

BUSINESS APPLICATION

Background

On July 8, 2011, the Honourable Justice Crane approved the settlement of Ontario Superior Court of Justice Action 114/2006-CP, commenced in Cayuga (the Class Action).

Pursuant to the settlement, a member of either the Caledonia Business Class or the Highway 6 Class, each as described in Schedule A (the "Applicant") may claim compensation on account of economic loss during the period February 28, 2006 to December 31, 2009.

Claims may be made pursuant to one of three (3) options, as described below. Compensation will only be paid for claims that are approved following adjudication. It is expected that the maximum compensation under Options 2 and 3 for approved claims will be \$100,000, less Collateral Benefits as described below. However, Applicants making claims pursuant to Options 2 and 3 with losses in excess of \$100,000 should claim the actual amount of their losses, in the event that funding for compensation in excess of \$100,000 is available.

How to Claim Compensation

To claim compensation, an Applicant must submit a completed Application Package, consisting of:

1. this Application, completed so as to indicate which of three (3) application options, described below, the Applicant chooses;
2. the attached Release, as duly signed and witnessed (the Release does not come into effect until a payment is made);
3. in the case of Options 2 and 3, as described below, a duly completed Proof of Loss; and
4. in the case of Options 1, 2 and 3, acceptable identification of the person signing this Application, the Release and any Proof of Loss. Acceptable identification includes a notarized copy of either a current Canadian driver's licence or a current Canadian passport.

The Applicant must submit the completed Application Package by mail to the Settlement Administrator, Global Resolutions Inc., 45 St. Nicholas Street, Toronto ON M4Y 1W6. Applications submitted by fax, email or delivered otherwise than by mail will not be considered. The Applicant is advised to retain a copy of the Application Package as mailed for its records.

The deadline for submitting Applications is March 31, 2012. Partial payments may be available in respect of Application Packages submitted before the deadline, as described below. Application Packages postmarked after the deadline will not be considered and the Applicant's entitlement to payment will be considered forfeited. Applicants may wish to use registered mail to document the timely submission of their Application Package.

Where the Application Package is completed on behalf of a class member by an attorney in fact or a guardian, it must be accompanied by a notarized copy of the relevant documentation evidencing the due, lawful and continuing appointment of the attorney in fact or guardian.

Where the Application Package is completed on behalf of a deceased class member by a personal representative, it must be accompanied by a notarized copy of relevant documentation evidencing the due, lawful and continuing appointment of the personal representative.

An Applicant may elect to obtain legal advice in relation to an Application. However, any associated costs are the responsibility of the Applicant and are not recoverable as part of the Application.

Application Options

Option 1 – Claiming a Payment without Proof of Loss

An Applicant may use this option to claim up to \$5,000, less Collateral Benefits as described below, without proof of loss.

Applications under Option 1 that are postmarked by January 15, 2012 and accepted following adjudication will be paid on or before March 31, 2012.

By making an Application under this option, the Applicant:

1. waives any entitlement to claim more than \$5,000, less Collateral Benefits;
2. acknowledges and agrees that the Application will be adjudicated by the Settlement Administrator, that the Application may be accepted or rejected and that the decision of the Settlement Administrator is final without a right of appeal; and
3. represents and warrants that the Applicant has not:
 - a. opted out of the Class Action or signed a release in favour of the defendants in the Class Action; or
 - b. received payments from the Business Recovery Program funded by the Government of Ontario (“Collateral Benefits”), other than as indicated below under “Collateral Benefits Received.”

Option 2 – Claiming a Payment with a Simplified Proof of Loss

An Applicant may use this option to claim up to \$100,000, less Collateral Benefits, using the attached Simplified Proof of Loss.

Applications under Option 2 that are postmarked by January 15, 2012 and approved following adjudication will be partially paid by March 31, 2012. The partial payment will be the lesser of the approved claim as adjudicated, net of Collateral Benefits, and \$25,000.

In the case of approved claims as adjudicated in excess of \$25,000, a further payment may be made on or before June 30, 2012, to the extent of available funds.

By making an Application under this option, the Applicant:

1. waives any entitlement to a payment under Option 1;
2. acknowledges that the Simplified Proof of Loss under Option 2 is designed to simplify the application process and may not value the Applicant’s claim with precise accuracy;
3. agrees to calculate loss of sales on a calendar year basis;
4. agrees to use the gross profit margin specified in the chart accompanying the Simplified Proof of Loss for the industry sector in which the Applicant operates;
5. acknowledges and agrees that the Application is subject to audit;
6. acknowledges and agrees that the Application will be adjudicated by the Settlement Administrator, that it may be accepted in whole or in part or rejected, and that the decision of the Settlement Administrator is final without a right of appeal; and
7. represents and warrants that the Applicant has not:
 - a. opted out of the Class Action or signed a release in favour of the defendants in the Class Action; or
 - b. received Collateral Benefits other than as indicated in the Simplified Proof of Loss.

Option 3 – Claiming a Payment with a General Purpose Proof of Loss

An Applicant may use this option to claim up to \$100,000, less Collateral Benefits, using the attached General Proof of Loss.

The Applicant may choose this option if the Applicant’s business does not fall within the industry sectors provided in the Simplified Proof of Loss or if in the Applicant’s view Option 2 is otherwise unsuitable.

An Application under Option 3 that is postmarked by the deadline for applications of March 31, 2012 and accepted following adjudication will be partially paid on or before June 30, 2012. The partial payment will be the lesser of the claim as accepted, net of Collateral Benefits, and \$25,000.

In the case of approved claims as adjudicated in excess of \$25,000, a further payment may be made on or before June 30, 2012 to the extent of available funds.

By making an Application under this option, the Applicant:

1. waives any entitlement to a payment under Option 1;
2. waives the use of the Simplified Proof of Loss under Option 2 and assumes the burden of providing appropriate information and documentation in support of its claim;
3. agrees to calculate loss of sales on a calendar year basis;
4. acknowledges and agrees that its claim is subject to audit;
5. acknowledges and agrees that its claim will be adjudicated by the Settlement Administrator and may be accepted in whole or in part or rejected, subject to a limited right of appeal; and
6. represents and warrants that the Applicant has not:
 - a. opted out of the Class Action or signed a release in favour of the defendants in the Class Action; or
 - b. received Collateral Benefits other than as indicated in the General Proof of Loss.

Option Choice

The Applicant chooses Option ____.

Collateral Benefits Received

The Applicant represents and warrants that the Applicant has received Collateral Benefits as follows [if none, indicate "nil"]:

Business Recovery Program \$_____

Consent to Release of Personal Information

The Applicant, if an individual, consents to the release of his or her personal information as required for the purpose of processing and adjudicating this Application.

Consent to Release of Information by Third Parties

The Applicant consents to the release of information by third parties as requested by the Claims Administrator for the purpose of facilitating the adjudication of this Application, including any associated audit.

Date: _____

Signature

Name: _____

Title: _____

I have authority to bind:

(name of Applicant)

Address: _____

Schedule A

Caledonia Business Class

All those persons, including sole proprietors, partnerships, corporations or organizations, who carried on a business, whether for profit or non-profit, on April 20, 2006, with business addresses on Argyle Street between Highway 6 and Green Road and on Caithness Street East or Caithness Street West between Inverness Street and Edinburgh Square in Caledonia, Ontario, and who were in business during the occupation by protestors of the Douglas Creek Estates, the closure of Argyle Street, the interruption of hydro services, the shutdown of the Hydro One Caledonia transformer station, or the occupation of the lands of the Province of Ontario, formerly Douglas Creek Estates.

Highway 6 Class

All those persons, including sole proprietors, partnerships, corporations or organizations, who carried on a business, whether for profit or non-profit, on April 20, 2006, with business addresses on Highway 6 from Highway 3, to Haldibrook Road, and who were in business during the occupation by protestors of the Douglas Creek Estates, closure of Argyle Street, the interruption of hydro services, the shutdown of the Hydro One Caledonia transformer station, or the occupation of the lands of the Province of Ontario, formerly Douglas Creek Estates.

SCHEDULE B

FULL AND FINAL RELEASE

FOR AND IN CONSIDERATION of the payment of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the undersigned (the "Releasor(s)"):

THE RELEASOR(S) HEREBY fully and forever release and discharge HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, ONTARIO PROVINCIAL POLICE COMMISSIONER GWEN M. BONIFACE, AND ONTARIO PROVINCIAL POLICE INSPECTOR BRIAN HAGGITH, KRP ENTERPRISES INC., 1643078 ONTARIO INC. KEVIN CLARK, ESTA CLARK, CHRISTINA ACCIACCAFERRO, JEFFREY ACCIACCAFERRO, STEVE TONG, LORI TONG, RUSSELL KAVANAGH, MICHELLE KAVANAGH, PAUL DURCEK, STEFANY DURCEK, QUINTIN CHAUSSE, DONNA CHAUSSE, ANNE MARIE VANSICKLE, JAMES PAUL VANSICKLE, J.P. WOOLLEY SURVEYING LTD. and MARGARET COOK, GLOBAL RESOLUTIONS INC., FINDLAY McCARTHY LLP, as well as the present and former officers, directors, partners, employees, servants, agents, contractors, estates, heirs and assigns of each, as the case may be (the "Releasees"), from any and all actions or causes of actions, claims or demands whatsoever for damages (including punitive, aggravated and exemplary damages) or other relief of whatever kind and nature on account of any known or unknown injuries, losses or damages, sustained as a consequence of, or in any way relating to or arising out of the incidents more particularly described in the Statement of Claim issued in the Ontario Superior Court of Justice bearing Cayuga Court File No. 114/2006-CP (the "Class Action"), including, without limiting the generality of the foregoing, any and all matters that were pleaded or could have been pleaded in the Class Action, as well as all matters arising from the continued occupancy by the Releasor(s), or any one of them, of their properties and/or the continued operation by the Releasor(s), or any one of them, of their businesses following the execution of this Full and Final Release (the "Release"); and from any and all actions, causes of action, claims or demands whatsoever for damages (including punitive, aggravated and exemplary damages) or other relief of whatever kind and nature directly or indirectly arising from or relating to any application that the Releasor(s) has/have made or could have made for compensation or payment out of the settlement sum paid in settlement of the Class Action, or any dispute as between the Plaintiff classes or class members of each of the Plaintiff classes regarding the appropriate management and/or distribution of the settlement sum.

WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, the Releasor(s) declare that the intent of this Release is to conclude all issues arising from the matters set forth above and it is understood and agreed that this Release is intended to cover and does cover, not only all known injuries, losses or damages, but also injuries, losses and damages not now known or anticipated but which may later develop or be discovered, including all the effects and consequences thereof.

AND FOR THE SAID CONSIDERATION it is agreed and understood that the Releasor(s), or any of them, will not make any claim or take any proceedings against any other person or corporation who or which might claim, in any matter or forum, contribution or indemnity in common law or in equity, or under the provisions of any statute or

regulation, including the Negligence Act and the amendments thereto and/or under any successor legislation thereto, and/or under the Rules of Civil Procedure, from the Releasees, in connection with the matters outlined above.

IT IS AGREED AND UNDERSTOOD that if the Releasor(s) commence such an action, or take such proceedings and the Releasees are added to such proceeding in any manner whatsoever, whether justified in law or not, the Releasor(s) will immediately discontinue the proceedings and/or claims, and the Releasor(s) will be jointly and severally liable to the Releasees for the legal costs incurred in any such proceeding and/or claims, on a full indemnity basis. This Release shall operate conclusively as an estoppel in the event of any claim, action, complaint or proceeding which might be brought in the future by the Releasor(s) with respect to the matters covered by this Release. This Release may be pleaded in the event of any such claim, action, complaint or proceeding, as a complete defence and reply, and may be relied upon in any proceeding to dismiss the claim, action, complaint or proceeding on a summary basis and no objection will be raised by the Releasor(s) in any such subsequent action that the other parties in the subsequent action were not privy to the formation of this Release.

IT IS FURTHER AGREED AND UNDERSTOOD that the Releasees do not by the payment of the consideration set out in this Release or otherwise admit any liability or obligation of any kind whatsoever to the Releasor(s) and such liability or obligation is specifically denied.

AND IT IS HEREBY DECLARED that the terms of this Release are fully understood, that the consideration stated herein is the sole consideration for this Release and that the said consideration is accepted voluntarily for the purpose of making full and final compromise in settlement of all claims and proceedings against the Releasees, now or hereafter brought, for damages, loss or injury resulting from the matters set forth above.

AND IT IS FURTHER UNDERSTOOD AND AGREED that the fact and terms of this Release will be held in confidence.

IN WITNESS WHEREOF the undersigned has/have executed this Release by his or her/their hand(s) and seal this
day of _____, 201 .

Witness

_____/s
Releasor

Witness

_____/s
Releasor

Business Application -- Simplified Proof of Loss

On behalf of the Applicant identified below and under penalty of law, I submit the following, which I solemnly declare to be true:

Applicant's NAICS Number (if applicable, otherwise indicate "n/a"): _____

Industry Sector, from attached chart: _____

Gross Profit Margin for Applicant's Industry Sector (see attached chart): _____

Base Sales (2005 sales on a calendar year basis – enter in Column A below): \$ _____

Calculation of Claim

Year	A. Base Sales	B. Sales	C. Loss of Sales (A-B) (if negative enter "nil")	D. Gross Profit Margin	E. Gross Claim (C x D)
1. 2006	\$ _____	\$ _____	\$ _____	_____ %	\$ _____
2. 2007	\$ _____	\$ _____	\$ _____	_____ %	\$ _____
3. 2008	\$ _____	\$ _____	\$ _____	_____ %	\$ _____
4. 2009	\$ _____	\$ _____	\$ _____	_____ %	\$ _____
5. Gross claim before Collateral Benefits (add of Column E, lines 1 + 2 + 3 + 4)					\$ _____
6. Collateral Benefits (Ontario Business Recovery Program) (if none, indicate nil)					\$ _____
7. Net claim after Collateral Benefits (line 5 – line 6) (if negative, indicate nil)					\$ _____

I further solemnly declare that the Applicant has not opted out of the Caledonia class action (Court File No. 114/2006-CP, issued out of the Superior Court of Justice in Cayuga) or signed a release in favour of the defendants in that action.

I further solemnly declare that the total payments received by the Applicant from the Business Recovery Program funded by the Government of Ontario are fully disclosed above.

I further solemnly declare that the Applicant is a subsisting sole proprietorship, partnership, corporation or organization, duly constituted under the laws of the Province of Ontario and the federal laws of Canada.

DECLARED before me at Caledonia, Ontario,

this..... day of 201...

Signature

.....
Commissioner for Oaths or Affidavits

Name: _____

Title: _____

I have authority to bind the Applicant:

Name of Applicant

Chart of Industry Sectors

Industry	NAICS	Gross	
		COS	Profit
		%	%
Retail Trade	44-45	66.8%	33.2%
Motor vehicle and parts dealers	441	74.6%	25.4%
Automotive Parts, Accessories and Tire Stores	4413	64.3%	35.7%
Furniture and Home Furnishing Stores	442	60.0%	40.0%
Electronics and Appliance Stores	443	62.8%	37.2%
Building Material and Garden Equipment and Supplies	444	64.6%	35.4%
Food and Beverage Stores	445	73.8%	26.2%
Grocery Stores	4451	77.0%	23.0%
Health and Personal Care Stores	446	61.2%	38.8%
Gasoline Stations	447	80.0%	20.0%
Clothing and Clothing Accessories Stores	448	55.7%	44.3%
Sporting Goods, Hobby, Book and Music Stores	451	60.8%	39.2%
General Merchandise Stores	452	67.3%	32.7%
Miscellaneous Store Retailers	453	56.3%	43.7%
Non-Store Retailers	454	51.4%	48.6%
Wholesale Trade	41	62.6%	37.4%
Farm Products	411	55.9%	44.1%
Petroleum Products	412	64.1%	35.9%
Food, Beverage and Tobacco	413	70.8%	29.2%
Personal and Household Goods	414	60.9%	39.1%
Motor Vehicles and Parts	415	67.5%	32.5%
Building Materials and Supplies	416	64.5%	35.5%
Machinery, Equipment and Supplies	417	62.2%	37.8%
Miscellaneous wholesale	418	62.6%	37.4%
Manufacturing	31-33	60.1%	39.9%
Food	311	59.9%	40.1%
Beverage and Tobacco	312	47.2%	52.8%
Textile Mills	313	65.4%	34.6%
Clothing	315	60.0%	40.0%
Wood Products	321	64.5%	35.5%
Paper	322	66.0%	34.0%
Petroleum and Coal	324	55.6%	44.4%
Plastics and Rubber	326	65.3%	34.7%
Primary Metal	331	68.0%	32.0%
Fabricated Metal	332	60.9%	39.1%
Machinery	333	61.6%	38.4%
Computers and Electronics	334	53.1%	46.9%
Transportation Equipment	336	63.9%	36.1%
Furniture and Related Products	337	63.9%	36.1%
Professional, Scientific and Technical Services	54	16.1%	83.9%
Health Care and Social Assistance	62	7.1%	92.9%
Nursing and Residential Care Facilities	623	11.6%	88.4%
Transportation and warehousing	48-49	23.0%	77.0%
Rail Transportation	482	12.5%	87.5%
Truck Transportation	484	19.1%	80.9%
Transit and Ground Passenger Transportation	485	15.0%	85.0%
Couriers and Messengers	492	27.3%	72.7%
Warehousing and Storage	493	28.4%	71.6%
Accommodation and Food Services	72	41.5%	58.5%
Accommodation Services	721	24.1%	75.9%
Food services and Drinking places	722	45.0%	55.0%
Other Services (except Public Administration)	81	34.7%	65.3%
Repair and Maintenance	811	50.1%	49.9%
Personal and Laundry Services	812	27.1%	72.9%
Construction	23	54.8%	45.2%
Construction of Buildings	236	62.6%	37.4%
Heavy and Civil Engineering Construction	237	42.4%	57.6%
Agriculture, Forestry, Fishing and Hunting	11	10.6%	89.4%
Crop Production	111	7.0%	93.0%
Animal Production	112	4.0%	96.0%
Fishing, Hunting and Trapping	114	9.8%	90.2%
Support Activities for Agriculture and Forestry	115	28.1%	71.9%
Management of Companies and Enterprises	55	9.6%	90.4%

Business Application -- General Proof of Loss

On behalf of the Applicant identified below and under penalty of law, I submit the following, which I solemnly declare to be true:

I further solemnly declare that the Applicant has not opted out of the Caledonia class action (Court File No. 114/2006-CP, issued out of the Superior Court of Justice in Cayuga) or signed a release in favour of the defendants in that action.

I further solemnly declare that the total payments received by the Applicant from the Business Recovery Program funded by the Government of Ontario are fully disclosed above.

I further solemnly declare that the Applicant is a subsisting sole proprietorship, partnership, corporation or organization, duly constituted under the laws of the Province of Ontario and the federal laws of Canada.

DECLARED before me at Caledonia, Ontario,

this..... day of 201...

Signature

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Commissioner for Oaths or Affidavits

Name: _____

Title: _____

I have authority to bind the Applicant:

Name of Applicant