

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
 )  
MR. JUSTICE EDWARD BELOBABA ) MONDAY, THE 1ST  
 ) DAY OF NOVEMBER, 2021

B E T W E E N:

*(Court Seal)*

MARC-OLIVER BAROCH

Plaintiff

and

CANADA CARTAGE DIVERSIFIED GP INC., DIRECT GENERAL  
PARTNER CORPORATION and CANADA CARTAGE SYSTEM, LIMITED

Defendants

**ORDER  
(Fee Approval)**

THIS MOTION, made by the Plaintiff for an Order approving the fees and disbursements, including taxes, sought by Class Counsel was heard this day (via Zoom video-conference) at the court house, 393 University Avenue, 10th Floor, Toronto ON M5G 1E6.

ON READING the Motion Record of the Plaintiff, the Fee Approval Factum of Class Counsel, and on hearing the submissions of the lawyer(s) for the parties,

1. **THIS COURT ORDERS** that for the purposes of this Order, the definitions set out in the Settlement Agreement between the Plaintiff and the Defendants dated June 3, 2021 apply to and are incorporated into this Order.

2. **THIS COURT ORDERS** that, in accordance with section 32(2) of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6 (the “CPA”), Class Counsel fees are approved and fixed in the amount of \$6,675,000, being 30% of the Settlement Amount as agreed in the Amended Contingency Fee Retainer Agreement, plus 13% HST, and that the legal fees shall be paid to Class Counsel from the Trust Account on the Effective Date.

3. **THIS COURT ORDERS** that, in accordance with section 32(2) of the *CPA*, disbursements incurred by Class Counsel of \$218,668.67, inclusive of taxes and charges, are approved and shall be paid to Class Counsel from the Trust Account forthwith on the Effective Date.

4. **THIS COURT ORDERS** that, Augusta Pool 1 Canada Limited shall be paid \$3,945,000 from the Settlement Amount.

5. **THIS COURT ORDERS** that \$780,000 shall be set aside from the Settlement Amount for the purpose of Administration Expenses.

6. **THIS COURT ORDERS** that the representative plaintiff, Marc-Oliver Baroch, be paid an honorarium of \$10,000.

7. **THIS COURT ORDERS** that in the event of a conflict between this Order and the Settlement Agreement, this Order shall prevail.

**Signed:** *Justice Edward Belobaba*

Notwithstanding Rule 59.05, this Judgment [Order] is effective and binding from the date it is made and is enforceable without any need for entry and filing. Any party to this Judgment [Order] may submit a formal Judgment [Order] for original signing, entry and filing when the Court returns to regular operations.



MARC-OLIVER BAROCH  
Plaintiff

-and- CANADA CARTAGE DIVERSIFIED GP INC. et al.  
Defendants

Court File No. CV-13-492525-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

**ORDER**

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