

## NOTICE

**To: All Individuals who Participated in the  
ParkLane Financial Group - Donations for Canada Gift Program  
between 2005 - 2009**

Federal Tax Shelter Identification # TS070623, or  
Quebec Tax Shelter Identification # QAF-05-0109

### NOTICE OF CERTIFICATION AS A CLASS ACTION

This Notice may affect your rights. Please read it carefully.

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**PURPOSE OF THIS  
NOTICE:**

A nation-wide class proceeding has been certified by the Ontario Superior Court of Justice.

On January 18, 2012, Cannon v. Funds for Canada Foundation et al., Court File No. CV-08-362807 CP was certified as a class proceeding, and Michael Cannon was appointed as the representative plaintiff on behalf of the Class (the “Class Action”).

The Defendants’ motions for leave to appeal from the certification order were denied on October 29, 2012.

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**Who this Notice is for:**

You are a member of the Class if you fit this description:

**THE CLASS**

Any person who participated in the ParkLane Donations for Canada Charitable Gift Program while resident in Canada during the period between January 1, 2005 and December 31, 2009, excluding Edward Furtak, Wayne Robertson, the Defendants, their subsidiaries, affiliates, officers, directors, senior employees, legal representatives, heirs, predecessors, successors and assigns, and any member of the families of the Individual Defendants, Wayne Robertson, and Edward Furtak, and any entity in which any of the foregoing persons or entities has a legal or *de facto* controlling interest.

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**What the Action is  
About:**

The Class Action alleges, among other things, that the Defendants were negligent in creating and operating the Gift Program, and that the promotional materials about the Gift Program contained misrepresentations. The claim alleges that the Gift Program was a fraud and/or that it was in breach of Consumer Protection Legislation, and that the Class Members are entitled to rescission of the agreements, and should be repaid the money they paid to participate in the Gift Program.

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The class action seeks, among other things, an order requiring the

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Defendants to repay to the Class Members the total amount that each Class Member paid to participate in the Gift Program, as well as the amount of any interest or penalties assessed by the Canada Revenue Agency as a result of the disallowance of the claims for charitable deductions arising from the Class Members' participation in the Gift Program, with the interest reimbursement to include at least one month of interest after delivery of the CRA notice of reassessment.

The Defendants deny all the allegations made against them in the action, and deny that the Class are entitled to any compensation. By certifying this action as a class proceeding, the Court has not determined the merits of the Plaintiff's claims or the Defendants' defences. The Plaintiff will be required to prove his allegations at a trial in order to obtain the relief that he seeks for the Class.

A copy of the Statement of Claim and the Order certifying this action as a class proceeding can be reviewed at [www.parklaneaction.com](http://www.parklaneaction.com) or [www.thetorontolawyers.ca/class\\_actions.htm](http://www.thetorontolawyers.ca/class_actions.htm)

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**The Defendants:**

The Defendants are:

ParkLane Financial Group Limited, Trafalgar Associates Limited, Trafalgar Trading Limited, Funds for Canada Foundation, Appleby Services Bermuda Ltd. as trustee for the Bermuda Longtail Trust, Edwin C. Harris Q.C., Patterson Palmer also known as Patterson Palmer Law, Patterson Kitz (Halifax), Patterson Kitz (Truro), McInnes Cooper, Gleeson Management Associates Inc., Matt Gleeson and Mary-Lou Gleeson

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**HOW THIS CLASS ACTION AFFECTS YOU:**

If you are a Class member, and you wish to participate in the proceeding, then you do not need to do anything more at this stage. You are automatically included in the Class.

**No Cost to You**

There is no cost to you to participate in the class action. You will have no responsibility to pay any legal fees. Class Counsel will only be paid in the event that the action succeeds at trial or there is a settlement. Class Counsel have entered into a contingency fee agreement with the representative plaintiff. The agreement provides for a contingency fee of 33% of the amount recovered in the Class Action to be paid to Class Counsel, along with reimbursement of all disbursements and taxes. The court must first approve Class Counsel's legal fees before they will be paid.

**No Liability for Court**

The representative plaintiff has obtained funding from the Ontario Class Proceedings Fund. The Fund will cover the cost of some of

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<b>Costs</b>	the disbursements incurred in prosecuting the Class Action, and it is responsible to pay any adverse cost awards. In exchange, the Fund is entitled to be paid 10% of any amounts paid by or received from the Defendants in a settlement or judgment.
<b>You will be Bound by a Judgment or Settlement in the Action</b>	Each Class member who does not opt out of the Class Action will be bound by the terms of any judgment or any settlement approved by the Court. Each Class member may be entitled to share in the amount of any judgment awarded or settlement reached in the Class Action.
<b>HOW TO OPT OUT OF THE CLASS ACTION</b>	If you <u>DO NOT WANT TO PARTICIPATE</u> in this proceeding, then you must say so in writing by delivering a letter to Class Counsel, including your full name and address on or before February 22, 2013 at 5:00 pm EST to the following address:
<b>If you do not want to participate in the Action</b>	
<b>Address for Sending Your Notice of Opt Out:</b>	ParkLane Class Action Paliare Roland LLP 155 Wellington St. W., 35 <sup>th</sup> Floor, Toronto, ON M5H 3E5  Fax: 416-646-4301
	If you decide to opt out, you will not be bound by the terms of any judgment or settlement. However, you also will not be eligible for any of the benefits of any settlement or judgment if the action is successful.
<b>Opt Out Deadline:</b>	No Class member will be permitted to opt out after February 22, 2013.
<b>ADDITIONAL INFORMATION</b>	Any questions about the matters in this notice should be addressed to Class Counsel.  The certification order and other information regarding the Class Action is available on the websites <a href="http://www.thetorontolawyers.ca/class_actions.htm">http://www.thetorontolawyers.ca/class_actions.htm</a> or <a href="http://www.paliareroland.com/Class-Action-Parklane.asp">http://www.paliareroland.com/Class-Action-Parklane.asp</a>  or may be obtained by calling: 1-855-666-1053 or 1-855-565-5529  Requests for information or questions for Class Counsel should be directed to:  ParkLane Class Action Paliare Roland LLP 155 Wellington St. W., 35 <sup>th</sup> Floor, Toronto, ON

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e-mail: [info@parklaneclassaction.com](mailto:info@parklaneclassaction.com)

(t): 1-855-666-1053

Or,

ParkLane Class Action

Landy Marr Kats LLP

Suite 900 – 2 Sheppard Avenue East.

Toronto, ON, M2N 5Y7

e-mail: [parklaneclassaction@lmklawyers.com](mailto:parklaneclassaction@lmklawyers.com)

(t): 1-855-565-5529

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**INTERPRETATION**

This notice is a summary of the terms of the certification order. If there is a conflict between the provisions of this notice and the terms of the certification order, the certification order prevails. The certification order can be viewed at the web addresses referenced above.

This notice was approved by the Ontario Superior Court of Justice

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