

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE
MR. JUSTICE WINKLER

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THURSDAY, THE 24TH
DAY OF OCTOBER, 2002

BETWEEN:

**KEITH R. ORMROD on his own behalf and on behalf of all
retired former employees of The Hydro-Electric Commission
of the City of Etobicoke receiving coverage under the Etobicoke
Hydro Retiree Health and Dental Plans as of June 13, 1996**

Plaintiff

- and -

TORONTO HYDRO-ELECTRIC SYSTEMS LIMITED

Defendant

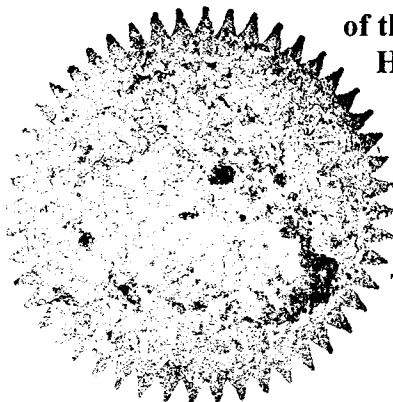
Proceeding under the *Class Proceedings Act, 1992*

JUDGMENT

THIS MOTION, made by the plaintiff, pursuant to sections 29, 32 and 33 of the *Class Proceedings Act, 1992*, for an order approving the settlement of this class proceeding and an order approving counsel's class fees and disbursements, was heard this day at the Court House, 361 University Avenue, Toronto, Ontario.

ON HEARING the submissions of counsel for the parties, and upon the consent of counsel for both parties, and on reading the affidavit of Keith Ormrod sworn October 18, 2002, and the affidavit of Mark Zigler affirmed October 22, 2002, and the Minutes of Settlement, Certificate, Release and Undertaking,

AND ON BEING ADVISED that the parties agreed to this settlement,



AND WITHOUT any admission of liability on part of the defendant,

1. **THIS COURT ORDERS** that Toronto Hydro-Electric Systems Limited be substituted as the defendant herein and that Ken R. Hunt, Maurice G. Monteith and Velma E. Whitehead be and hereby are removed as plaintiffs and that the title of proceedings be so amended *nunc pro tunc*.

2. **THIS COURT ORDERS AND ADJUDGES** that the settlement of this action particularized in the Affidavit of Keith Ormrod sworn October 18, 2002, the Affidavit of Mark Zigler affirmed October 22, 2002, and in the Minutes of Settlement, Certificate, Release and Undertaking, is fair, reasonable, adequate and in the best interests of the class.

3. **THIS COURT ORDERS AND DECLARES** that the Minutes of Settlement, Certificate, Release and Undertaking, which are incorporated by reference into this Judgment be and hereby are approved.

4. **THIS COURT ORDERS AND ADJUDGES** that the retainer agreement between Keith Ormrod and Koskie Minsky dated February 9, 2002 be and hereby is approved and that the fees, disbursements and G.S.T. owing to Koskie Minsky under said agreement be paid in accordance with the Minutes of Settlement.

5. **THIS COURT ORDERS AND ADJUDGES** that this action be dismissed without costs and orders that such dismissal shall be a defence to any subsequent action in respect of the subject matter hereof.

TO THE COURT OF JUDGES AT TORONTO
BOOKED:
LE DÉPOSÉ LE REGISTRE NO. 1
OCT 29 2002
AS DOCUMENT NO. 1
À TITRE DE DOCUMENT NO. 1
PER PAR: [Signature]

[Handwritten Signature]

KEITH ORMROD

Plaintiff

and

TORONTO HYDRO-ELECTRIC SYSTEMS LIMITED

Defendant

Court File No. 97-CV-123455

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

Proceeding under the Class Proceedings Act, 1992

JUDGMENT

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