



**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE PERELL

) WEDNESDAY, THE 6TH DAY
)
) OF JULY, 2016.

BETWEEN:

JAMES DURLING, JAN ANTHONY THOMAS, JOHN SANTORO,
GIUSEPPINA SANTORO, ANNA MANCO, FRANCESCO MANCO
and CESARE MANCO

Plaintiffs

-and-

SUNRISE PROPANE ENERGY GROUP INC., 1367229 ONTARIO INC.,
1186728 ONTARIO LIMITED, 1369630 ONTARIO INC., 1452049 ONTARIO INC.,
VALERY BELAHOV, SHAY (SEAN) BEN-MOSHE, LEONID BELAHOV, ARIE
BELAHOV, 2094528 ONTARIO INC., HGT HOLDINGS LTD., TESKEY CONSTRUCTION
CO. LTD. and TESKEY CONCRETE CO. LTD., THE TECHNICAL STANDARDS AND
SAFETY AUTHORITY, FELIPE DE LEON, ONTARIO HOSE SPECIALTIES LIMITED,
PERAFLEX HOSE INC., PERAFLEX HOSE INDUSTRIES INC., BLACKMER, operating as a
division of Dover Energy Inc., WELDEX COMPANY LIMITED, KEDDCO MFG. LTD.,
ROBERT PARSONS EQUIPMENT TRADING INC. and
PRO-PAR (1978) INC.

Defendants

Proceeding under the Class Proceedings Act, 1992

ORDER

THIS MOTION, made by the plaintiffs for the relief granted herein, was heard this day
by Justice Perell.

ON READING the affidavit of S. Alex Constantin, sworn June 28, 2016, filed,

AND ON HEARING the submissions of Class Counsel, and being advised that both the Office of the Children's Lawyer and the Office of the Public Guardian and Trustee took no position on this motion,

1. THIS COURT ORDERS that Exhibit "I" to the Affidavit of S. Alex Constantin, sworn June 28, 2016 contained in the Moving Parties' Motion Record (Authorizing Distribution of Funds in Trust) shall be and is hereby sealed.

2. THIS COURT ORDERS AND DECLARES that the amount for distribution to the Class Members (net OHIP) is \$7,908,868.21.

3. THIS COURT ORDERS AND DECLARES that the amount for distribution to the Subrogated Insurers and the City of Toronto Losses is \$7,959,193.21.

4. THIS COURT DECLARES that each Class Member, Subrogated Insurer and the City of Toronto, will be paid the amount set out in Schedule 1, ^{✓PMP} as adjusted as follows; that is:

a class member shall receive the sum of the amount awarded the class member plus the sum of \$2,238,657.49 divided by the amount awarded the class member; ✓PMP

5. THIS COURT DECLARES that each payment as particularized in Exhibit "I" to the Affidavit of S. Alex Constantin, sworn June 28, 2016, to a minor under the age of 18 years shall ^{as adjusted} be paid into Court until the person reaches the age of 18 years or any further order of the Court, _{by paragraph 4 of this Order shall ✓PMP}

with the exception of the six minors who will attain the age of 18 before December 31, 2016.

6. THIS COURT ORDERS AND DIRECTS Sutts, Strosberg LLP shall deliver to Marsh Risk Consulting Canada (“Marsh”) the amount of \$15,868,061.42 in trust for distribution in accordance with Schedule 1.

7. THIS COURT ORDERS that Marsh must mail, by pre-paid post, on or before July 28, 2016, to each Class Member (including to the minors, which funds will be paid in accordance with paragraph 5 of this Order), Subrogated Insurer and the City of Toronto a cheque, in accordance with Schedule 1, and a letter, generally, in accordance with Schedule 2 to this Order.

8. THIS COURT ORDERS that each cheque must be cashed within six months of the date of the cheque and the following words shall be printed on each cheque:

By Court order, this cheque must be cashed within 6 months of the date of this cheque. Thereafter, the award is forfeited.

9. THIS COURT ORDERS that after six months of the date of issuance of each cheque, Marsh will arrange a stop payment on each trust cheque which has not been negotiated and, thereafter, the amount of each cheque will be forfeited.

10. THIS COURT ORDERS that the balance of the forfeited funds in Marsh’s trust account shall be paid *cy près* to the City of Toronto, Office of Emergency Management after payment of any further disbursements incurred by Sutts, Strosberg LLP.

11. THIS COURT DECLARES that Sutts, Strosberg LLP has paid to the Arbitrator the sum of \$30,000.00 in full settlement of her account.

12. THIS COURT ORDERS that Sutts, Strosberg LLP will pay to the Arbitrator the sum of \$25,425.00, inclusive of taxes and disbursements in respect of the Arbitrator's surplus fee.

13. THIS COURT ORDERS that the Arbitrator is discharged from her obligation in this class action.

14. THIS COURT DECLARES that Sutts, Strosberg LLP has paid to the Administrator its fee of \$475,000.00, inclusive of taxes and disbursements.

15. THIS COURT ORDERS that Sutts, Strosberg LLP will pay to the Administrator the balance of its fees of \$50,198.94, inclusive of taxes and disbursements.

16. THIS COURT ORDERS that in addition to its fees and disbursements, Sutts, Strosberg LLP has earned interest income of \$89,467.04 on the monies in trust for this class action and Sutts, Strosberg LLP will report this interest income to the Canada Revenue Agency.

17. THIS COURT DECLARES that Sutts, Strosberg LLP has included the \$89,467.04 of interest income in the amount set out at paragraph 6 of this Order.

18. THIS COURT ORDERS that Class Counsel is entitled to receive the interest income of \$28,600.12 earned on its fees and disbursements.

19. THIS COURT ORDERS that the Class Members (net of OHIP) are entitled to receive the interest income of \$49,605.85.

20. THIS COURT ORDERS that the Subrogated Insurers and the City of Toronto are entitled to receive the interest income of \$49,693.12.

21. THIS COURT DECLARES that after the administration is completed, Sutts, Strosberg LLP shall deliver to the Court an affidavit reporting on the distribution and the payment of the *cy près* amount, if any.



JUSTICE PERELL

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ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

JUL 11 2016

PER / PAR:

A blue ink handwritten signature, appearing to be a stylized 'J' or similar character, written over the 'PER / PAR:' label.