

ONTARIO  
SUPERIOR COURT OF JUSTICE

BETWEEN

PLAINTIFFS

THE DEFENDANTS

BMO NESBITT BURNS INC.; BLACKMONT CAPITAL INC.;  
CANACCORD CAPITAL CORPORATION; NATIONAL BANK  
FINANCIAL INC.; SPROTT SECURITIES INC.; TD SECURITIES  
INC.; BDO SEIDMAN, LLP; FMF CAPITAL GROUP LTD.; FMF  
CAPITAL LLC; FMF HOLDINGS, LLC; MICHIGAN FIDELITY  
ACCEPTANCE CORPORATION; PKF, LLC; THOMAS LITTLE;  
ATUL SHAH; MICHAEL HOFFMAN; EDAN KING; HOWARD  
MOROF; ROBERT FILCOWITZ; ERIC SLAYENS; and LORIE  
WAISBERG.

LIBRARY

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF SERVICE OF  
BLACKMONT CAPITAL INC. AND CANACCORD CAPITAL CORPORATION

Complainant, **MR. MARK O'NEILL** SAYS THAT:

Complainant is an associate employed by the defendant of Mill, Texas, and is a shareholder of the defendants Blackmont Capital Inc. and Canaccord Capital Corporation in this action. Complainant is not a party to this action and is not a party to any other proceedings in this

be true.

INTER ALIA:

1. THIS COURT ORDERS that the form of the long form Notice of Certification attached hereto as Schedule "A";

Approval Hearings to all persons who purchased IFS's directly from them by mailing said notice to the last known address of each such person no later than December 15, 2006;

Certification and Settlement Approval Hearings be sent to the following persons, firms, with a request for their views and any proposed arrangements, brokers and affected clients:

(g) Canaccord Capital;

3. I have reviewed correspondence from Charles Wright, particularly his letters of 14 December 2006 and 19 December 2006 to the Honourable Mr. Justice Gauthier and his email to

4. ~~Blackhorn Capital Inc. and Canaccord Capital Corporation are~~ Defendants as that term is used in paragraph 2 of the order of 7 December 2006.

Canaccord Capital Corporation that it mailed the long form Notice of Certification and

2006.

SWORN before me at the City of  
Vancouver in the Province of British  
Columbia this 16th day of January

Commissioner for taking affidavits

DAVID MITCHELL

**SEYMOUR CHEWETT**  
**BARRISTER & SOLICITOR**  
1000 - 840 HOWE STREET  
VANCOUVER, B.C. V6Z 2M1  
604-687-2242

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARINGS

Capital Group Ltd. (the "Company") in the Company's March 2005 initial public offering ("IPO") ("Class I Members"); and/or

represented by such IPSs, over the Toronto Stock Exchange ("TSX") during the period from and including March 2, 2005 and including November 15, 2005 ("Class II Members", and

Court of Justice (the Ontario Court) and the Quebec Superior

("Blackmont"), Canaccord Capital Corporation ("Canaccord"), National Bank Financial Inc. ("NBF"), Scotia Securities Inc. ("Sprout"), TD Securities Inc. ("TD"), BDO Soldman LLP ("BDO"), the Company, FMF Capital LLC ("FMF Capital"), FMF Holdings LLC ("FMF Holdings"), Michigan Fidelity Acceptance Corporation ("MFAC"), PKF LLC ("PKF"), Robert Pilcowitz,

This is Exhibit A referred to in the affidavit of David Hatcher sworn before me at Vancouver this 11 day of January, 2005.

A Commissioner for taking Affidavits

has been filed in the Sixth Judicial Circuit Court for the State of Michigan and in the Superior Court of the State of Michigan, the Ontario Court of Justice and the Quebec Superior Court, the "Courts") against the Defendants and against Phyllis Cane Pilcowitz, the Phyllis Cane Pilcowitz Revocable Trust, the Phyllis Cane Pilcowitz Qualified Annuity Trust, finally, the Phyllis Cane Pilcowitz Qualified Annuity Trust (collectively, the Transferee Defendants").

The Plaintiffs allege in the Courts that the Defendants or some of them disseminated a prospectus and other information containing various misrepresentations to persons who purchased the Company's IPSs and, in the Michigan Court, that the Transferee Defendants are liable for the damages caused by the actions of some or all of

A Settlement Agreement has been reached between the Plaintiffs and the Defendants, which includes, among other things, a release of liability on the part of the Defendants, each of them expressly

...any wrongdoing or liability. The sums of US\$21 million  
and US\$1.55 million (together, the Settlement Fund) shall be  
paid to settle the claims of all Class Members, wherever they may

Board of Directors, and (ii) Audit Committee Charter.

In addition to seeking the Courts' approval of the Settlement  
Agreement, Class Counsel will seek the Courts' approval of legal

and applicable taxes. These legal fees and expenses will be

below).

If you would like a copy of the Settlement Agreement, it is  
available on the websites of Ontario Class Counsel and Michigan  
Class Counsel at [www.classaction.ca](http://www.classaction.ca) and [www.jruslaw.com](http://www.jruslaw.com). You  
can also obtain a hard copy by contacting Ontario Class Counsel  
toll free, at 1-800-461-6166, Ext. 390.

## 2. ONTARIO

A settlement approval hearing in the Ontario class proceedings  
will be held at the Courtroom of the Ontario Court, 361 University Ave., Toronto,  
ON. At this hearing, the Ontario Court will determine whether the  
Settlement Agreement is in the best interests of all Class Members.

Québec Class Members: All timely filed written submissions

counsel, will be entitled to express their views to the court. If the  
court is satisfied that the Settlement Agreement is in the best interests  
of all Class Members, the court will determine the joint fee request of Class Counsel.

Ontario Class Counsel will forward all such  
submissions to the Ontario Court, further notices will  
be published on the websites of Ontario Class Counsel and  
Michigan Class Counsel at [www.classaction.ca](http://www.classaction.ca) and  
[www.jruslaw.com](http://www.jruslaw.com), and in such media as are directed by the  
Ontario Court.

**3. QUEBEC APPROVAL**

A settlement approval hearing in the Quebec class action has been scheduled for **March 2, 2007** at 10:00 a.m.

Quebec City Court House, 300, boul. Jean-Lesage, Québec City, Québec, Q1W 0K6.

of the Class Members who reside in Québec (the "Québec Class Class Members will be considered at this time. If the Settlement Agreement is approved, the Québec Court will then grant the motion for Authorization to File a Class Action for settlement purposes only and will determine the fee request of Québec Class Counsel.

a written submission to Québec Class Counsel at the address listed below, no later than **March 2, 2007**. Québec Class Counsel shall forward all such submissions to the Québec Court. If you do not

appeal should the Settlement Agreement be approved. If the Settlement Agreement receives final approval from the Québec

Class Counsel and Michigan Class Counsel at [www.classaction.ca](http://www.classaction.ca) and [www.iruslaw.com](http://www.iruslaw.com), and in such media as are directed by the Québec Court.

**4. DISMISSAL OF**

**MICHIGAN ACTION:**

If the Settlement Agreement receives the approval of the Canadian Courts, promptly following the Canadian Courts' approval of this Settlement Agreement and the expiration of all appeal periods, Michigan Class Counsel shall file a Stipulated Order of Dismissal in the Michigan Court.

**5. DISTRIBUTION**

in order to receive compensation under the Settlement Agreement, a Class Member must have sustained a net loss and incurred an out-of-pocket expense. Each Class Member who timely submits a valid Claim Form, and who is eligible for compensation, will be entitled to receive compensation, calculated by the Claims Administrator, according to the formulas set forth in the Distribution Protocol. The Distribution Protocol also sets forth the procedure to be followed by a Class Member who disputes a decision of the Claims Administrator.

The amount of each Class Member's actual compensation will

depend upon: (1) the number of IPSs purchased by the Class Member during the Class Period; (2) whether the Class Member purchased IPSs in the IPO and/or over the TSX; (3) whether the Class Member purchased IPSs in the IPO and/or over the TSX; (4) whether or not the Class Member sold

continues to hold some or all of the IPSs that acquired during the Class Period; (6) if the Class Member purchased IPSs in both the

(7) the number of IPSs and purchased by all Class Members who timely file valid Claim Forms with the Claims Administrator

Each Class Member's *actual* compensation will be his, her, or its *pro rata* share of the net Settlement Fund, based on his, her or its estimated damages, calculated pursuant to the formulae set forth in the Distribution Protocol. The formulae shall be based on

Class Member's estimated damages.

Settlement Agreement receives the approval of the Canadian

opting out. This means that you will not be

proceedings.

If you opt out, you will not be bound by the terms of the Settlement Agreement, but you will not be eligible for any of the benefits of the Settlement Agreement. This means that you will be barred from making a claim and receiving payment pursuant to the Settlement Agreement.

which will contain specific directions on how to opt out. A deadline for opting out will be established at that time. If you wish to ensure that you have any further notice mailed directly to you, you may contact Class Counsel and provide them with your name and address.

**7. CLASS COUNSEL:**

A. Dimitri Lascaris and Charles M. Wright of the law firm of Siskinds<sup>LLP</sup> are counsel to the Plaintiffs in the Ontario class proceeding ("Ontario Class Counsel"). Ontario Class Counsel can

Ontario, N6A 3V8, Attention: A. Dimitri Lascaris, or by

Telephone, 514 855, 41 1 800 367 6261 5007

counsel to the Petitioners in the Québec class proceeding "Québec Class Counsel"). Québec Class Counsel can be reached at 43, Rue Buade, Bur 320, Québec City, Québec, G1R 4A2, Attention:

Henry Juroviesky of the Ontario-based law firm of *JUROVIESKY AND*

*Wojnar and Nowara* are counsel to the Plaintiffs in the

Michigan Action (Michigan Class Counsel), and together with Ontario and Québec Class Counsel, "Class Counsel". Michigan

Class Counsel can be reached at 4051 Yonge Street, Suite 900 Toronto, Ontario, M2P 1L7, Telephone: 416 461-7474.

DUPLICATION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ANCELA BVA

WILLIE LEACH et al. BMDM 101 URBAN CO.

SB

PROSE

Covert File No. 234

BLACKMAN

INTER  
OPERATIONAL  
RECORDS  
MILITARY  
NAVY  
AIR FORCE  
ARMY  
MARINE CORPS  
COAST GUARD  
NATIONAL GUARD  
RESERVE

Miller Thomas  
5000  
100 King Street  
P.O. Box 1011  
Fort Worth, ON

Grand Mills L.S.  
Tel: 604-643-8333  
Fax: 604-643-8334

Donald J. Sorg, West  
Tel: 604-643-1111  
Fax: 604-643-1151

David J. Mitchell, C# 947E  
Tel: 604-643-1116  
Fax: 604-643-1195

Police for Blain  
Corporation

15  
30  
50

100  
150  
200

TO: S  
AL: J  
CC: P AT

20  
60

500

Capital