

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LUCIEN LIEBERMAN AND MARJORY MORRIS

Plaintiffs

AND:

BUSINESS DEVELOPMENT BANK OF CANADA

Defendant

(Brought pursuant to the *Class Proceedings Act*, RSBC 1996, c. 50)

**OPT OUT FORM
For British Columbia Residents Only**

I, [NAME] _____

[ADDRESS] _____

DO NOT WISH TO PARTICIPATE in this class action.

I understand that this class action is brought on behalf of:

- (a) retired members, entitled to benefit payments from the Pension Plan for employees of the Defendant (the "Pension Plan") with respect to credited service prior to April 9, 1997;
- (b) surviving spouses entitled to receive post-retirement survivor benefits with respect to retired members' credited service prior to April 9, 1997;
- (c) deferred vested members, entitled to benefit payments from the Pension Plan with respect to credited service prior to April 9, 1997;

- (d) spouses, beneficiaries and/or estates who are entitled to pre-retirement or post-retirement survivor benefits due to a relationship with persons in paragraphs (a) or (c); and
- (e) the beneficiaries and/or estates of any of persons in paragraphs (a) – (d) who died prior to any settlement or judgement in this action.

I understand that if I opt out and complete this form, I will not take part in the class action, agree to be excluded from the class action, and will not be bound by the result whether favourable or unfavourable.

I also understand that a lawsuit must be commenced within a specified limitation period or it will be legally barred. The certification of the class action suspended the running of the limitation from the time the actions were filed. The limitation period will resume running against me if I opt out of the class action. By opting out of the class action, I take full responsibility for obtaining legal advice about the limitation period and for taking all legal steps necessary to protect my claim.

Dated: _____

Witness

Signature

MAIL OR DELIVER NO LATER THAN 60 DAYS BEFORE THE TRIAL OF THIS CLASS PROCEEDING TO:

Klein Lyons
Barristers & Solicitors
1100 – 1333 West Broadway
Vancouver, BC V6H 4C1