

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

**IN THE MATTER OF THE COMPANIES' CREDITORS
ARRANGEMENT ACT, R.S.C. 1985, c.C-36, AS AMENDED**

**AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF SINO-FOREST CORPORATION**

AFFIDAVIT OF DAVID WEIR

I, David Weir, of the City of London, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the President of NPT RicePoint Class Actions Services Inc. ("NPT RicePoint"). NPT RicePoint has been retained by Siskinds LLP, which is, along with Koskie Minsky LLP, counsel for the plaintiffs (the "Plaintiffs") in the class proceeding styled *Trustees of the Labourers' Pension Fund of Central and Eastern Canada v Sino-Forest Corporation et al.*, bearing (Toronto) Court File No. CV-11-431153-00CP (the "Ontario Class Action").
2. As such, I have knowledge of the matters to which I hereinafter depose. Where that knowledge is based on information obtained from others, I have so indicated and believe that information to be true.
3. NPT RicePoint provides notice and administrative services for class action settlements. Our bilingual services include the design and delivery of notice plans, the processing of

claims, acting as the escrow agent for settlement funds, calculating class member entitlements, distributing settlement funds, and finally, reporting to the court and counsel on select aspects of an administration.

4. NPT RicePoint has administered or been appointed claims administrator on over 20 class action settlements and distributed over 90 million dollars over the past nine years. NPT RicePoint is a privately held Canadian firm backed by NPT LLP, one of the largest independent and respected C.A. firms in Southwestern Ontario with over 60 full time employees.
5. I specialize in the design and implementation of legal notification campaigns. Most recently I have designed notice plans for:
 - (a) *Gray v. Great-West Lifeco et al.*, a shareholder case settled in Court of Queen's Bench for Manitoba;
 - (b) *Lavier v. My Travel Canada Holidays Inc.*, a negligence/personal injury class action prosecuted and settled in the Ontario Superior Court of Justice;
 - (c) *Sherebrin et al. v. Building Products of Canada Corp.*, a product liability class action resolved in the Ontario Superior Court of Justice; and
 - (d) *Allen v. Uponor Ltd.*, a product liability class action relating to allegedly defective plumbing products in the Saskatchewan Court of Queen's Bench, Judicial Centre of Saskatoon
6. Under my direction, NPT RicePoint team members have executed notice plans for the following cases in the Ontario Superior Court of Justice:

- (a) *Conlon v. Bristol-Myers Squibb Canada Co. and Bristol-Myers Squibb Co.*, a product liability class action involving a pharmaceutical product;
- (b) *Irving Paper v. Solvay Chemicals Inc. and Solvay S.A. et al*, a class action alleging improper anti-competitive behaviour in the hydrogen peroxide industry;
- (c) *OMERS & McCann v CP Ships et al.*, a securities class action involving alleged misrepresentations made to primary and secondary market purchasers of securities;
- (d) *O'Neil v SunOpta et al.*, a cross border securities class action involving alleged misrepresentations made to primary and secondary market purchasers of securities;
- (e) *Metzler v. Gildan Activewear Inc. et al*, a cross border securities class action alleging misrepresentation to secondary market purchasers of securities;
- (f) *Wheeler v. China National Petroleum Corp. et al*, a securities class action alleging improper insider trading of securities;
- (g) *The Fanshawe College of Applied Arts and Technology et al. v. Epson Imaging Devices Corporation et al.*, a class action alleging illegal anti-competitive behaviour in the consumer electronics LCD panels industry;
- (h) *Lynda Quinton and Fred Quinton v. C.B. Fleet Holding Company Inc., C.B. Fleet Company Inc, Johnson & Johnson – Merck Consumer Pharmaceuticals of Canada*, a product liability class action relating to a pharmaceutical product;

- (i) *1355741 Ontario Inc et al. v. Appliances Components Companies S.p.A. and ACC USA LLC*, a class action alleging illegal anti-competitive behaviour in the cooling compressor industry;
 - (j) *Douglas Devlin and Pathway Multi Series Fund Inc v. Canadian Superior Energy Inc. and Challenger Energy Corp. et al.*, a securities class action alleging misrepresentations made to secondary market purchasers of securities;
 - (k) *Waterville TG Inc., R.N. Parton Ltd. And Jean-Claude Fluet v. DSM Elastomers Europe B.V. and DSM Copolymer Inc. et al.*, a class action alleging illegal anti-competitive behaviour in the rubber industry; and
 - (l) *Nor-Dor Developments Limited and Deborah Bozh v. Redline Communications Group Inc et al.*, a securities class action alleging misrepresentations made to primary and secondary market purchasers of securities.
7. In December 2010 I was retained by Cassels Brock & Blackwell LLP, co-counsel for the defendants in *Meeking v. The Cash Store*, Court File No. C110-01-66061, Court of Queen's Bench of Manitoba, Winnipeg Centre, to provide my opinion as an expert witness on the effectiveness of the notice plan undertaken in the national settlement of the class action *McCutcheon v. The Cash Store*, Court File No. 06-CV-319400CP in the Ontario Superior Court of Justice.
8. I have also gained experience and knowledge of notice procedures in U.S. class actions. My knowledge of US procedures comes from my experience in cross border securities class actions and a relationship our firm has with Gilardi & Co., LLC "Gilardi" of San Rafael California. Gilardi is the largest, private full service administrator of class action

settlements in the US with a resume of over 3,000 settlements and distributions of assets greater than \$12 billion. Because many of the securities settlements NPT RicePoint administers involve a US class and US brokers, we work together with Gilardi to help facilitate notice. The securities class action notice campaigns described in this affidavit are generally consistent with those of Gilardi in the US.

9. In forming the opinions expressed below, I draw from my in-depth class action experience, as well as my educational and related work experiences. I have a Bachelor of Arts Degree from Wilfrid Laurier University and an MBA from the Richard Ivey School of Business. Prior to becoming president of NPT RicePoint, I was Vice President at Bell Canada in Toronto where I was responsible for the design and execution of marketing programs within the National Sales Division.

POYRY NOTICE PLAN

10. I have been asked to design a notice plan for proposed settlement with a co-defendant in the Ontario Class Action. Charles Wright of Siskinds LLP has advised me that the proposed budget for notice of the settlement is \$100,000 which amount is to cover the cost to deliver the notice to members of the class proposed to be certified for settlement purposes and the cost of an Opt Out Administrator.
11. I have prepared the notice plan attached as Exhibit A (the "Notice Plan").
12. In my opinion, the Notice Plan, if implemented, will provide notice to Sino-Forest shareholders in a manner consistent with the delivery of notice in similar securityholder class actions. In the Notice Plan there is a heavy emphasis on giving direct (as opposed to publication) notice, given its superior effectiveness and relatively low cost when compared to other forms of notice such as newspaper publications.

13. In my experience in delivering notice in securities class action settlements, data on class members is typically obtained in two ways. First, as part of the settlement, the issuer defendant instructs its transfer agent to provide the administrator with information on registered shareholders. The administrator mails to these shareholders the notice package advising the shareholders of the settlement and their rights.
14. Second, the administrator initiates an outreach to the broker community seeking their assistance in notifying potential class members who held the relevant securities through the brokers of a settlement and their rights in that settlement. For confidentiality reasons, many of the brokers request that the administrator provide unaddressed printed claims packages. On receipt of these packages, the broker firm addresses the packages and mails to potential class members. In other instances, under privacy agreements, the broker provides the administrator with a list of potential class members and the administrator facilitates a mailing of the notice package to each individual on the list.
15. These are the steps contemplated by the Notice Plan.
16. In my experience, having supervised the implementation of the notice program and claims administration for seven securities class actions (referenced above at paragraph 6), and the distribution of over 124,000 claims packages in those cases, it is my opinion that of the class members who received compensation, a significant majority of those class members received their notice directly through the broker outreach and transfer agent programs.
17. That view is supported by the percentage of claims received through our edata system and from individual claimants who have filed out their claim on the colour coded claim forms we include in the claim packages to brokers.

18. As a service to their clients, many brokerage firms file class actions claims on behalf of their clients. To simplify this exercise we developed an electronic filing process that allows brokers who adhere to our filing standards the ability to file electronically. In my experience edata claims typically account for over 50% of the claims received in a given securities class action.
19. To efficiently process claims, we preprint claims forms with a specially designed ink that can be read by our high speed scanners. These preprinted claim forms are included in the claim packages sent to or through the brokers. Individuals who see the notice in the newspapers, and wish to participate in the settlement, will either download a claim form from the website, in which case it will not have the special ink, or they call the toll free number and request a claim package be sent. In my experience, the number of individuals calling and requesting a claim package is quite small.
20. In my experience, edata claims and those claims filed by individuals using the packages distributed by class members account for over 70% of the total filed claims in securities class actions which NPT RicePoint has administered.

AFFIDAVIT OF MR. JUDSON MARTIN

21. On April 18, 2012 I was asked by Mr. Wright, to review the affidavit of Mr. Judson Martin sworn April 18, 2012 (the "Martin Affidavit"). In particular, Mr. Wright asked me to review paragraphs 19 – 24 that deal with obtaining a shareholder list.
22. In paragraph 20 Mr. Judson suggests that a current list of registered shareholders would be of little value because in total they account for only 3% of the outstanding shares of Sino Forest. In my experience, although that list may represent only 3% of the shares,

there may be within that 3% some shareholders with substantial holdings who deserve and wish to be made aware of their rights.

23. In paragraphs 20 and 21, Mr. Martin points out that the remaining 97% of Sino-Forest's shares are beneficially owned through brokers registered with Clearing and Depository Services "CDS". He goes on to say that within the 97% there are "Objecting Beneficial Owners" ("OBOs") and "Non Objecting Beneficial Owners ("NOBOs"). Commenting specifically on the OBOs, he states that "Sino Forest is unable to obtain a list of the personal information of OBOs at any time" because OBOs object to disclosing their identities to Sino Forest.
24. While that may be true, such was also the case in each of the securities class actions referenced above. That is why we undertake the broker outreach program described above. Individuals have a right to withhold their private information for a variety of reasons. That does not mean, however, that shareholders designated as OBOs do not want to be made aware of their rights in a class action settlement. In our experience, we receive excellent cooperation from brokers who see it as their responsibility to notify their eligible clients of their rights in a class action settlement.
25. With respect to the NOBOs, Mr. Martin suggests that because Broadridge Financial Solutions Inc. ("Broadridge") only has current shareholder information, that information would be of little value. While historical information, specific to the class period, would be preferred, a list of current NOBOs would likely include many individuals who did acquire shares during the class period and would benefit by being made aware of the settlement and their rights. In this respect, the fact that trading in Sino-Forest securities

has been halted since August of 2011 is relevant, as it means that persons who held their shares when the trading halt came into effect have not been able to divest since then.

26. At paragraph 22, Mr. Martin notes that there would have been a list of current holders as of April 29, 2011. He suggests, however that it would have been of limited usefulness because 64 million shares traded between that date and June 2, 2011. I believe that list would be very useful for the purpose of giving direct notice to Sino Forest's shareholders.

27. As Mr. Martin points out, 64 million Sino-Forest securities traded between April 29 and June 2, 2011, which number represented approximately 30% of the total number of shares available for trading. There is no way of knowing whether some of those 64 million shares traded were the same shares trading on multiple occasions. It is, however, possible to conclude that at least 70% of the Sino Forest's shares did not trade between April 29, 2011 and June 2, 2011. As such, a shareholder list current as of April 29, 2011 would be valuable for providing notice to the members of the class proposed in the Ontario Class Action.


Conclusion

28. The Notice Plan provides for an effective notice campaign and is consistent with notice plans of other securities class actions in Canada and the United States. If conducted in accordance with its terms, it is my opinion that it will result in the delivery of the proposed notice to a substantial number of persons who will fall within the proposed class. It is further my view that the Notice Plan can be implemented within the proposed budget of \$100,000.

29. The delivery of the list of registered shareholders – both the current list and the list as of April 29, 2011 - is an important part of the implementation of the Notice Plan with respect

to giving direct notice to registered shareholders who appear on that list, even if those shareholders represent a relatively small percentage of the total. Such lists are regularly used for the purposes of providing notice in the context of securities class actions settlements.

SWORN before me at the City of)
London, in the Province of Ontario,)
this 19th day of April, 2012.)

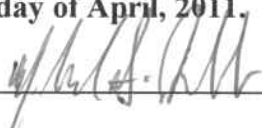


A/Commissioner, etc.)
Michael G. Robb (LSUC# 45787G))



David Weir

**This is Exhibit "A" to the
Affidavit of David Weir
sworn before me this 19th
day of April, 2011.**



**Michael G. Robb
A commissioner etc.**



March 16, 2012

VIA EMAIL

Mr. Daniel Bach
Siskinds LLP
47 Colborne Street
Suite 203
Toronto, Ontario
M5E 1P8

Re: In re: Sino Forest

Dear Daniel:

Thank you for the opportunity to provide you with a proposal to act as the Opt Out and Notice Administer in the above referenced matter.

NPT RicePoint Class Action Services Inc. was established in London over fifteen years ago and comprises twelve partners, along with a combination of other supporting staff of Chartered Accountants, Certified General Accountants and students in training for each designation and program. In total, we have over 60 full-time employees, including Partners. NPT provides services in four areas: accounting services, business valuations, wealth management, and class action administration.

Class action administration services are provided through NPT RicePoint Class Action Services Inc. Over the past eight years, we have administered over 25 cases involving securities, product liability and price fixing settlements and distributed over \$90 million in settlement assets. For a list of representative cases, please see Appendix B of this proposal or visit our website at www.nptricepoint.com

Scope of Engagement

The following is NPT RicePoint's understanding of the services to be provided for the Sino Forest Notice Plan and drafting of the Notice Order.

1. Background :

- The security traded on the Toronto Stock Exchange until trading was halted on August 26, 2011
- As of August 26, 2011 there were approximately 246,000,000 outstanding shares with a market cap of \$1.18 billion.
- The class period for the Ontario action is from March 19, 2007 to June 2, 2011
- The class period for the Quebec action is from August 12, 2008 – June 2, 2011
- The Defendant will pay \$100,000.00 into a fund to cover the cost of Notice and Opt Out administration.

2. Scope of Work:

- a. Assist in the development of the Notice Plan:
 - i. Advise on language that would compel the issuer to provide transfer agent records that could be used to effect a direct notice campaign
 - ii. Advise on the cost and time to complete a direct mail program to data obtained from the transfer agent and the nominees
 - iii. Make a recommendation on newspapers and the associated budget necessary to provide for an effective publication of the Short Form Notice.
 - iv. Advise on language and a budget that would compel brokerage firms, custodians and asset managers across Canada to assist in identifying class members
- b. Act as the Opt Out Administrator

3. Notice Plan:

Suggested Language to Obtain Transfer Agent Records

The Defendant shall cause Sino Forest's transfer records and shareholder information to be made available to the Notice Administrator, at no cost to the Class, no later than ten (10) days following the entry of this Order for the purpose of identifying and giving notice to the class

Suggested Language for Nominees

Nominee purchasers are directed, within ten (10) days of the receipt of this Notice a) to provide the Notice Administrator with lists of names and addresses of beneficial owners; or b) to request additional copies of the Notice from the Notice Administrator

and within ten (10) days of receipt of the copies of Notice from the Notice Administrator, to mail the Notice to the beneficial owners. Nominee purchasers who elect to send the Notice to their beneficial owners shall send a statement to the Notice Administrator that the mailing was completed as directed.

Regardless of whether you choose to complete the mailing yourself or elect to have the mailing performed for you, with appropriate documentation you may obtain reimbursement for reasonable administrative costs actually incurred in connection with forwarding the Notice and which would not have been incurred but for the obligation to forward the Notice. The Notice Administrator shall not pay in excess of five thousand Canadian dollars (CAN \$5,000.00) in aggregate for such costs. If the requests for reimbursement exceed five thousand Canadian dollars (CAN \$5,000.00), then the Notice Administrator shall distribute the sum of five thousand dollars (CAN \$5,000.00) to such nominee firms on a pro rata basis.

4. Opt Out Administration:

- Receive Opt Outs, record, scan and advise Counsel
- Issue Opt Out Report to Counsel within fourteen (14) days of the Opt Out Deadline

Fee Schedule (not including tax)

	Unit	Fee	Assumptions
Opt Out Administrator	One time	\$5,000.00- \$10,000.00	<ul style="list-style-type: none"> ○ Set up PO Box ○ Receive Opt Outs ○ Scan ○ File Opt Out Report ○ Provide affidavit, if necessary
Broker Outreach	One time	\$4,500.00	<ul style="list-style-type: none"> ○ Design a notice package – cover letter & short form notice ○ Mail to all Canadian nominees on NPT RicePoint proprietary list ○ Follow-up as necessary
Direct Notice to Nominees and Registered Shareholders	Postcard (estimated)	50,000*x \$0.85 per package = \$42,500.00	<ul style="list-style-type: none"> ○ Receive list of registered shareholders from transfer agent ○ Receive list of eligible beneficial holders from Canadian nominees ○ Cleanse data (dedupe, address correction, NCOA) ○ Setup variable print ○ Print, address & mail Canada Post First Class 4.25 x 6 postcard ○ Process and record returned mail ○ Provide declaration or affidavit as necessary
Notice Publication	One time (not including tax)	G&M – \$4,553. Nat'l Post- \$3,579. La Presse- \$4,136. Le Soleil- \$2,197. NPT RicePoint - \$2,375	<ul style="list-style-type: none"> ○ Publish Short Form Notice one weekday in the Legal Notices section of the Globe and Mail and National Post <ul style="list-style-type: none"> ○ Negotiate fee ○ Prepare file ○ Proofread ○ Obtain counsel sign-off ○ Prepare & place order ○ Audit ○ Process payment ○ 1/6 page ○ Provide affidavit, if required
Nominee Reimbursement		\$5,000.00	

*this is an estimate only based on our review of various factors against other security class actions (share price before analyst report, trading volumes, market cap, length of class period, number of exchanges where it was traded, the sector)

Supporting Material

As a supplement, we are providing additional materials detailing the experience of our executive team, a representation of some of our cases, and a description of the services we provide:

- Appendix A – Key Personnel
- Appendix B – Representative Cases
- Appendix C – Service Description

Thank you again for this opportunity and please email/call if you have any questions or require additional information.

Respectfully submitted,



David A. Weir

President
NPT RicePoint Class Action Services Inc.
300-633
Colborne Street
London, Ontario
N6B 2V3

Dated: March 16, 2012

Approved:

Representative of Counsel

Date

APPENDIX A: KEY PERSONNEL

David A. Weir, M.B.A.
President, NPT RicePoint Class Action Services

Education

- Master of Business Administration – Richard Ivey School of Business - 1998
- Business Administration Diploma – Wilfrid Laurier University – 1989
- Bachelor of Arts – Wilfrid Laurier University - 1988
- Canadian Securities Course - 1993

Responsibilities

David is the President of NPT RicePoint. In addition to his business development responsibilities, David is focused on the day to day management of administrations. It is through this hands-on approach that new ideas for driving efficiencies and improvement on take-up rates are discovered. David's commitment to senior level involvement in cases enables Clients to remove themselves fully from case administration.

Experience

Following university, David worked in Toronto for Bell Canada. Over 12 years at Bell, David took on progressively senior roles. As Vice-President of Strategic Planning for Bell's national sales unit, David worked at the senior levels with leaders of Canadian banks to design and deliver leading edge technology solutions. As Vice-President of Capital Investment, David led the redesign of Bell's \$3.5 billion capital allocation model.

Fulfilling an entrepreneurial desire, David founded RicePoint Class Action Services Inc. Working within a partner organization, RicePoint's initial focus was in the delivery of data management, printing and distribution services. After several years, RicePoint became fully independent and expanded its services to become a full service claims administrator focused on improving take-up rates through the use of technology and one to one marketing.

In 2009, RicePoint Class Action Services Inc. merged with NPT Administration Inc. This merger delivered immediate gains in capacity and efficiency while also offering Clients an increased level of senior leadership to consult with.

Professional and Community Service

- Board of Directors – Rotary Club of London, 2010 - Present
- Member Rotary of London, 2005 - Present
- Big Brothers of London – Board of Directors 2002 – 2005
- Past Member – Engineering & Science Advisory Council – University of Western Ontario
- Executive Sponsor – Canada 2001 Summer Games 1998 – 2001
- Big Brothers – Ten year Big Brother with Big Brothers of Kitchener-Waterloo 1987 – 1997
- Toastmasters International – CTM 1993 – 1996

John D. R. Prueter, C.A., M.B.A.
Managing Partner, NPT LLP

Education

- Master of Business Administration – Richard Ivey School of Business - 1997
- Chartered Accountant - 1986
- Canadian Securities Course - 1984
- Bachelor of Commerce with Honours, Queen's University - 1984

Responsibilities

John is the Managing Partner of NPT LLP as well as a full service partner providing business services to individuals and corporations, including accounting, auditing, tax, estate planning and general business advice. John has been the partner in charge of the Class Action Administration business of the firm since its inception in 2000.

Experience

John has been in public accounting for over twenty-three years. He is responsible for many small to medium sized owner managed businesses, publicly listed clients, professionals and individuals, offering full business services to them with a high level of personal service.

John's past experiences have included involvement with public offerings, information circulars, prospectuses and related information and direct audit experience with large not-for-profit organizations and institutions, universities, pension plans, and other publicly traded corporations.

John has managed many different class action administrations involving alleged price fixing, securities and pension related cases with varying degrees of complexities.

John is a graduate of the executive MBA program at the Richard Ivey School of Business. This additional training and experience benefits all clients and engagements.

Professional and Community Service

- Canadian Institute of Chartered Accountants
- Ontario Institute of Chartered Accountants
- Institute of Chartered Accountants of Western Ontario
- Member of the London Hunt and Country Club
- Member of the London Club
- Past Chairman of the London Health Sciences Foundation
- Past Treasurer of Westminster College

APPENDIX B – REPRESENTATIVE CASES

ADMINISTRATION	CLAIMS PROCESSED	SETTLEMENT FUND	CLAIM DEADLINE
Redline Communications Class Action	In progress	CAD \$3,600,000	In progress
OPSEU Local 330 Surplus Benefits	In progress	CAD \$1,780,000	In progress
Canadian Superior Energy Securities Litigation	In progress	USD \$5,200,000	December 7, 2011
Ethylene Propylene Diene Monomer Class Action	34	CAD \$4,249,537	October 11, 2011
Fleet Phospo-Soda Class Action	60	CAD \$11,995,000	September 22, 2011
MyTravel Canada Holidays Inc. Class Action	393	CAD \$2,250,000	May 25, 2011
Gildan Activewear Securities Litigation	22,749	USD \$22,500,000	March 10, 2011
PetroKazakhstan Inc. Securities Litigation	2,112	CAD \$9,900,000	February 24, 2011
SunOpta Inc. Securities Litigation	5,059	USD \$11,250,000	June 11, 2010
CP Ships Ltd. Securities Litigation	11,216	CAD \$12,800,000	June 7, 2010
TVI Pacific Securities Litigation	609	CAD \$2,100,000	January 18, 2010
Hydrogen Peroxide Class Action	73	CAD \$20,490,000	September 8, 2009
Tequin Class Action	91	CAD \$5,000,000	February 27, 2009

APPENDIX – NPT RICEPOINT SERVICES

Claims Administration Services

Our firm offers services that address each phase of the settlement process, from designing custom websites & databases for claimants to administering the Notification, Claims Processing and Settlement Distribution stages of a case.

Website & Database Design

- Custom Web-Sites
- Custom Data Base Systems
- Custom Notification Programs
- Custom Claims Processing Programs

Notification Procedures

- Design & Print Notices and Claim Forms
- Place Notices & Claim Forms
- Locating Current Addresses
- Place Summary Publications in Media
- Institute Call Center

Claims Processing

- Verify Data
- Document Claims
- Maintain Claimant Data
- Validate Claims & Settlement Amounts
- Calculate Claim Amounts under Plans of Allocation

Settlement Distribution

- Verification of Claims & Distribution Amount
- Preparation & Distribution of Settlement Cheques
- Reconciliation of Distribution Amounts
- Preparation of Final Reports
- Tax Compliance & Administration of Qualified Settlement Funds

Notice Services

In addition to traditional claims administration, NPT RicePoint also has a Notice Group that designs and executes all aspects of a Notice Plan including:

- **Social Media Campaigns:** To assist in pre certification case collection or post settlement notice plans.
- **Notice Placement:** Media estimating, negotiating, preparation and booking of orders, auditing and reporting.
- **Notice Plan Design:** Developing a strategy and tactics to effectively and efficiently reach class members. To establish a budget for use during settlement negotiations.
- **Search:** Locating missing class members

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AFFIDAVIT OF DAVID WEIR

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