

Subject: Documents & authority re: CPP/EI appeal, counsel selection, and conflicts

Hi Council and Miroslav,

Further to the CRA CPP/EI ruling (Dec 30, 2022) and the appeal filed March 14, 2023, please provide the following so owners have a clear record:

1) Authority to appeal

- The council or owners' resolution(s) (date, minutes, vote results) authorizing a CRA appeal "on behalf of the Owners."
- Any written instructions to management or counsel regarding the appeal's scope, objectives, and messaging.

2) Retainer & scope (all counsel)

- Retainer letters/engagement terms for:
 - a) McCarthy Tétrault (Cael Hibbert) regarding the CRA appeal; and
 - b) Dolden Wallace Folick (Tom Newnham) regarding the insurer-appointed defence.
- Who the client of record is in each retainer (Owners EPS3084, FSR, individual council members, or a combination).
- Who selected each firm and approved their engagement and budgets.

3) Conflicts & disclosures

- Any conflict checks, waivers, or disclosures addressing potential conflicts between FSR and the Owners.
- Confirmation that counsel were informed of the Aug 26, 2022 SGM outcome regarding employee classification, and how that direction was reflected in the advice and the appeal content.

4) Insurance coordination

- Copies of communications with Great American confirming what facts, documents, and owner directions (including the SGM) were disclosed to the insurer when coverage was sought and when counsel were appointed.

For reference: CRA ruled the relationship employment and insurable/pensionable; the appeal dossier submitted "on behalf of the Owners" was compiled through FSR with counsel in the loop; Great American's Oct 3, 2022 letter shows insurer-appointed defence counsel and coverage limits (defence only; wages excluded).

Please share the above within 10 days, or let me know a reasonable date if more time is needed.

Thanks,
Scott Gilbert