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Annexe 3

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No.: 500-06-000453-080

(Class action)
SUPERIOR COURT

Andrée Ménard

Petitioner

v.

Lino P. Matteo

-and-

Paul D'Andrea

-and-

Deloitte & Touche s.r.l.

-and-

BDO Dunwoody s.r.l.

-and-

Schwartz Levitsky Feldman s.r.l.

-and-

B2B Trust

-and-

Services financiers Penson Canada inc.Respondents

NOTICE TO MEMBERS

1. **TAKE NOTICE** that the bringing of a class action was authorized on August 25, 2011, by judgment of the Honourable Mr. Justice Jean-François Buffoni of the Superior Court, on behalf of the persons forming part of the group hereinafter described, namely:

« All persons who on November 9, 2005 were the owners of promissory notes issued by Corporation Mount Real, Gestion MRACS Ltée, Investissements Real Vest Ltée and Corporation Real Assurance Acceptation. »

2. The Chief Justice has ordered that the class action authorized by said judgment be brought in the district of Montreal;

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3. For the purposes of the class action, the status of representative has been ascribed to Andrée Ménard;
4. The principal questions of law or fact to be dealt with collectively are as follows:
 1. Did Matteo commit a fault?
 2. Did this fault cause damages to members of the group?
 3. If so, what damages?
 4. Did D'Andrea commit a fault?
 5. Did this fault cause damages to members of the group?
 6. If so, what damages?
 7. Did Deloitte commit a fault?
 8. Did this fault cause damages to members of the group?
 9. If so, what damages?
 10. Did BDO commit a fault?
 11. Did this fault cause damages to members of the group?
 12. If so, what damages?
 13. Did SLF commit a fault?
 14. Did this fault cause damages to members of the group?
 15. If so, what damages?
 16. Did B2B commit a fault?
 17. Did this fault cause damages to members of the group?
 18. If so, what damages?
 19. Did Penson commit a fault?
 20. Did this fault cause damages to members of the group?

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21. If so, what damages?
 22. Did Respondents jointly take part in a wrongful act?
 23. Did this wrongful act cause damages to members of the group?
 24. Are the Respondents jointly liable?
5. The conclusions sought in relation to such questions are as follows:
 - GRANT petitioner's class action motion;
 - CONDEMN the respondents jointly to pay members of the group an amount equal to the damages suffered;
 - CONDEMN the respondents jointly to pay the legal indemnity and additional indemnity from the date of service of the present motion;
 - ORDER collective recovery of these amounts;
 - THE WHOLE with costs, including expert fees and notice costs.
 6. The class action to be brought by the representative for the benefit of the group will be as follows:

An action in compensatory damages against the respondents;
 7. Any member of the group who has not requested his exclusion in the manner hereinafter indicated, will be bound by any judgment to be rendered on the class action;
 8. The date after which a member can no longer request his exclusion without special permission has been set at the thirtieth day following the publication of the present notice;
 9. A member who has not already brought a suit in his own name, may request his exclusion from the group by advising the clerk of the Superior Court of the district of Montreal by registered or certified mail, before the expiry of the delay for exclusion;
 10. Any member of the group who has brought a suit which the final judgment on the class action would decide is deemed to have requested his exclusion from the group if he does not, before the expiry of the delay for exclusion, discontinue such suit;

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11. A member of the group other than the representative or an intervener cannot be condemned to pay the costs of the class action;
12. The Court may permit a member to intervene in the class action if it considers such intervention useful to the group. An intervening member may be bound to submit to examination on discovery at the request of the respondents. A member who does not intervene in the class action can only be required to submit to an examination on discovery if the Court considers it useful.

Montreal, January 6th, 2011

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