

LAKE MANITOBA FLOOD CLAIM BUSINESS CLASS

CLIENT INFORMATION FORM

DWEST LLP

WINNIPEG - CALGARY - AIRDRIE

**300-305 Broadway
Winnipeg, MB R3B 0X7
Phone: (204) 421-8655
Fax: (204) 421-8566**

Flood of Lake Manitoba May, 2011

In the spring of 2011 the Government of Manitoba's (the "Government") operation of the Shellmouth Dam, the Portage Diversion and other water control structures caused an excessive volume of water to be diverted from the Assiniboine River into Lake Manitoba.

In May, 2011 and subsequently, as a result of the excessive volume of water diverted in Lake Manitoba, there was extensive flooding at Twin Lakes Beach, Laurentia Beach, Sandpiper Beach, as well as other locations on the lake including, but not limited to, Delta Beach and St. Ambroise. Mandatory evacuations were ordered and many cottages, homes, businesses and farms were either damaged or destroyed as a result of the high waters.

Government Initiatives

In response to the flood the Government set up the Building and Recovery Action Plan, which was a commitment of \$175 million to help families and producers cope with the flood, strengthen communities affected by flooding and build for future flood mitigation.

Although the purpose of the program was to compensate residents, businesses and non-profit entities for the cost of uninsurable property damage and flood protection measures taken as a direct result of the elevated water levels in the Lake Manitoba Flood Zone, the compensation provided was and continues to be woefully inadequate for the losses sustained.

Claim Against the Government:

The 2011 flood was not a natural disaster. It was an operational decision of the Government to open the Portage Diversion in order to divert water away from the City of Winnipeg. Had the Portage Diversion not been used, the water level on Lake Manitoba would have not have been at an unnatural and dangerous level.

The Government's decision to divert the water came at the cost of homes, businesses and livelihoods of those people living and working in or around Lake Manitoba. In essence, the residents around Lake Manitoba were sacrificed by the Government for the City of Winnipeg and other areas. Despite the sacrifice, the residents around Lake Manitoba have not received adequate compensation for their losses and damages. The intent of a court action is to hold the Government accountable for its operational decision and to seek compensation for those individuals and businesses who have suffered losses, in particular economic losses.

Class Action Proceedings:

On March 15, 2013, Brian J. Meronek, Q.C. (formerly of D'Arcy & Deacon LLP) filed a Class Action lawsuit against the Government alleging, among other things, that the flooding of Lake Manitoba was a result of the negligent acts of the Government.

Class Actions are proceedings brought by representative plaintiffs on behalf of, or for the benefit of, classes of persons having claims with common issues. The fundamental purpose of a Class Action is to efficiently address cases of alleged mass wrong and to improve access to justice for those whose claims might not otherwise be pursued. In Manitoba class actions have been legislated in *The Class Proceedings Act*, C.C.S.M., c. C130.

Property and Business Class:

The criteria for eligibility to participate in the Class Action are as follows:

- a. The “**Property Class**” includes all individuals, corporations, partnerships or other legal entities that own property and/or have an interest in property situated at or around Lake Manitoba:
 - i. whose property, real or personal, was flooded in 2011; and
 - ii. who suffered damages, including loss of income, as a result of the flooding in 2011;

including the estates of any persons who have died since March 1, 2011 who meet the preceding criteria.

- b. The “**Business Class**” includes all individuals, corporations, partnerships or other legal entities situate, and carrying on business, within 30 kilometers of Lake Manitoba, whose business or farming property, real or personal, was flooded or who were restricted from or otherwise unable to carry on business, including but not limited to, farming or ranching, as a result of the flooding in 2011.

FOR INFORMATION PURPOSES ONLY

Personal Information

Full Name

_____ (First) _____ (Middle) _____ (Last)

Address

Home Phone Number _____ Work Phone Number _____

Cell Phone Number _____

Email address _____ Occupation _____

Date of Birth: _____ / _____ / _____
(Day) (Month) (Year)

Business Information (if applicable)

Name of Business: _____

Type of Business (circle one)

Corporation Partnership Sole Proprietorship Other: _____

Address of Business

Names of Partners / Directors of Business

_____ Phone: _____

_____ Phone: _____

_____ Phone: _____

Legal Description of Properties

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

Description of Business Operation

Please describe how your property was damaged (include relevant dates)

Damages caused by the construction of the dyke by the Province of Manitoba

Other causes of damage (flood / erosion etc...)

General Description of Losses & Damages

Description of crop damage

Total Estimated Loss: _____

Description of forage restoration

Total Estimated Loss: _____

Lands too wet to seed

Total Estimated Loss: _____

Business loss / damages:

Total Estimated Loss: _____

Description of equipment loss or damage

Total Estimated Loss: _____

Other damages

Total Estimated Loss: _____

Have you received any compensation from the Province of Manitoba to date?

If yes, please provide details

Have you signed a “Release” in favour of the Province of Manitoba?

If yes, please provide a copy of the release.

Have you received any insurance compensation?

If yes, please provide details

Questions:

If you have any questions or concerns, please do not hesitate to contact us at:

Phone: (204) 925-5355
Email: bmeronek@ddwestllp.com