

Court File No. CV-12-44865100CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

JUSTICE PERELL

BETWEEN:

MON DAY, THE 9<sup>th</sup>  
DAY OF ~~SEPTEMBER~~ 2013

**E. EDDY BAYENS, JOHN SINCLAIR, LUC FORTIN, PIERRE RACICOT and  
STANLEY SHORTT, in their capacity as TRUSTEES OF THE MUSICIANS' PENSION  
FUND OF CANADA**

Plaintiffs

- and -

**KINROSS GOLD CORPORATION, TYE W. BURT, PAUL H. BARRY,  
GLEN J. MASTERMAN and KENNETH G. THOMAS**

Defendants

Proceedings under the *Class Proceedings Act, 1992*

**ORDER**

**THIS MOTION**, made by the plaintiffs, for carriage of a class proceeding in respect of Kinross Gold Corporation and a declaration that no other actions may be commenced in Ontario without leave of the court in respect of Kinross Gold Corporation's Tasiast and Chirano mines in West Africa, was heard this day, at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

**WHEREAS** Earl Downey commenced a class proceeding in Ontario titled *Downey et al. v. Kinross Gold Corporation et al.* (Court File No. 53593/12);

**WHEREAS** the *Downey v. Kinross* action has been discontinued pursuant to an agreement to resolve carriage of the class proceeding in respect of the subject matter of this action;

**WHEREAS** Earl Downey consents to this order,

**AND ON HEARING** the submissions of counsel for the plaintiffs in this action,

1. **THIS COURT ORDERS** that the plaintiffs' motion be and hereby is granted, without costs.

~~2. **THIS COURT ORDERS** that Koskie Minsky LLP be and hereby is appointed as class <sup>VPMP</sup> counsel in this action.~~

3. **THIS COURT DECLARES** that no other actions may be commenced in Ontario in respect of the subject matter of this action without leave of this court.

*Perell J.*

PERELL J.

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

SEP 10 2013

PER / PAR: *g*

**E. Eddy Bayens et al. in their capacity as Trustees of the Musicians'  
Pension Fund of Canada v. Kinross Gold Corporation et al.**

Court File No. CV-12-44865100CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**  
Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

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Lawyers for the plaintiffs

THE HONOURABLE  
MR. JUSTICE PAUL PERELL  
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L'HONORABLE  
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September 10, 2013

**PICKED UP**

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

Dear Ms. Poltak:

**RE: *Trustees of the Musicians' Pension Fund of Canada v. Kinross Gold Corp.***  
**Court File No. CV-12-448651-00CP**

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Further to your letter of August 29, 2013, I have signed the enclosed consent order as amended. Koskie Minsky cannot be appointed class counsel without a certification order.

Yours truly,

A handwritten signature in cursive script that reads "Paul Perell".

The Honourable Mr. Justice Paul M. Perell

PMP/er