

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR. JUSTICE
WARREN K. WINKLER

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FRIDAY, THE 15TH DAY
OF DECEMBER, 2006

B E T W E E N:

**MARLENE C. CLOUD, GERALDINE ROBERTSON, RON DELEARY,
LEO NICHOLAS, GORDON HOPKINS, WARREN DOXTATOR, ROBERTA HILL,
J. FRANK HILL, SYLVIA DELEARY, WILLIAM R. SANDS,
ROSEMARY DELEARY and SABRINA YOLANDA WHITEYE**

Plaintiffs

- and -

**THE ATTORNEY GENERAL OF CANADA, THE GENERAL SYNOD OF THE
ANGLICAN CHURCH OF CANADA, THE INCORPORATED SYNOD OF THE
DIOCESE OF HURON and THE NEW ENGLAND COMPANY**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

O R D E R

THIS MOTION, made by the plaintiffs, for an order approving the legal fees recoverable with respect to this action, was heard on August 29, 30 and 31, 2006, at the Court House, 361 University Avenue, Toronto, Ontario, judgment having been reserved until this day.

ON READING the motion record of the plaintiffs, the Settlement Agreement dated May 10, 2006 (the "Agreement"), the affidavit of Darcy Merkur, the affidavit of Paul Vogel and the facts of the parties, and upon hearing the submissions of counsel, and for written reasons delivered this day.

1. **THIS COURT ORDERS AND DECLARES** that the defendant, the Attorney General of Canada ("Canada") shall pay legal counsel in respect of their legal fees as set out in Section Thirteen of the Agreement, and that Section Thirteen of the Agreement be and hereby is

approved by this Court. Legal fees payable to plaintiffs' counsel in this matter are part of the legal fees payable to the National Consortium pursuant to Section 13 of the Agreement.

2. **THIS COURT ORDERS** that Canada pay all outstanding costs awards in this action that remained outstanding as of November 20, 2005 to counsel for the plaintiffs in this action and that Canada will not seek to recover any portion of any costs paid pursuant to section 13.09(1) of the Agreement from any of the other defendants named in this action.

3. **THIS COURT ORDER AND DECLARES** that Canada will pay the fees, disbursements and GST of the plaintiffs' counsel in this action as set out in Section Thirteen of the Agreement and that no other fees, disbursements and GST shall be recoverable from Canada.

4. **THIS COURT ORDERS** that the legal fees, disbursements and GST, payable under paragraph 2 above, shall be paid no later than sixty (60) days after the Implementation Date (as defined in Section One of the Agreement).

5. **THIS COURT ORDERS** that the payments referred to above represent fair and reasonable compensation to legal counsel in this action.

6. **THIS COURT ORDERS AND DECLARES** that counsel for the plaintiffs in this action have otherwise waived any contingency fee agreements they have with the class members with respect to receipt of the Common Experience Payment, in accordance with the provisions of the Agreement.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

ORDER

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