

Court File No. CV-12-44865100CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

JUSTICE PERELL

BETWEEN:

MON DAY, THE 9th
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 ^{VPMP} 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

KOSKIE MINSKY LLP
20 Queen Street West, Suite 900, Box 52
Toronto, ON M5H 3R3

Kirk M. Baert (LSUC#: 309420)
Tel: 416.595.2117
Fax: 416.204.2889

Celeste Poltak (LSUC#: 46207A)
Tel: 416.595.2701
Fax: 416.204.2909

Jonathan Bida (LSUC #: 54211D)
Tel: 416.595. 2072
Fax: 416.204.2907

Lawyers for the plaintiffs

THE HONOURABLE
MR. JUSTICE PAUL PERELL
SUPERIOR COURT OF JUSTICE

COURT HOUSE
361 UNIVERSITY AVENUE
TORONTO, ONTARIO M5G 1T3
Tel. (416) 327-5284
Fax (416) 327-5417



L'HONORABLE
JUGE PAUL PERELL
COUR SUPÉRIEURE DE JUSTICE

PALAIS DE JUSTICE
361, AVENUE UNIVERSITY
TORONTO (ONTARIO) M5G 1T3
Tél: (416) 327-5284
Télééc: (416) 327-5417

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

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