

ONTARIO

SUPERIOR COURT OF JUSTICE

THE HONOURABLE) THE 21ST DAY OF
JUSTICE BELOBABA) JULY, 2016

B E T W E E N:

YEGAL ROSEN

Plaintiff

- and -

BMO NESBITT BURNS INC.

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 and Mr. Eliezer Karp ("Class Counsel"), the levy payable to the Law Foundation of Ontario, the honorarium payable to the representative Plaintiff, reimbursement of disbursements incurred by Class Counsel, was heard on Thursday, July 21, 2016, at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

WHEREAS the Settlement Agreement in this action, dated as of April 22, 2016 (the "Settlement Agreement"), was approved by judgment of this Court dated July 21, 2016 (the "Settlement");

WHEREAS the settlement fund established pursuant to the Settlement in this action is \$12,000,000 (the "Settlement Fund").

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

1. **THIS COURT ORDERS** that the fee payable to Class Counsel out of the Settlement Fund is hereby set at **\$2,736,138** in respect of legal fees, plus **\$355,697** in respect taxes.

2. **THIS COURT ORDERS** that the total amount payable out of the Settlement Fund in respect of disbursements is hereby set at **\$134,696.15** (inclusive of all applicable taxes), to be distributed as follows:

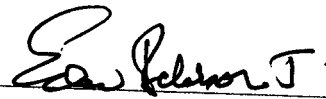
- (a) disbursements repayable to Koskie Minsky LLP: \$11,630.80; and
- (b) disbursements repayable to the Law Foundation of Ontario: \$123,065.35.

TOTAL: **\$134,696.15**

3. **THIS COURT ORDERS** that the total amount to be paid out of the Settlement Fund in respect of the Honorarium for Mr. Rosen is **\$10,000**.

4. **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 **\$876,346.77**, calculated as follows:

Gross Settlement	\$12,000,000.00
Fees (25%) minus Fee Credit for Costs	\$2,736,138.20
Taxes on Fee	\$355,697.97
Disbursements	\$134,696.15
Honorarium	\$10,000.00
Pre-Levy Net	\$8,763,467.68
CPC Levy (10%)	\$876,346.77




BELOBABA J.

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JUL 21 2016

PER / PAR



YEGAL ROSEN
Plaintiff

BMO NESBITT BURNS INC.
and
Defendants

Court File No: CV-10-39668500CP

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act, 1992*

ORDER
(FEE APPROVAL)

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