

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MADAM JUSTICE
LAX

Wednesday, Jan 20

DAY OF JANUARY, 2010

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 approving the levy payable to the Class Proceedings Fund of the Law Foundation of Ontario, and an Order discharging the Claims Administrator was heard this day at the Courthouse at 130 Queen Street West, Toronto, Ontario.

ON READING the Affidavit of Alnoor Nazarali, and on being advised of the consent of the Law Foundation of Ontario and Deloitte & Touche LLP,

1. **THIS COURT DECLARES** that the levy owing to the Class Proceedings Fund of the Law Foundation of Ontario pursuant to section 10(3)(a) of Ontario Regulation 771/92 to the *Law Society Act*, be and is hereby fixed at the amount of \$12,139.75.
2. **THIS COURT DECLARES** that the levy owing to the Class Proceedings Fund of the Law Foundation of Ontario pursuant to section 10(3)(b) of Ontario Regulation 771/92 to the *Law Society Act*, be and is hereby fixed at the all-inclusive amount of \$3,259,031.04.
3. **THIS COURT ORDERS** that Class Counsel shall pay \$12,139.75 to the Class Proceedings Fund of the Law Foundation of Ontario in respect of the levy pursuant to section 10(3)(a) of Ontario Regulation 771/92 to the *Law Society Act*.
4. **THIS COURT ORDERS** that Deloitte & Touche LLP (the "Administrator") shall pay \$3,259,031.04 to the Class Proceedings Fund of the Law Foundation of Ontario in respect of the levy pursuant to section 10(3)(b) of Ontario Regulation 771/92 to the *Law Society Act*.
5. **THIS COURT ORDERS** that the Administrator shall disburse the remaining settlement funds, in the amount of \$29,331,282.64 to Class members, in accordance with the distribution reconciliation appended hereto as Schedule "A."
6. **THIS COURT ORDERS** that, upon remitting the balance of the Settlement Funds to members of the Class, the Administrator shall be discharged from its duties as Administrator of the within Settlement.



SCHEDULE "A"

Distribution Reconciliation

Total Claims Received by Class Members:	3,969
Total Eligible Claims by Class Members:	3,333
Eligible Shares Claimed by Class Members:	11,064,234
Net Settlement Proceeds available for Distribution:	\$29,331,282.64
Pro-rata payment of Calculation based on Distribution Plan:	0.646788287
Per Share calculation based on Distribution Plan:	\$4.10

PAUL LAWRENCE et al.
Plaintiff

and
ATLAS COLD STORAGE HOLDINGS
INC et al
Defendant

Court File No: 04-CV263289CP

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SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

ORDER

Koskie Minsky LLP
20 Queen Street West, Suite 900, Box 52
Toronto, Ontario
M5H 3R3

Kirk M. Baert LSUC#: 309420
Tel: 416-595-2117
Fax: 416-204-2889

Jonathan Ptak LSUC#: 45773F
Telephone: 416-595-2149
Facsimile: 416-204-2903

Lawyers for the Plaintiffs