

**SUPERIOR COURT
(Class action)**

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N° : 500-06-000352-068

DATE : OCTOBER 11, 2013

PRESIDED BY : THE HONOURABLE CHANTAL CORRIVEAU, J.C.S.

SEBASTIAN
Plaintiff

v.

THE ENGLISH MONTREAL SCHOOL BOARD (formerly known as the Protestant School Board of Greater Montreal)

-and-
RENWICK SPENCE
Defendants

-and-
FONDS D'AIDE AUX RECOURS COLLECTIFS
Mis en cause

JUDGMENT

[1] **CONSIDERING** the *Motion for Approval of a Settlement Agreement and of Class Counsel's Fees and Disbursements*;

[2] **CONSIDERING** article 1025 C.C.P.;

[3] **CONSIDERING** the representations of Class Counsel and counsel to the Defendant, The English Montreal School Board;

[4] **CONSIDERING** the interests of the class members;

[5] **CONSIDERING** that the Court is of the opinion that the Settlement Agreement is fair, reasonable and in the best interest of the class members;

[6] **FOR THESE REASONS, THE COURT:**

[7] **GRANTS** the *Motion for Approval of a Settlement Agreement and of Class Counsel's Fees and Disbursements* ("the Motion");

[8] **DECLARES** that the Agreement is reasonable, fair, appropriate, in the best interest of the class members and forms part of the judgment granting approval;

[9] **APPROVES** the Agreement concluded between the parties as a settlement of this class action;

[10] **DECLARES** that the Agreement constitutes a transaction within the meaning of article 2631 of the *Civil Code of Québec* binding all parties and all class members;

[11] **APPOINTS** the Honourable Justice Daniel H. Tingley, now retired, as Adjudicator of the Agreement;

[12] **DECLARES** that the Adjudicator, contrary to what is set forth in paragraph 7.9 of the Agreement, shall determine solely the points to be awarded to Claimants who file claims for the Additional Compensation amount, in conformity with the Compensation Grid (Exhibit B to the Agreement), and that Class Counsel shall then determine, in conformity with paragraph 8.5 of the Agreement and subject to further approval by the Court, the amount of the Additional Compensation to be distributed to each Claimant;

[13] **TAKES NOTE** of Class Counsel's intention to publish the notice, exhibit R-4 to the Motion, once in the Saturday edition of The Gazette;

[14] **TAKES NOTE** of Class Counsel's undertaking to use any and all appropriate means they deem fit in order to inform potential class members of this Court's approval order and of the Settlement Agreement;

[15] **ORDERS** that the expense related to the publication of the notice, R-4, shall be included in Class Counsel's disbursements and thus be paid for from the Settlement Fund;

[16] **DECLARES** that Class Counsel have the right to receive fees in the amount of 20% of the Settlement Fund, as calculated in paragraph 2.3 of the Agreement (less the holdback provided for by paragraphs 10.1 and 10.2 of the Agreement and Notice Costs), which fees shall be paid from Lauzon Bélanger Lespérance Inc.'s trust account concomitantly with the execution of the declaration of satisfaction of judgment provided for in paragraph 2.6 of the Agreement;

[17] **DECLARES** that Class Counsel have the right to the reimbursement of their disbursements in the amount of \$50,109.84 (including taxes), which shall be payable from Lauzon Bélanger Lespérance Inc.'s trust account concomitantly with the execution of the declaration of satisfaction of judgment provided for in paragraph 2.6 of the Agreement;

[18] **ORDERS** Class Counsel to reimburse the amount of \$26,400.00 to the *Fonds d'aide aux recours collectifs*;

[19] **RESERVES** the rights of the parties to bring all other motions necessary to implement the Agreement and regarding any additional expenses related to the implementation of the Agreement, namely the right of Class Counsel to obtain a percentage of the holdback, provided for in paragraphs 10.1 and 10.2 of the Agreement, upon distribution of these amounts;

[20] **THE WHOLE** without costs.



CHANTAL CORRIVEAU, J.C.S.

Mtre André Lespérance
Mtre Careen Hannouche
LAUZON BÉLANGER LESPÉRANCE
Class Counsel

Mtre Bruce W. Johnston
TRUDEL & JOHNSTON
Class Counsel

Mtre Enrico Forlini
FASKEN MARTINEAU
Counsel for Defendant The English Montreal School Board

Hearing date: October 4, 2013