

SANSOM et al v. SHAW CANADA L.P. et al
Court File No. CV-12-9949-00CL

UNOFFICIAL TYPED ENDORSEMENT

Endorsement of Justice Morawetz dated October 9, 2013

- A. Hatnay, J. Bida and J. Harnum for Plaintiffs
- D. Bish for Duff & Phelps, Trustee
- G. Scott for TSGI, Defendants

All parties were in support of the Motion. Counsel to the Plaintiffs filed a comprehensive factum which included a detailed summary of facts which gave rise to the dispute as well as the negotiations that took place that resulted in the proposed settlement.

The amount of the Settlement for class members reflects a recovery of approximately 70% of the class members' claims, which Plaintiffs' counsel references as "an excellent result particularly since Shaw Canada is bankrupt, there are limited assets in the estate, and the thrust of the Plaintiffs' claim against TSGI were based on the common employer doctrine."

The issues and the law are set out at 41-82 of the factum. The legal submissions are persuasive.

Having reviewed the record and I am satisfied that:

- (i) leave to amend the statement of claim to convert the action to a proceeding under the *Class Proceedings Act*, 1992 ("CPA") should be granted;
- (ii) the action should be certified as a class proceeding;
- (iii) the Settlement, as described in the factum should be approved;
- (iv) the Distribution Protocol should be approved;
- (v) the fees of Plaintiffs' counsel should be approved.

In making this determination I have taken into account that:

- (i) the action meets the criteria for certification as a class proceeding;
- (ii) the Settlement is, in my view, fair, reasonable and in the best interests of the class members;
- (iii) in my view, the Distribution Protocol is fair, reasonable and in the best interests of the class members; and
- (iv) the fees of Plaintiffs' counsel are reasonable in the circumstances and should be approved.

The motion is granted and the Order has been signed in the form presented.

"G. Morawetz, J."