

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LARRY PHILIP FONTAINE and others

Plaintiffs

AND:

THE ATTORNEY GENERAL OF CANADA and others

Brought under the Class Proceedings Act, R.S.B.C. 1996 c. 50

ORDER MADE AFTER APPLICATION

BEFORE))	FRIDAY, the 29 th DAY
HONOURABLE))	
MADAM JUSTICE .))	OF JUNE, 2018
BROWN			

THE APPLICATION of the Blott Transition Coordinator and Crawford Class Action Services in its capacity as Court Monitor (the “Monitor”) , coming on for hearing at New Westminster on June 29, 2018 and upon hearing L. Zivot counsel for the Transition Coordinator and the Monitor, C.A. Coughlan, counsel for The Attorney General of Canada, L. Fisher, counsel for the Chief Adjudicator, P. J Faulds Q.C., for the National Consortium, and P. Grant, counsel for the Independent Counsel.

THIS COURT ORDERS and DIRECTS that:

1. The Secretariat forthwith provide to the Transition Coordinator the list of legal counsel who have advised that they are willing to take on self-represented claimants as maintained by the Oversight Committee (the “Counsel List”) for the purpose of assigning some

or all of the 147 DNQ files (the “DNQ Files”) referred to in the Request for Direction dated June 5, 2018 (the “RFD”) on the terms and conditions set out in this order.

2. The Transition Coordinator will in his sole discretion assign the DNQ files to legal counsel on the Counsel List (the “DNQ Successor Counsel”).

3. The Transition Coordinator will be free to assign DNQ files to counsel not on the Counsel List that he deems appropriate on the terms and conditions set out in this order.

4. DNQ Successor Counsel will, as a condition of being assigned a DNQ file, enter into appropriate undertakings with respect to the care and control of any DNQ file.

5. Blott & Company shall forthwith transfer possession and the right to possession of the DNQ Files to the Transition Coordinator, for the purpose of any review and actioning by DNQ Successor Counsel and the Transition Coordinator will make such reasonable efforts as may be practicable to provide this material to DNQ Successor Counsel in a timely manner.

6. The Transition Coordinator will provide the Secretariat with the name of the legal counsel and such claimant identifying information as may be available with respect to each DNQ file or any other file assigned to DNQ Successor Counsel.

7. The costs incurred by the Transition Coordinator to retrieve and provide file information to DNQ Successor Counsel shall be borne by the Transition Fund established by the June 2012 Order.

8. The costs and disbursements associated with reviewing and actioning any DNQ file or any other file assigned pursuant to this Order shall be borne by the assigned DNQ Successor Counsel on the same basis as any other IAP claim and, for greater certainty, such costs and disbursements will not be paid out of the Transition Fund.

9. The deadline for submission of all materials to the Secretariat in support of admission of DNQ claims shall be September 14, 2018 (the “Submission Deadline”). The deadline for the Secretariat to make its decision on whether any DNQ claim falls within the IAP shall be October 1, 2018. Where a DNQ claim is denied admission to the IAP by the Secretariat (‘non-admitted’), the Claimant shall have until October 15, 2018 to request that the Chief

Adjudicator review the Secretariat's 'non-admit' decision. The Chief Adjudicator's review of the 'non-admit' decision shall be final pursuant to the IRSSA, Schedule D, p. 17.

10. Any DNQ Claim not submitted by the Submission Deadline or not admitted to the IAP, in accordance with the Secretariat's deadlines in paragraph 9 above, will be barred from the IAP.

11. DNQ Successor Counsel will, on or before the October 2, 2018, provide the Transition Coordinator with the status of any DNQ file, including specifically whether the DNQ claim (s) met the Submission Deadline.

12. The Transition Coordinator will report on the status of this DNQ transition to the Court through Court Counsel by Friday October 19, 2018.

13. Any appointed DNQ Successor Counsel shall undertake to return any DNQ file or any other file assigned under this Order that is not carried forward into the IAP to the Transition Coordinator and to return any other DNQ file following its final disposition;

14. DNQ Successor Counsel appointed by the Transition Coordinator for the purpose of DNQ claims review and actioning of any DNQ claim or any other file assigned under this Order will not be subject to certain provisions of the June 2012 Order and the order of this Honourable court made June 28, 2013 and entered July 3, 2013 and in particular:

(a) the Transition Levy will not apply to any fee generated from a DNQ file or any other file assigned under this Order, DNQ Successor Counsel being *prima facie* entitled to the 15% fee paid by Canada; and

(b) DNQ Successor Counsel will have no obligation to pay any fee to Blott & Company arising from the review and/or actioning of any DNQ file or any other file assigned under this Order.

15. With respect to the 12 Claims as described in the RFD [**"the 12 Claims"**], the Secretariat shall endeavour to locate lost claimants and/or identify estate administrators, by September 3, 2018, at which time such efforts shall cease. Where 'lost' claimants are located or estate administrators identified, on or before September 3, 2018, the relevant contact information

shall be forthwith provided to the Transition Coordinator for assignment of counsel from the Counsel List or such other counsel as the Transition Coordinator may appoint.

16. The Transition Coordinator will use all reasonable efforts as may be practicable to assign any of the files referred to in paragraph 15 to DNQ Successor Counsel.

17. In such instance, all terms applicable to DNQ file assignment and to DNQ Successor Counsel, as outlined in this Order, shall apply. Further, in all instances, the Submission Deadline and October 15, 2018 non-admit review deadlines, as outlined in paragraph 9 above, shall also apply to the 12 Claims, after which time such claims shall also be 'forever barred' from admission to the IAP.

18. Further, the 102 Claims as described in the RFD and all other claims of every nature and kind whatsoever not otherwise dealt with in the October 2016 Order or this Order shall be forever barred from admission to the IAP.

By the Court

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned to the left of the word 'Registrar'.

Registrar

APPROVED AND CONSENTED TO:

Louis J. Zivot
Counsel for the Transition Coordinator and
Crawford Class Action Services Inc.
in its capacity as Court Monitor

Catherine Coughlan
Counsel for The Attorney General of Canada

Leanne Fisher
Counsel for the Chief Adjudicator

Jon Faulds Q.C.
Counsel for the National Consortium

Peter Grant
Counsel for the Independent Counsel