

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) THURSDAY, THE 2nd DAY
)
JUSTICE JOAN LAX) OF OCTOBER, 2008

B E T W E E N

PAUL LAWRENCE, ANNE EAGLES and CHARLES SIMON, EVELYN SIMON and
ERICA PRUSSKY, in their capacity as Trustees of the Charles Trust

Plaintiffs

and

ATLAS COLD STORAGE HOLDINGS INC.,
PATRICK GOUVEIA, SUSAN ELIZABETH PETERS, as Executrix of the Estate of
ANDREW W. PETERS, deceased, RONALD PERRYMAN, JOSEPH WILEY,
ROBERT W. MARTIN, ALBRECHT W.A. BELLSTEDT, J. NICHOLAS ROSS,
MICHAEL H. WILSON,
ERNST & YOUNG LLP and BMO NESBITT BURNS INC.

Defendants

Proceeding Under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by the plaintiffs for an order pursuant to Section
13(1) of the Settlement Agreement was heard on October 2, 2008 at Toronto, Ontario.

ON READING the affidavits of:

- (a) Jay Strosberg sworn on August 6, 2008;
- (b) Naomi Strasser sworn on July 22, 2008;
- (c) Margaret Woltz sworn on July 22, 2008; and
- (d) Alnoor Nazarali sworn on October 1, 2008;

AND ON BEING ADVISED that the defendants consent to this motion,

1. THIS COURT ORDERS AND DECLARES that, for the purposes of this order, the definitions set out in the Judgment of Justice Lax dated the 9th day of July, 2008 apply to and are incorporated into this order.


2. THIS COURT DECLARES that the notice requirements in the Judgment of Justice Lax dated the 9th day of July, 2008 have been satisfied.

3. THIS COURT DECLARES that the Opt-Out Threshold has not been exceeded.

4. THIS COURT DECLARES that the Settlement Agreement is final and binding.

5. THE COURT ORDERS that the Action, except as provided for in the Judgment dated the 9th day of July, 2008, be and is hereby dismissed without costs and with prejudice.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:



JUSTICE

OCT 02 2008

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR:



**ONTARIO
SUPERIOR COURT OF JUSTICE**
PROCEEDINGS COMMENCED AT TORONTO

ORDER

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