



Court File No.: CV-25-742100-CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
JUSTICE GLUSTEIN )

THURSDAY, THE 21<sup>ST</sup>  
DAY OF MAY, 2026

B E T W E E N:

**WARWICK BROWN**

Plaintiff

- and -

**HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF ONTARIO**

Defendant

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**  
**(Fee Approval)**

**THIS MOTION**, made by Class Counsel, for an Order (1) approving the contingency fee retainer agreement entered into with the Representative Plaintiff; (2) approving Class Counsel's legal fees, disbursements, and applicable taxes ("**Class Counsel Fees**"); (3) approving payment of the Honorarium to the Representative Plaintiff; and, (4) approving payment of the Class Proceedings Fund's levy, was heard May 1, 2026 in person and by videoconference at the Ontario Superior Court of Justice, 330 University Avenue, Toronto, Ontario, M5G 1R7, with Reasons released May 21, 2026.

**ON READING** the materials filed by the Parties, including the settlement agreement between them, dated January 21, 2026 (the “**Settlement Agreement**”) and the affidavits of the various affiants.

**AND ON HEARING** the submissions of Class Counsel;

**AND ON BEING ADVISED** that the Plaintiff consents to this Order and the Defendant takes no position;

1. **THIS COURT ORDERS** that, in addition to the definitions used elsewhere in this Order, for the purposes of this Order, the definitions set out in the Settlement Agreement apply to, and are incorporated into, this Order;

2. **THIS COURT ORDERS AND DECLARES** that the contingency fee retainer agreement entered into with the Representative Plaintiff is fair and reasonable, and is hereby approved pursuant to section 32(2) of the *Class Proceedings Act, 1992*, SO 1992, c 6;

3. **THIS COURT ORDERS AND DECLARES** that the Initial Counsel Fees and Second Counsel Fees in this Action (collectively, "**Class Counsel Fees**") are fair and reasonable, and are to be deducted from the Settlement Fund and hereby approved as follows:

- (a) Initial Counsel Fees in the amount of \$17,376,833.38, inclusive of legal fees, taxes, and disbursements and calculated as \$15,354,910.06 (based on 28.5% of the Fixed Settlement Amount less costs already paid to Class Counsel), plus HST of \$1,996,138.31, plus disbursements of \$25,785.01, to be paid by the Defendant to Class Counsel within thirty (30) days of the Court Approval Date or within fourteen (14) days of the Court's approval of the initial Counsel Fees, whichever is later; and

- (b) Second Counsel Fees calculated as 28.5% of the sum total of the funds the Defendant must pay above the Fixed Settlement Amount, to be calculated in accordance with paragraph 7 of the Settlement Agreement following the expiry of the Second Opt-Out Deadline, plus HST, to be paid by the Defendant to Class Counsel within forty-five (45) days of the Second Opt-Out Deadline.

4. **THIS COURTS ORDERS** that the Representative Plaintiff, Warwick Brown, is hereby awarded an Honorarium in the amount of \$15,000 for the exceptional contributions that he made to the prosecution of this Action for the benefit of the Class as a whole, and that this amount shall be deducted from the Settlement Fund and paid by the Defendant to the Representative Plaintiff within thirty (30) days of the Court Approval Date;

5. **THIS COURT ORDERS** that the Class Proceedings Fund of the Law Foundation of Ontario shall be paid the following amounts by the Defendant to be deducted from the Settlement Fund:

- (a) a levy in the amount of 10% of the net settlement amount available to be paid to one or more Class Members; and
- (b) \$639,881.27 for financial support provided to the Plaintiff under section 59.3 of the *Law Society Act*, RSO 1990, c L8 that has not been repaid to the Class Proceedings Fund,

in accordance with section 10(3) of O Reg 771/92 (the “**CPF Levy**”);

6. **THIS COURT ORDERS** that no amounts shall be distributed to any Class Members until the Law Foundation of Ontario has had an opportunity to review and confirm the calculation of the CPF Levy in paragraph 5. If there is any dispute or question as to the calculation of the CPF Levy:

- (a) Class Counsel, counsel for the Defendant, and counsel for the Class Proceedings Fund shall arrange an appearance before the Case Management Judge to resolve the dispute or question; and,
- (b) No amounts shall be distributed to any Class Members while the dispute or question as to the calculation of the CPF Levy remains pending before the Case Management Judge;

7. **THIS COURT ORDERS** that there will be no costs of this motion.



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**The Honourable Justice Glustein**

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
Proceeding commenced at Thunder Bay  
transferred from Thunder Bay to Toronto

Proceeding under the *Class Proceedings Act*, 1992

**ORDER**  
**(Fee Approval)**

**KOSKIE MINSKY LLP**  
20 Queen Street West  
Suite 900, Box 52  
Toronto ON M5H 3R3

**Jonathan Ptak** LSO #45773F  
[jptak@kmlaw.ca](mailto:jptak@kmlaw.ca)  
Tel: 416-595-2149

**Adam Tanel** LSO #61715D  
[atanel@kmlaw.ca](mailto:atanel@kmlaw.ca)  
Tel: 416-595-2072

**Elie Waitzer** LSO #82556U  
[ewaitzer@kmlaw.ca](mailto:ewaitzer@kmlaw.ca)  
Tel: 416-595-2089

**Lawyers for the Plaintiff**