

CLASS ACTION AGAINST KRAFT HEINZ CANADA ULC
TERMINATION OF A PENSION PLAN
Court case # 500-06-000953-188

A CLASS ACTION COULD AFFECT YOU.
PLEASE READ THIS NOTICE CAREFULLY.

AUTHORIZED CLASS ACTION

On February 24, 2020, Madam justice Suzanne Courchesne of the Superior Court of Québec authorized the filing of a class action against Kraft Heinz Canada ULC (“Kraft Heinz”) and appointed Mr. Yvon Milliard as the class representative.

This class action relates to Option 2 of the *Pension Plan for non-unionized hourly-paid employees of Kraft Canada Inc. – bulk cheese plant and Mont-Royal plant* (the “Pension Plan”), which was terminated by the company on December 31, 2016.

Mr. Milliard seeks to recover for himself and all members of the group described below the value of the bridge benefit included in the Pension Plan, even if on the date of termination they had not reached the age of 55, or 54 with at least 35 years of continuous service with the company.

ARE YOU A MEMBER?

The group of persons covered by the class action is described as follows:

All members of Option 2 of the *Pension Plan for non-unionized hourly-paid employees of Kraft Canada Inc. – bulk cheese plant and Mont-Royal plant*, who have not received the value of their bridge benefit.

INCLUSION

You are automatically included in the class action if you are a member of the group described above. Therefore, you do not have to do anything at this time if you want to be represented by Mr. Milliard and his lawyers in this class action.

By participating in the class action, you will be bound by the judgments that will be rendered in this case whether they are favourable or unfavourable to you.

If you do not want to be represented by Mr. Milliard and bound by the judgments that will be rendered in this class action, you must opt-out from the class action by November 2, 2020.

You may want to opt-out of this class action if, for example, you prefer to pursue your own claim individually against Kraft Heinz, at your expense but without any responsibility for the fees and expenses of Mr. Milliard’s lawyers (described below); or if you want to try to reach an individual agreement with Kraft Heinz; or because you don’t agree with Mr. Milliard’s class action.

Your decision to remain in the class action or to opt out of it will be final and irrevocable on November 2, 2020. Passed this deadline, you will not be allowed to opt out of this class action anymore.

Opting out means that you will not receive compensation if a favourable judgment is rendered or if a settlement is reached in the class action. On the other hand, opting out also means that you will not be bound by a judgment dismissing the class action.

To opt-out of the class action, you must send a **letter to the clerk of the Superior Court of Québec** with a copy to Mr. Milliard's lawyers no later than November 2, 2020, stating that you are opting out of this class action and indicating Court case number 500-06-000953-188:

Office of the Superior Court of Québec
(C.S.M. 500-06-000953-188)
1, Notre-Dame Street East
Montréal (QC) H2Y 1B6

Trudel Johnston & Lespérance
750, Place d'Armes, suite 90
Montréal (QC) H2Y 2X8
info@tjl.quebec

WARNING. You will automatically be deemed to have opted out of this class action if you had already filed an individual lawsuit against Kraft Heinz that has the same subject matter as this class action, and do not discontinue this lawsuit before November 2, 2020.

You may apply to the Court to intervene as a party in the class action but only to assist the class representative, Mr. Milliard. Should you wish to do so, you will have to consult a lawyer at your own expense to undertake the intervention proceedings. The Court will allow an intervention if it is of the opinion that it is helpful to the class.

FOR MORE INFORMATION ABOUT THE CLASS ACTION

You may obtain further information on the class action and consult the proceedings summarized in this notice by consulting the Register of Class Actions of the Superior Court of Québec, which you will find online at the following link:

<https://www.registredesactionscollectives.quebec/fr/Consulter/ApercuDemande?NoDossier=500-06-000953-188>

To be informed of the progress of the class action, you can also subscribe to the class action newsletter on the website of the law firm Trudel Johnston & Lespérance, who are the attorneys for Mr. Milliard in this case: <https://tjl.quebec/en/class-actions/unilateral-modification-to-pension-plan/>.

WARNING. The content of this website is written by Mr. Milliard's lawyers and **has not been approved by the Superior Court of Quebec**. Moreover, **your subscription to the newsletter is not a claim**. If the class action is successful, you will have to make your claim by following the procedure that the court will determine.

NEXT STEPS

The authorization judgment is a purely procedural and preliminary step that allows the class action to begin. This judgment does not determine whether the company is liable in any way, and the company will be able to present its arguments in support of its defence at trial. It is following this trial, which will take place in the district of Montreal, that the Superior Court will decide whether the company should be ordered to compensate the members and, if so, what amount will be paid by the company. The Court will then determine what amount must be subtracted from this payment to pay the fees of Mr. Milliard's attorneys (described below).

To do so, the Superior Court will answer the following questions:

1. Was Kraft Heinz entitled to deprive the class members of the value of their bridge benefit?
2. If not, did the class members suffer damage as a result of Kraft Heinz' fault?
3. What is the damage arising from the injury suffered by the class members?

WHAT REMEDIES ARE SOUGHT?

Here is what Mr. Milliard is asking for the members of the class:

GRANT this Application;

ORDER Kraft Heinz to pay to him the amount of his claim with interests since the service of his Motion for Authorization of a Class Action and the additional indemnity provided for in article 1619 or the Civil Code of Québec;

ORDER Kraft Heinz to pay to each class member the amount of each of their individual claims, with interest since the service of the Motion for Authorization of a Class Action and the additional indemnity provided for in article 1619 or the Civil Code of Québec;

ORDER the collective recovery of these amounts;

THE WHOLE with costs, including the costs of all experts reports, notices and administrative fees related to the claims process;

FEES AND EXPENSES

Mr. Milliard's lawyers will only be able to request payment of their fees and reimbursement of their expenses if the class action is successful. The fee agreement Mr. Milliard concluded with his lawyers provides that if the class action is successful, they can claim fees equal to 25% of the amounts paid by Kraft Heinz plus applicable taxes, with the approval of the Court. If the Court approves these fees, they will be subtracted from the amounts collected from Kraft Heinz before the balance is distributed to Mr. Milliard and the other class members.

In the meantime, Mr. Milliard's lawyers will not be claiming any fees or expenses from the class members.

CONTACT

You can **contact** Mr. Milliard's lawyers using the following contact information:

Att. Kraft Heinz Class Action
Trudel Johnston & Lespérance
750, Côte de la Place d'Armes, suite 90
Montréal (Qc) H2Y 2X8
Toll-free line: 1 844 588-8385
info@tjl.quebec

The publication of this notice has been approved by the Superior Court of Québec.