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- (c) providing directions as to the circumstances in which the Defendants should be required to consider Late Claims or claims supported by Late Supporting Documents or an order for directions as to what circumstances and/or factors should be considered when determining whether to permit the Late Claims and Late Supporting Documents for consideration for entitlement to Settlement Benefits under the Settlement Agreement;
- (d) providing directions as to the procedure for determining whether an individual Claimant is entitled to have his/her/its Late Claim or Late Supporting documents considered; and
- (e) such further and other relief as counsel may advise and this Honourable Court may permit,

was heard on November 22, 2010, at the Law Courts Building, 408 York Avenue, in Winnipeg, Manitoba.

ON READING the affidavit of Linda J. Visser sworn November 16, 2010, the affidavit of Ashrafali S. Manji sworn November 4, 2010, the affidavit of Konstantin Pavlovski sworn November 8, 2010, the affidavit of Jennifer-Lynne Rosevear sworn November 1, 2010, the affidavit of Krystyna T. Sokol sworn November 3, 2010, the affidavit of Karen Lappa sworn November 8, 2010, the affidavit of Thomas O'Neill sworn November 8, 2010, the affidavit of Luigi Giarolo sworn November 8, 2010, the affidavit of Donald J. Lozowchuk sworn November 2, 2010, the affidavit of Anna Mueller sworn November 11, 2010, the affidavit of Linda J. Williamson sworn November 12, 2010, the affidavit of David L. Matheson sworn November 8, 2010, the affidavit of Edward P. Daly sworn November 11, 2010, the affidavit of Frederick T. Carter sworn November 3, 2010, the affidavit of Laretta Kay Templeton sworn November 4, 2010, the affidavit of Neil G. Trodden sworn November 9, 2010, the affidavit of Marcin J. Kraszewski sworn October 29, 2010, the affidavit of Edden Murray sworn November 1, 2010, the affidavit of Jane Louise Lomax sworn November 12, 2010, the affidavit of Douglas J. Smith sworn November 2, 2010, the affidavit of John A. Batten sworn October 29, 2010, the affidavit of Susan Marie Ulla sworn November 8,

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2010, the affidavit of Patrizia Wilkinson sworn November 2, 2010, the affidavit of Vivienne E. Nicholls sworn November 11, 2010, the affidavit of Christopher Digby-Bell sworn November 3, 2010, the affidavit of Gary J. Cheeseman sworn November 2, 2010, the affidavit of Louis L. McConkey sworn November 9, 2010, the affidavit of David A. Jenkins sworn November 8, 2010, the affidavit of Jean A. Kammermayer sworn November 3, 2010, the affidavit of Mary T. Hornbrook sworn November 1, 2010, the affidavit of Feroz Ahmed sworn November 3, 2010, the affidavit of Sandra J. Shipley sworn October 29, 2000, the affidavit of Anna Maria Kochakji sworn November 8, 2010, the affidavit of Roger E. F. Barrett sworn November 1, 2010, the affidavit of Alexis A. Fast sworn November 1, 2010, the affidavit of Geoffrey A. Fast sworn November 10, 2010, the affidavit of Jonathan Wade sworn November 3, 2010, the affidavit of Claire A. Fast sworn November 3, 2010, the affidavit of Twila J. Scarborough sworn November 3, 2010, the affidavit of Maryanna Sinclair sworn October 29, 2010, the affidavit of Mehtab S. Bal sworn October 29, 2010, the affidavit of John E. Daniel sworn November 10, 2010, the affidavit of Gail S. Walters sworn November 8, 2010, the affidavit of Walter Peter Thomas sworn November 8, 2010, the affidavit of Joseph Sanon sworn November 11, 2010, the affidavit of Philomena Enright sworn November 3, 2010, the affidavit of Jarvey J. Jarden sworn November 5, 2010, the affidavit of Randall Blomgren sworn November 10, 2010, the affidavit of Neila Bergonia sworn November 12, 2010, the affidavit of Kelly Knudsen sworn November 4, 2010, the affidavit of Vernon J. Park sworn November 4, 2010, the affidavit of Scott Shedden sworn November 3, 2010, the affidavit of Robert A. Gawne sworn November 8, 2010, the affidavit of Suman Kumar sworn November 1, 2010, the affidavit of Bryan H. Kraft sworn November 8, 2010, the affidavit of Richard L. Webb sworn November 8, 2010, the affidavit of Raymond B. Jones sworn November 2, 2010, the affidavit of Claude H. Frost sworn October 31, 2010, the affidavit of Gregory Fast sworn November 5, 2010, the affidavit of Zenaida Faulds sworn November 1, 2010, the affidavit of Maurice E. Sokulski, the affidavit of Lillian Young, formerly Magee, sworn November 4, 2010, the affidavit of Janet E. Offin sworn November 4, 2010, the affidavit of Lenore Forrest sworn October 29, 2010, the affidavit of Cedric Edward Hughes sworn November 8, 2010, the affidavit of S. Joyce Mackenzie sworn November 2, 2010, the affidavit of Gail A. Parker sworn November 9, 2010, the

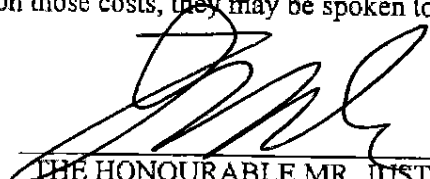
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affidavit of Laura L. Rekela sworn November 2, 2010, the affidavit of John P. Carney sworn November 1, 2010, the affidavit of Michelle Harrison sworn November 1, 2010, the affidavit of Devon Watson sworn November 8, 2010, the affidavit of Cynthia Spencer sworn November 4, 2010, the affidavit of Lorraine S. Barnaby sworn November 12, 2010, the affidavit of Cathy L. Routledge sworn November 4, 2010, the affidavit of Emil Ivancic sworn November 3, 2010, the affidavit of Fernande Armstrong sworn November 1, 2010, the affidavit of Roderick Phillip sworn November 4, 2010, the affidavit of Eamonn Dwyer sworn November 9, 2010, the affidavit of Richard A. Wainio sworn October 29, 2010, the affidavit of Gary D. Jarrett sworn November 8, 2010, the affidavit of Charles Rundle Gordon Lewis Scott Thompson sworn November 2, 2010, the affidavit of Ben J. Levert sworn October 29, 2010, the affidavit of Konstantina Galanis sworn November 5, 2010, the affidavit of Michael Demchak sworn November 2, 2010, the affidavit of Sharon Ann Begg sworn November 5, 2010, the affidavit of Donald A. Taylor sworn November 3, 2010, the affidavit of Paul C. Stocker sworn November 3, 2010, the affidavit of Dhirajlal Maniar sworn November 2, 2010, the affidavit of Ronald R. Powell sworn November 1, 2010, the affidavit of Bonifacio C. Guiang sworn November 2, 2010, the affidavit of Sy Trong sworn November 1, 2010, the affidavit of Ronald J. Loughran sworn November 6, 2010, the affidavit of Inna Okushko-Zelener sworn November 11, 2010, the affidavit of Maxim Okushko sworn November 11, 2010, the affidavit of Anna Maria Minarchi sworn November 2, 2010, the affidavit of Robert A. Slavonia sworn November 8, 2010, the affidavit of Carol Lee MacDonald sworn November 4, 2010, the affidavit of Melinda Jane Hewitt sworn November 1, 2010, the affidavit of Roy Douglas Elliott sworn November 8, 2010, the affidavit of Peter Gray sworn January 4, 2009, the factum of the plaintiff filed on the certification and settlement approval motion, heard January 12, 2009, the affidavit of Dimitri Lascaris sworn January 4, 2009, the letter from Michael Robb of Siskinds LLP to the Honourable Mr. Justice Abra dated August 27, 2010, the class action settlement claim form and the approval notice, and on hearing the submissions of counsel for the plaintiff and the defendants, judgment having been reserved until this day,

1. THIS COURT ORDERS that the motion is dismissed.

2. THIS COURT ORDERS that that if the defendants are seeking costs of this motion, and if the parties cannot agree on those costs, they may be spoken to.

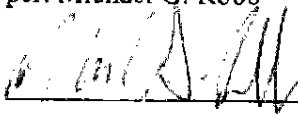
February 7, 2011

  
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THE HONOURABLE MR. JUSTICE ABRA

APPROVED AS TO FORM

SISKINDS LLP

per: Michael G. Robb

  
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Lawyers for the plaintiff