

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, wherever they reside

Plaintiffs

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

ORDER MADE AFTER SPECIAL CASE

BEFORE THE HONOURABLE MR. JUSTICE N.
SMITH

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4 March 2013

ON THE HEARING OF A SPECIAL CASE with the consent of all parties at Vancouver pm 21 December 2012 and 24 January 2013, and on hearing Reidar Mogerman and Jen Winstanley, lawyers for the plaintiffs, and Geoffrey Gomery, Q.C., lawyer for the defendant Teck Metals Inc., and Hein Poulus, Q.C., and Michael Bromm, lawyers for the defendant Towers Perrin Inc.; AND ON JUDGMENT BEING RESERVED TO THIS DATE:

THIS COURT ORDERS that:

1. The questions in the Special Case and their answers are as follows:

1. Did the right to bring this action commence January 1, 1993, on the date of each Class Member's retirement, or some other date?

Answer: The right to bring this action arose on January 1, 1993.

2. To what extent, if at all, do the Plaintiffs' claims giving rise to common issues as set out in common issues 3(a) to 5(i) fall under section 6(3) of the *Limitation Act*, RSBC 1996, c. 266, such that the limitation period applicable to the claims is subject to postponement pursuant to section 6(4) of the Act?

Answer: The Plaintiffs' claims giving rise to common issues as set out in common issues 3(a) to 5(i) fall under s. 6(3)(b) and s. 6(3)(c) of the *Limitation Act*, such that the limitation period applicable to the claims is subject to postponement pursuant to s.6(4) of the Act.

2. By virtue of the parties' consent pursuant to Rule 9-3(5) that, on the questions in the special case being answered, the court may order judgment to be entered on common issues 1(a) and 2(a), this court orders that these common issues be decided as follows:

Common issue 1(a):

Did the right to bring this action commence January 1, 1993, on the date of each Class Member's retirement, or some other date?

The right to bring this action arose on January 1, 1993.

Common issue 2(a):

To what extent, if at all, do the Plaintiffs' claims giving rise to common issues as set out in common issues 3(a) to 5(i) fall under section 6(3) of the *Limitation Act*, RSBC 1996, c. 266, such that the limitation period applicable to the claims is subject to postponement pursuant to section 6(4) of the Act?

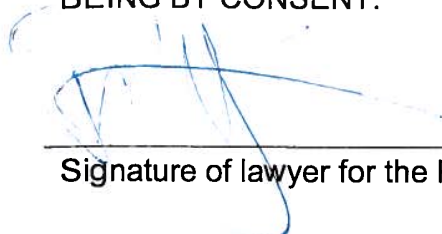
The Plaintiffs' claims giving rise to common issues as set out in common issues 3(a) to 5(i) fall under s. 6(3)(b) and s. 6(3)(c) of the *Limitation Act*, such that the limitation period applicable to the claims is subject to postponement pursuant to s.6(4) of the Act.

By the Court

Registrar

Endorsements Attached

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:




Signature of lawyer for the Plaintiffs

Reidar Mogerman



Signature of lawyer for Defendant, Teck Metals Ltd.

Geoffrey Gomery, Q.C.

for 

Signature of lawyer for the Defendant,
Towers Perrin Inc.

Hein Poulus, Q.C.

By the Court

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