

## NOTICE OF PROPOSED CERTIFICATION AND SETTLEMENT OF MAPLE LEAF FOODS CLASS ACTION

**TO: All persons who consumed or purchased certain food products manufactured, processed or packaged by Maple Leaf Foods Inc. and Maple Leaf Consumer Foods Inc. (the "Defendants") between January 1, 2008 and August 31, 2008, inclusive and their family members, excluding persons and corporations who purchased those food products for resale purposes** ("Class Members")

### IF YOU CONSUMED OR PURCHASED MAPLE LEAF FOODS PRODUCTS THAT WERE RECALLED IN AUGUST 2008, YOU MAY BE BOUND BY THE SETTLEMENT AND MAY BE ELIGIBLE FOR COMPENSATION

#### NOTICE OF PROPOSED CERTIFICATION AND SETTLEMENT

This Notice advises Class Members of a proposed certification and settlement of class action lawsuits regarding certain food products (the "Recalled Products") produced by the Defendants. While the proposed settlement is nationwide, three class actions will serve as the lead actions for the purposes of considering whether the settlement is fair and reasonable. The "Lead Actions" are:

- *Bishay Estate et al. v. Maple Leaf Foods et al.*, Court File No. QB 1173 in the Court of Queen's Bench of Saskatchewan (the "Saskatchewan Action"), for residents of Nova Scotia, New Brunswick, Newfoundland and Labrador, Manitoba, Saskatchewan, Yukon, North West Territories, Nunavut, and residents outside of Canada;
- *Bilodeau et al. v. Maple Leaf Foods et al.*, Court File No. CV-08-361464CP in the Ontario Superior Court of Justice (the "Ontario Action"), for residents of Ontario, B.C. and Alberta; and
- *Melvin and Option Consommateurs et al. v. Maple Leaf Foods et al.*, Court File No. 500-06-445-086 in the Superior Court of Québec (the "Québec Action"), for residents of Québec.

#### WHO IS INCLUDED IN THE PROPOSED SETTLEMENT?

If you consumed the Recalled Products you may be eligible to participate in the proposed settlement and obtain compensation. Class Members who purchased but did not consume Recalled Products will not be eligible to receive compensation unless such persons are eligible for compensation as family members, but will be bound by the terms of the settlement, including a release of all claims against the Defendants. In addition, persons and corporations who purchased Recalled Products for resale purposes are NOT part of the settlement class and will not be bound by the settlement.

#### WHAT ARE THE LAWSUITS ABOUT?

The lawsuits claim that the Defendants distributed, supplied, manufactured or sold the Recalled Products that may have contained the bacteria *listeria monocytogenes* and as a result of ingesting the Recalled Products, some individuals became ill or died.

#### WHAT ARE THE SETTLEMENT BENEFITS?

The proposed settlement creates a \$25 million settlement fund ("Settlement Fund") from which eligible claimants will receive compensation. The Defendants will also pay up to a further \$2 million dollars if the Settlement Fund is insufficient to fully compensate all eligible claims. The amount each claimant will receive depends upon the severity of their illness. Claimants may also claim for lost income and certain out-of-pocket expenses. For claimants who sustained physical symptoms consistent with Listeriosis, the compensation ranges from \$750 (for physical symptoms lasting between 24-48 hours) up to \$125,000 (for serious and long lasting physical injuries). The estates of Class Members who died as a result of symptoms consistent with Listeriosis will be paid \$120,000, plus additional substantial amounts to immediate family members. Notice costs, administration costs, and class counsel fees and disbursements will be paid out of the Settlement Fund.

**This Notice is just a summary. For more detailed information, including a list of Recalled Products, access [www.mapleleafclaim.com](http://www.mapleleafclaim.com) to read the Long-Form Notice or you can call the Administrator at 1-800-801-2521.**

#### THE ADMINISTRATOR

The Administrator is a Class Actions services administration company appointed by the courts to review and process claims. The Administrator is Bruneau Group Inc. and may be contacted as indicated hereafter in the section entitled "SUBMITTING A CLAIM FOR COMPENSATION".

#### WILL THE COURTS APPROVE THE PROPOSED SETTLEMENT?

All aspects of this proposed settlement are subject to court approval. In order for the settlement to become effective, it must be approved by the courts in Saskatchewan, Ontario and Québec, each of which must be satisfied that the settlement is fair, reasonable, and in the best interests of Class Members. Dates for the settlement approval hearings have been scheduled with the respective courts as follows:

- In the Saskatchewan Action on March 10, 2009, at 9:00 a.m. at the Court of Queen's Bench of Saskatchewan, 2425 Victoria Avenue, Regina, Saskatchewan.
- In the Ontario Action on Thursday, March 5, 2009 at 10:00 a.m. at the Ontario Superior Court of Justice, 361 University Avenue, Toronto, Ontario.

- In the Québec Action on March 20, 2009 at 9:00 a.m. at the Superior Court of Québec, 1 Notre-Dame East, Room 2.08, Montréal, Québec.

#### WHAT OPTIONS DO CLASS MEMBERS HAVE?

- **OBJECTING TO THE SETTLEMENT** – If you wish to appear at the approval hearing or object to this proposed settlement, you are asked to submit a written objection to the Administrator in accordance with the procedures and deadlines described in the Long-Form Notice (a copy of which is available at [www.mapleleafsettlement.com](http://www.mapleleafsettlement.com)) by **no later than March 2, 2009**. The Administrator will file copies of all objections with the courts.
- **OPTING OUT** – What if I do not wish to participate in the Settlement? If the courts approve the settlement, you will be bound by all of the applicable court's orders, the release and other provisions of the settlement, unless you choose to exclude yourself from the appropriate settlement class ("Opting Out"). The process and deadline for Opting Out will be set out in a further notice that will be issued only if the Lead Actions are certified and the proposed settlement is approved by the courts.
- **SUPPORTING THE SETTLEMENT** – If you support the proposed settlement, you do not need to appear at the approval hearings.
- **SUBMITTING A CLAIM FOR COMPENSATION** – If the settlement is approved, in order to be eligible to receive compensation, you **MUST** complete, sign, and return a Claim Form, along with the required accompanying documentation, to the Administrator at the address listed at the end of this notice. You are encouraged to submit claims as soon as possible; however, claims will only be processed and paid, if eligible, following approval of the settlement by the courts. You may obtain a Claim Form by calling the toll-free number **1-800-801-2521** or by visiting [www.mapleleafclaim.com](http://www.mapleleafclaim.com). **Claim Forms must be received by the Administrator no later than 5:00 p.m. Eastern Standard Time on July 31, 2009.**

#### ADVICE FOR CLASS MEMBERS

The following law firms will answer your questions regarding the settlement:

- For residents of Nova Scotia, New Brunswick, Newfoundland and Labrador, Manitoba, Saskatchewan, Yukon, North West Territories, Nunavut, and residents outside of Canada: Merchant Law Group LLP (306) 359-7777.
- For residents of Ontario, B.C., and Alberta: Branch McMaster, (604) 654-2999, Docken and Company (403) 269-3612, Falconer Charney (416) 964-3408, Hotz Lawyers (416) 590-7823, Merchant Law Group LLP (647) 215-7776, Rochon Genova LLP (416) 363-1867, Stevensons LLP (416) 599-7900, Sutts, Strosberg LLP (519) 561-6294.
- For residents of Québec: Merchant Law Group LLP (514) 842-7776, Sylvestre Fafard Painchaud (514) 937-2881.

**Class Members who consider it desirable or necessary to seek the advice or representation of their own lawyers may do so at their own expense.**

#### LEGAL FEES

At or following the approval hearings, class counsel will collectively request that the courts approve payment of legal fees and disbursements to the nine law firms listed above out of the Settlement Fund.

#### WHERE CAN CLASS MEMBERS GET MORE INFORMATION?

For more information, visit [www.mapleleafclaim.com](http://www.mapleleafclaim.com) or contact the Administrator at the address listed below.

**Bruneau Group Inc.  
Maple Leaf Settlement Administrator  
P.O. Box 20187 - 390 Rideau Street  
Ottawa ON K1N 9P4  
Tel.: 1-800-801-2521  
Fax: 613-562-0321  
Email: [info@mapleleafclaim.com](mailto:info@mapleleafclaim.com)**

**This Summary Notice has been approved by the Court of Queen's Bench of Saskatchewan, the Ontario Superior Court of Justice, and the Superior Court of Québec.**

**Do Not Contact the Courts about this Settlement**