

**CLASS ACTION AGAINST DONNYBROOK ENERGY INC., DONNYCREEK ENERGY INC., MALCOLM TODD, ROBERT TODD, MURRAY SCALF, DAVID PATTERSON, RANDY KWASNICIA, KEN STEPHENSON AND COLIN WATT**

**NOTICE OF CERTIFICATION**

**What is the Class Action about?**

A lawsuit has been certified as a class action against Donnybrook Energy Inc. (now known as Stonehaven Exploration Ltd.) (“**Donnybrook**”), Donnycreek Energy Inc. (now known as Kicking Horse Energy Inc.) (“**Donnycreek**”), Malcolm Todd, Robert Todd, Murray Scalf, David Patterson, Randy Kwasnicia, Ken Stephenson and Colin Watt (collectively, the “**Defendants**”).

The lawsuit relates to a plan of arrangement between Donnybrook and Donnycreek that was completed and approved by the Court of Queen’s Bench of Alberta on November 4, 2011 whereby various assets of Donnybrook were transferred to Donnycreek (the “**Arrangement**”). The claim alleges, amongst other things, that the information circular provided to the Donnybrook shareholders in relation to the Arrangement contained numerous material misrepresentations concerning the true value of the assets being transferred to Donnycreek. Further, the claim alleges that the directors and officers of Donnybrook made these material misrepresentations as part of a broader scheme to divest Donnybrook of its core assets at well below fair market price. The claim also alleges that the net result of this Arrangement was that the Defendants were able to significantly enhance their ownership in the assets that were transferred to Donnycreek to the detriment of the Donnybrook shareholders.

The lawsuit further relates to a Private Placement offering made by Donnycreek on November 4, 2011 (“**Private Placement**”). Under the Private Placement, shares in Donnycreek were issued at \$0.37 per share. The claim alleges that the Private Placement purchase price of \$0.37 per share was too low. The claim further alleges that the Private Placement had the effect of diluting the interest of the Donnybrook shareholders, other than the individual defendants, in the assets transferred from Donnybrook to Donnycreek.

Further details with respect to the allegations in the class action can be obtained by reviewing the statement of claim in the action. To obtain a copy of the statement of claim, please contact Class Counsel identified below.

**How do I know if I am a member of the Class?**

The Representative Plaintiff is Wayne Philpott. In this lawsuit, the Representative Plaintiff is seeking damages or the issue and transfer of new Donnycreek shares on his own behalf and on behalf of the other class members. The Class has been defined by the Court as follows:

All persons and entities, wherever they may reside or be domiciled, who held Donnybrook shares at the time of the Arrangement and received Donnycreek shares through the Arrangement, other than the Excluded Persons\*.

\* Excluded Persons means the Defendants, and the past and present subsidiaries, affiliates, officers, directors, senior employees, legal representatives, heirs, predecessors, successors and assigns of Donnybrook or Donnycreek, and any individual who is an immediate member of the family of an Individual Defendant, and any other persons who purchased Donnycreek shares in the Private Placement.

If you had shares in Donnybrook when the Arrangement with Donnycreek was completed it is likely that you are a member of the Class. If you are not sure whether you are a member of the Class, you should speak to Class Counsel, whose address is outlined below.

### **What if I do not want to participate in this Class Action?**

Class Members who wish to participate in the Class Action do not need to do anything at this time. They are automatically included in the Class Action. Any judgment on the common issues for the Class, whether reached by settlement or otherwise and whether favourable or not, will bind all Class Members who do not opt out of the proceeding.

Any Class Member who wishes to opt out of the Class Action must do so by sending a written opt out form, signed by the Class Member, stating that he or she opts out of the Class Action. The written opt out form can be obtained from Class Counsel, and must be sent by pre-paid mail, courier or by e-mail to Class Counsel at either of the following addresses:

Darren J. Reed  
Jensen Shawa Solomon Duguid Hawkes LLP  
#800, 304 – 8 Avenue SW  
Calgary, Alberta T2P 1C3  
Tel: (403) 571-1516  
[reedd@jssbarristers.ca](mailto:reedd@jssbarristers.ca)

Douglas Worndl  
Siskinds LLP  
100 Lombard Street, Suite 302  
Toronto, Ontario M5C 1M3  
Tel: (416) 594-4379  
[doug.worndl@siskinds.com](mailto:doug.worndl@siskinds.com)

The written opt out form must be received by Class Counsel no later than **May 5, 2015**.

No Class Member will be permitted to opt out of the Class Action after **May 5, 2015**. If you opt out of the Class Action, you will take full responsibility for initiating your own lawsuit against the Defendants and for taking all legal steps necessary to protect your claim, if you wish to proceed with a claim.

### **What are the costs to me?**

Class Members will not be personally liable to pay any legal fees or disbursements to Class Counsel or to the Defendants.

If the Class Action is successful in establishing that the Defendants are liable to pay money or to issue shares to the Class Members, the Court will then proceed to determine which Class Members may be entitled to the money or shares, and how such amounts should be distributed to those Class Members.

If the Class Action is successful, legal costs will be deducted from the amounts recovered, or the value of shares issued, for the Class Members. All legal costs must be approved by the Court.

The Representative Plaintiff has retained Class Counsel to represent him and the Class in this lawsuit. Class Counsel will only be paid legal fees if the lawsuit is successful. If the lawsuit is successful, Class Counsel will request that legal fees be set by the Court.

**How do I find out more about this Class Action?**

Questions about the matters in this Notice must not be directed to the Court. The Certification Order and other information with respect to the Class Action can be obtained at the following websites: [www.jssbarristers.ca/pages/class-actions/class-actions.cfm](http://www.jssbarristers.ca/pages/class-actions/class-actions.cfm) or [www.classaction.ca](http://www.classaction.ca).

In addition, questions for Class Counsel should be directed by mail, e-mail or telephone to:

Darren J. Reed  
Jensen Shawa Solomon Duguid Hawkes LLP  
#800, 304 – 8 Avenue SW  
Calgary, Alberta T2P 1C3  
Tel: (403) 571-1516  
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