



No. S-095159  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between

JAMES WELDON and LEONARD BLEIER, suing on their own behalf and in a representative capacity on behalf of all former members of defined benefit pension plans sponsored, directed, administered or advised by the Defendants and their predecessors who were caused by the Defendants and their predecessors to cease to participate in those defined benefit pension plans and to participate only in defined contribution pension plans commencing on or about January 1, 1993.

Plaintiff

and

TECK METALS LTD., COMINCO PENSION FUND  
COORDINATING SOCIETY and TOWERS PERRIN  
INC.

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

**CONSOLIDATED AND AMENDED REPLY**

**Filed by:** The Plaintiffs, James Weldon and Leonard Bleier

**In reply to:** The Defendant, Towers Perrin Inc.'s Consolidated and Amended Response to Civil Claim

1 In reply to the Consolidated and Amended Response to Civil Claim of the defendant Towers Perrin Inc., the plaintiffs ~~denies deny~~ each and every allegation in the Consolidated and Amended Response to Civil Claim except as expressly admitted herein.

2 The facts alleged in paragraphs 20, 21, 22, 23, 27, 32, 38, 42, 43, 45, 46 and 48 of the Consolidated and Amended Response to Civil Claim are admitted.

3 The facts and legal basis alleged in paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,  
17, 18, 19, 26, 35, 36, 37, 39, 40, 41, 49, 50, 51, 52, 53, 54, 55, 61, 62, 63, and 64, and 65  
of the Consolidated and Amended Response to Civil Claim are denied.

4 The facts alleged in paragraphs 24, 25, 28, 29, 30, 31, 33, 34, 44, and 47 are  
outside the knowledge of the plaintiffs.

5 In answer to the allegation in paragraphs 56 and 57, the plaintiffs denies deny that  
he was they were contributorily negligent.

6 In answer to the allegation in paragraph 58 that the plaintiffs has have failed to  
mitigate his loss their losses by failing to purchase a deferred annuity or annuities when  
Teck made them available, the plaintiffs says:

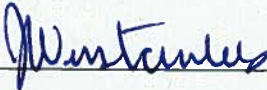
- a. that it was not possible to buy a deferred annuity that would provide the  
same pension benefits as he would have received in BRIP;
- b. that the Information Material provided to the plaintiffs would lead a  
reasonable person to conclude that the purchase of a deferred annuity was  
not logical or necessary; and
- c. that information directly contradicting the Information Material would  
have been required in order to lead a reasonable person to conclude that it  
would be prudent to purchase a deferred annuity.

7 In answer to the allegation in paragraph 64-63 that the plaintiffs' s cause of action  
is statute barred through the application of the *Limitation Act*, R.S.B.C 1996, c. 266, the  
plaintiffs denies deny that the claims are statute barred.

8 The plaintiffs s and other class members rely on s. 6 of the *Limitation Act*, R.S.B.C.  
1996 c.266. This is an action falls under s. 6(3)(b)(c)(d)(e) and (h) of the *Limitation Act*  
and is therefore governed by s. 6(4) of the *Limitation Act*. The plaintiffs s and other class  
members say that the facts within their means of knowledge were not such that a

reasonable person who had taken the appropriate advice in light of those facts would have concluded that they could bring an action until after July 13, 2009.

Date: ~~04/Jan~~13/Jun/2012

*for*  \_\_\_\_\_  
Signature of Reidar Mogerman  
 filing party  lawyer for filing party

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (i) all other documents to which the party intends to refer at trial, and
  - (b) serve the list on all parties of record.