Digest ¹³	Full Page	1,650.00	2067	AB	1907
Central Alberta Farmer ¹⁴	Full Page	985.50	31,017	AB	31,017
Canadian Meat Business ¹⁵	Full page	2,310.00	5615	ON QC	2021 1126
Farm Focus Atlantic Canada ¹⁶	Full Page	1,175	15,106	Atlantic Canada	15,106
Ontario Beef Farmer ¹⁷	Full Page	1463	10,415	ON	14,415
Harrowsmith Country Life ¹⁸	Full Page	8,100	124,911	Canada	124,911
Bovins du Quebec ¹⁹	Full Page	3,645	35,700	QC NB ON	35,200 201 440
Le Producteur de Lait Quebecois ²⁰	Full Page	2940	8,583	QC	8520
Le Bulletin Des Agriculteurs ²¹	Full Page	6190	14,321	QC	13513

¹¹ Confirmed October 10, 2007 - www.cardonline.ca

¹² Confirmed November 26, 2006 - www.cardonline.ca

¹³ Confirmed January 10, 2008 - www.cardonline.ca

¹⁴ Confirmed November 23, 2007 - www.cardonline.ca

¹⁵ Confirmed September 11, 2007 - www.cardonline.ca

¹⁶ Confirmed December 6, 2007 - www.cardonline.ca

¹⁷ Confirmed November 19, 2007 - www.cardonline.ca

¹⁸ Confirmed January 8, 2008 - www.cardonline.ca

¹⁹ Confirmed December 27, 2007 - www.cardonline.ca

²⁰ Confirmed December 27, 2007 - www.cardonline.ca



Program Tactic Recommendation #3:

Website posting of the Notice

To further enhance the reach of notice for all class members I recommend upon certification and settlement that a copy of the Notice be posted on class counsel's website at www.bseclassaction.ca, where the Notice and the Agreement can be accessed and individuals can register to receive future documents related to the certification and settlement.

Program Tactic Recommendation #4:

Additional Newswire coverage

To further enhance the reach of notice for all class members I recommend upon certification and settlement that two, party-neutral, Court-approved bilingual informational news releases be issued across Canada in English and French via the CNW Group's Canadian Basic Network.

The first news release will be issued across Canada in English and French via the CNW Group - Canadian Basic Network. This news release will provide real-time transmission to the newsroom computer systems at national and regional daily newspapers, radio and television stations, news agencies, broadcast networks, databases and websites, including newswire.ca, one of the top four sources of news accessed by Canadian journalists.

The second news release will be issued across Canada in English and French via the CNW Group to all Canadian Farming and Agriculture Publications. This news release will provide real-time transmission to one hundred ten (110) Farming and Agriculture Publications in English and fifteen (15) Farming and Agriculture Publications in French. The standard rate for notice to these publications via News Release is \$35.00.

Monitoring – An important component to any Notice Program is monitoring how many news articles appear as a result of the outreach efforts. Through sources including Burrelle Luce and Lexis Nexis, Crawford will monitor for mentions of the Class Actions in the various press. The additional opportunities to see this message by way of articles will be calculated into the overall "impressions" analysis.

Program Tactic Recommendation #5:

Notice to Be Drafted in Easy to Understand Content

The concept of "plain language" in the Notice is one that has received much attention. Plain language is simply a more conversational form of communication. The same style is used when reporting the news. The concept, now integrated into Legal Notice practice, is one that has received note from various authorities. For additional information, please visit www.fjc.gov/public/home.nsf, www.plainenglish.co.uk, www.plainlanguagenetwork.org, www.ec.europa.eu/comm/translation/en/ftfog/booklet, www.centerforplainlanguage.org/, and www.plainlanguage.gov/.

²¹ Confirmed December 27, 2007 - www.cardonline.ca



Summary of Organization and Cost

Media Vehicle	Cost	Circulation	Individual Class Member Reach
Globe and Mail Saturday Edition	25,000	409,748 Nationally	Yes
Le Presse – Province of Québec	8,000	279,478	Yes
Cattle Producer Industry Print Media	40,000	330,101	Yes
Canada Newswire	Free	Worldwide	Yes
Class Counsel Website	Free	Worldwide	Yes
Consumer Association of Canada website	Free	Worldwide	Yes

Notice costs for media publications stated in this plan are estimates only and subject to change until advertising space is booked and artwork is finalized.

Advertising Cost for Notice of Hearing: Approx \$65,000.00CDN

Advertising Cost for Notice of Certification: Approx \$65,000.00CDN

Advertising Cost for Notice of Termination (if OPT OUT THRESHOLD exceeded):

Approx \$65,000.00CDN

Crawford Fee: \$2500.00 PER Notice Plan executed

Total Cost if Notice of Hearing and Notice of Certification executed approx. \$135,000

Total Cost if ALL THREE Notices executed approx. \$202,500



Crawford Notice Program Experience:

1. Cotter v. Levy, (Ontario) Class Action Reference.

English print media

Notice pamphlets 9500 to every residence and business within geographical area.

2. Walkerton (Ontario) Compensation Plan

English print media

Notice pamphlets to every residence and business within geographical area 20,000

3. Walkerton (Ontario) Class Action Compensation Plan

English print media

Notice pamphlets to every residence and business within geographical area. 20,000

4. Centerpulse Hip Replacement (Quebec class only) Class Action Settlement

French and English print media

5. Ponderal (National class) Diet Drug Class Action Settlement

English print media

6. Ponderal (Quebec class only) Diet Drug Class Action Settlement

French and English print media.

7. Bausch and Lomb (Quebec class only) Class Action Settlement

French and English print media

8. Maytag Neptune Washing Machines (National Class) Class Action Settlement

French and English print media

Direct mail of 70,000 Notices to known class members in French and English

9. Capers Hep A (BC Class) Class Action Settlement.

English print media

10. Caputo Tobacco Class Action

Designed comprehensive Notice Program to reach 5.8 Million Canadians using print, radio and television media.

11. Ward v. Attorney General of Canada

Designed comprehensive Notice Program to reach 100,00 Canadian and UK soldiers and civilians present at Canadian Forces Base Gagetown from 1952 to 1995.

12. Indian Residential Schools – Phase I and II Notice Programs

Executed the Notice Programs to reach 100,000 former residents of Residential Schools. The most comprehensive notice program in Canadian History.



13. **Bolden Securities May 12, 2006 – Individual and Institutional Investors – Justice Cullity**
Justice Cullity not convinced Notice Plan from lawyers would reach Institutional Investors.
Provided revamped Notice plan to reach 942,000 readership and 47 institutional investors
organizations. Notice Plan accepted by Justice Cullity.

14. **Frey v. BCE Inc., 2006 SKQB 328, [2006] 12 W.W.R. 545, 282 Sask. R. 1, 32 C.P.C. (6th) 223,**

Designed comprehensive Notice Program to reach 16 Million Canadians using direct mail, print
and internet media.

15. **In re Bernard Vincent Campbell, Sharle Edward Widenmaler, Lenard Roy Link and
William A. Heidt v. Attorney General of Canada and the Minister of National Defence.**

Designed comprehensive Notice Program to reach 2,000 class members including
estates, for injury as a result of/or exposure to chemical or biological warfare compounds
between 1940 and 1976.

Sincerely

A handwritten signature in black ink, appearing to read "K. Eaton", with a horizontal line extending to the right.

Kerry Eaton
Vice President
Crawford Class Action Services