

NOTICE OF PROPOSED SETTLEMENT OF THE CLASS ACTION IN THE MATTER OF ALBERT STIEBER AND JOSEPH ÉLIE LTÉE, SUPERIOR COURT, PROVINCE OF QUEBEC, DISTRICT OF MONTREAL, FILE NUMBER 500-06-000426-086

This notice may affect your rights. Please read carefully.

TO: All natural persons and all legal persons with no more than 50 persons bound to them by contract of employment, who purchased heating oil from Joseph Élie Ltée (the "Respondent") during the period from March 28, 2004 to March 28, 2007 (the "Class").

THE PURPOSE OF THIS NOTICE

On January 21, 2008, the Petitioner instituted a Motion for Authorization to Institute a Class Action and to Obtain the Status of Representative against the Respondent, in order to recover monies paid to the Respondent for heating oil that was diverted by two independent carriers who were delivering oil to clients of the Respondent, namely 3101-4384 Québec Inc. (Inkel) and 2434-6256 Québec Inc. (Tétrault) (the "Class Action").

The Parties entered into a Settlement Agreement (the "Agreement"), and the Court will be asked to approve the Agreement on behalf of all members of the Class who do not opt out of the Class Action (the "Approval Hearing"). This notice is given pursuant to Article 1025 of the *Code of Civil Procedure* ("C.C.P.").

THE APPROVAL HEARING

The Approval Hearing will be held on the 2nd day of April, 2009, at 1:30 p.m. at the Courthouse of Montreal located at 1 Notre-Dame East, Montreal, Quebec, H2Y 1B6. Class members do not need to attend the Approval Hearing or make representations during the Approval Hearing in order to be eligible to benefit from the Agreement if it is approved. Members of the Class who wish to make representations during the Approval Hearing are requested to first send a letter to Class Counsel on or before March 27, 2009, indicating their names, addresses, telephone numbers, and the nature of the representations that they wish to make.

THE PROPOSED SETTLEMENT

This notice is only a summary of the terms of the Agreement. A copy of the entire proposed Agreement is available at the web-site www.kugler-kandestin.com.

Based on the Respondent's records and based on tests performed by Measurement Canada on the trucks used by the independent carriers to make oil deliveries, a total of \$4,461,046.68 was paid by the Class, collectively, for heating oil that was not delivered due to the illegal diversion (the "Total Indemnity"), during the period identified by the Sûreté du Québec in the accusations brought against the two independent carriers (the "Period"). Pursuant to the Agreement, the Respondent will pay the full amount of the Total Indemnity to the Class. In addition, the Respondent will also pay an amount equivalent to 12.5% of the Total Indemnity (plus applicable taxes) on account of legal fees, costs and disbursements of Class Counsel.

During the Approval Hearing, the Court will be asked to approve both the Agreement and the payment by the Class of the balance of Class Counsel's fees, costs and disbursements, corresponding to 7.5% of the Total Indemnity, plus applicable taxes (the "Fee Balance"). If the Court approves the Agreement and the Fee Balance, members of the Class will receive approximately 92.5% of the amount that they paid the Respondent for heating oil that was not delivered during the Period, in the form of credits on invoices for future deliveries and/or in the form of cheques.

OPTING OUT

Class members who do not opt out of the Class Action within thirty (30) days of the Judgment approving the Agreement will automatically benefit from the terms of the Agreement, if it is approved by the Court.

Class members who do not wish to be bound by the terms of the Agreement must opt out of the Class Action by notifying the Clerk of the Superior Court of the District of Montreal, in accordance with article 1007 C.C.P., at 1 Notre-Dame East, Montreal, Quebec, H2Y 1B6, within thirty (30) days of the Judgment of the Court approving the Agreement.

ADDITIONAL INFORMATION

Any questions about the proposed Settlement should be directed to Class Counsel:

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INTERPRETATION

This notice is a summary of some of the terms and conditions of the Agreement. If there is a conflict between the provisions of this notice and the terms of the Agreement, the latter shall prevail.