

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR.)

MONDAY THE 27th DAY

JUSTICE PERELL)

OF SEPTEMBER 2010)

BETWEEN

ROBERT ZOPF

Plaintiff

- and -

WARREN BURGER, JOANNE CURRIE, BRUCE WALLIS
ROSS LINCOLN, GORDON TAYLOR, BOB ELLIOTT,
MORRIS WILLOWS, MARK HENRY, JIM DUFFY,
AURELIO (LEO) RENZELLA, PAUL COWIE and DON HOWIE

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION made by KPMG Inc., in its capacity as the Class Action Administrator (also referred to as the Administrator) (the "Administrator") of the FMFS Settlement Agreement dated May 19, 2010 (the "Settlement Agreement") and appointed as the Administrator pursuant to the Order of the Honourable Mr. Justice Perell dated June 14, 2010 (the "Certification Order"), for the relief sought in its Notice of Motion herein dated September 20, 2010, was heard this day at 393 University Avenue, Toronto, Ontario.

ON READING the First Report of the Administrator dated September 20, 2010 and the Appendices thereto (the "First Report") and on hearing the submissions of counsel for the

Administrator and the parties to the Settlement Agreement, no else appearing although served as evidenced by the Affidavit of Marika Bishop sworn September 20, 2010, filed;

Service

1. **THIS COURT ORDERS AND DECLARES** that the time for the service of the Notice of Motion, the Motion Record and the First Report be and it is hereby abridged to the date of actual service, this Motion is properly returnable today and service upon any other party other than those served with the Notice of Motion be and it is hereby dispensed with.

2. **THIS COURT ORDERS** that all capitalized terms used but not defined in this Order shall have the meanings ascribed thereto in the First Report and the Settlement Agreement.

General

3. **THIS COURT ORDERS** that the First Report and the activities and conduct of the Administrator described therein be and they are hereby approved.

Distribution of Compensation Pursuant to the Settlement Agreement

4. **THIS COURT ORDERS** that the list of Settling Claimants and the Administrator's recommended payment of Compensation, as set out in Appendix "E" to the First Report, is hereby approved and authorizes the Administrator to pay Compensation to the Settling Claimants in the amounts listed therein.

5. **THIS COURT ORDERS** that the Administrator shall be authorized to pay Compensation based on the full face amount of the \$100,000 debenture referenced in paragraph 14(b) of the Certification Order and owned jointly by Doug Wallace, Marlene Wallace and Robert Wallace.

6. **THIS COURT AUTHORIZES AND DIRECTS** that the Administrator shall pay into Court 120 days following the date of distribution, all funds related to un-cashed or unclaimed cheques for Compensation.

7. ~~THIS COURT HEREBY REQUESTS~~ the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to the Administrator and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such Orders and to provide such assistance to the Administrator as may be necessary or desirable to give effect to this Order or to assist the Administrator and its agents in carrying out the terms of this Order. *VAP*

Paul J.

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ROBERT ZOPF

and

Plaintiff

WARREN BURGER, JOANNE CURRIE, BRUCE WALLIS
ROSS LINCOLN, GORDON TAYLOR, BOB ELLIOTT,
MORRIS WILLOWS, MARK HENRY, JIM DUFFY,
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Court File No.: CV-08-366189-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceedings commenced at Toronto

ORDER

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Administrator of the FMFS Settlement Agreement dated May 19,
2010