

ONTARIO

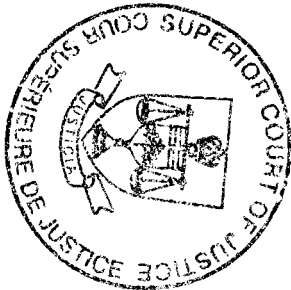
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MADAM) TUESDAY, THE 25TH
JUSTICE CONWAY) DAY OF FEBRUARY, 2014
BETWEEN:

**MARILYN DOLMAGE AS LITIGATION GUARDIAN OF MARIE SLARK and JIM
DOLMAGE AS LITIGATION GUARDIAN OF PATRICIA SETH**

Plaintiffs

- and -



HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendant

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by Class Counsel for an order approving the legal fees payable to Koskie Minsky LLP, Class Counsel, with respect to these proceedings, was heard on Tuesday, February 25, 2014 at 330 University Avenue, Toronto, Ontario.

WHEREAS the settlement agreement in this action was executed on September 17, 2013 and was approved by order of this court dated December 3, 2013 (the "Settlement");

WHEREAS the motion to approve the legal fees recoverable with respect to this proceeding was heard concurrently with the motions to approve the legal fees recoverable with respect to the following proceedings:

- (a) *McKillop v. Ontario* (Court File No. CV-10-411191); and
- (b) *Bechard v. Ontario* (Court File No. CV-10-417343-00CP);

WHEREAS the settlement fund established pursuant to the Settlement in this action is \$35,000,000 (the "Settlement Fund").

AND UPON HEARING the submissions of counsel for the Plaintiffs and Defendant, and upon reading the materials filed, the motion record of the Plaintiffs and the factum of Class Counsel,

1. **THIS COURT ORDERS** that the fee payable to Koskie Minsky LLP by the Defendant out of the Settlement Fund is hereby set at \$7,238,000.00 in respect of legal fees, plus \$879,617.13 in respect of GST and HST, calculated as follows:

(a)	legal fees to June 30, 2010:	\$766,535.93;
(b)	GST on subparagraph (a) above at the applicable rate:	\$38,326.80;
(c)	legal fees from July 1, 2010:	\$6,471,464.07; and
(d)	HST on subparagraph (c) above at 13%:	\$841,290.33;
	<u>TOTAL:</u>	<u>\$8,117,617.13</u>

2. **THIS COURT ORDERS** that the total amount payable by the Defendant out of the Settlement Fund in respect of disbursements, in addition to the fees payable in paragraph 1, above, is hereby set at \$872,554.63 (inclusive of all applicable taxes), to be distributed as follows:

(a)	disbursements payable to Koskie Minsky LLP:	\$421,327.46; and
(b)	disbursements payable to the Law Foundation of Ontario:	\$451,227.17
	<u>TOTAL:</u>	<u>\$872,554.63</u>

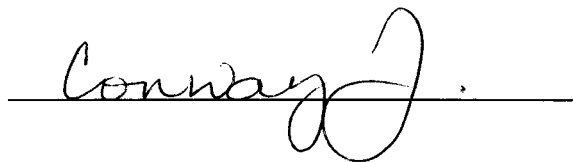
3. **THIS COURT ORDERS** that the levy payable to the Law Foundation of Ontario pursuant to Regulation 771/92 of the *Law Society Act* by the Defendant out of the Settlement shall be fixed at \$2,558,850.08, calculated as follows:

(a)	total Settlement Fund:	\$35,000,000.00;
-----	------------------------	------------------

- | | | |
|-----|---|-----------------|
| (b) | less amounts payable to Koskie Minsky LLP on account of fees, disbursements and taxes (as set out above): | \$8,538,944.59; |
| (c) | less disbursements payable to the Law Foundation of Ontario (as set out above): | \$451,227.17; |
| (d) | 10% levy on remaining Settlement Fund: | \$2,558,850.08; |

4. **THIS COURT ORDERS** that the Defendant shall pay the amounts set out in paragraphs 1, 2, and 3 within 5 days of the Court Approval Date as defined in the order approving the Settlement in this action.

5. **THIS COURT ORDERS** that Class Counsel shall hold \$517,000 of the amounts set out in paragraph 1 above in Koskie Minsky LLP's trust account until the claims process pursuant to the Settlement is completed and court approval has been obtained for payment of such holdback amount.



CONWAY J.

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

FEB 28 2014

PER / PAR: 

DOLMAGE ET AL.
Plaintiffs

and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
Defendant

Court File No: CV-09-376927CP00

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act, 1992*

ORDER

KOSKIE MINSKY LLP
900-20 Queen Street West
Toronto, ON M5H 3R3

Kirk M. Baert

Tel: (416) 595-2117/Fax: (416) 204-2889

Celeste Poltak

Tel: (416) 595-2701/Fax: (416) 204-2909

David Rosenfeld

Tel: (416) 595-2700/Fax: (416) 204-2894

Jody Brown

Tel: (416) 595-2709/Fax: (416) 204-2815

Garth Myers

Tel: (416) 595-2102/Fax: (416) 204-4924

Lawyers for the Plaintiffs