

JUN 22 2017

HALIFAX, N.S.

Form 78.05

2012

Hfx. No. 398067

SUPREME COURT OF NOVA SCOTIA

BETWEEN:

ALICIA HEMEON and WILLA MAGEE

Plaintiffs

- and -

**SOUTH WEST NOVA DISTRICT HEALTH AUTHORITY,
a body corporate**

Defendant



Proceeding under the *Class Proceedings Act*, S.N.S 2007, c. 28

SETTLEMENT APPROVAL ORDER

Sgd
JLC, J.

BEFORE THE HONOURABLE JUSTICE JAMES L. CHIPMAN

THIS MOTION made by the Plaintiffs, on consent of the Defendant, for an order approving a settlement agreement dated May 29, 2017 (the "Settlement Agreement"), was heard this day at the Law Courts, 1815 Upper Water Street in Halifax, Nova Scotia.

ON HEARING the submissions of counsel for the Plaintiffs and counsel for the Defendant;

AND ON READING the materials filed on this motion:

1. **THIS COURT ORDERS** that the definitions in the Settlement Agreement are incorporated into and shall be applied in interpreting this Order.

IN THE SUPREME COURT
COUNTY OF HALIFAX, N.S.

I hereby certify that the foregoing document,
identified by the seal of the court, is a true
copy of the original document on the file herein.

JUN 22 2017



Deputy Prothonotary

Approval of the Settlement

2. **THIS COURT ORDERS** that the Settlement Agreement is fair and reasonable and in the best interests of the Class, and is hereby approved pursuant to section 38(1) of the *Class Proceedings Act*, and *Civil Procedure Rule 36.01(2)* and shall be implemented in accordance with its terms.

3. **THIS COURT ORDERS** that with respect to Class Members who are minors as at the date the Individual Payments are mailed, Wagners shall distribute the Individual Payments to their identified legal guardians, and the claims of such Class Members shall be completely and unconditionally released pursuant to section 10.2 of the Settlement Agreement.

Class Member Names and Addresses

4. **THIS COURT ORDERS** that the Defendant disclose to Class Counsel, within fifteen (15) business days of the issuance of this Order, a list of the names and addresses of the Class Members used to mail the Certification Notice in September 2013. For those Class Members for whom a notice previously sent was returned undelivered, the Defendant shall update the address listed to provide any more recent address on file with the Defendant. The information provided by the Defendant shall also identify any Class Members who are known to be minors at the time the information is provided by the Defendant and, in all such cases, the names and addresses of their respective legal guardians as known by the Defendant. This information shall be held confidential by Class Counsel and used solely for the purpose of distributing the Settlement Amount.

5. **THIS COURT ORDERS** that if any Individual Payment is returned as undeliverable, Class Counsel shall make best efforts within 30 days to determine the current address of any Class Members.

Representative Plaintiff Honoraria

6. **THIS COURT ORDERS** that Alicia Hemeon and Willa Magee shall each receive an honorarium in the amount of \$2,000.00, payable from Class Counsel Legal Fees, as approved by the Court.

Accounting

7. **THIS COURT ORDERS** that Class Counsel shall provide a report and accounting to the Court of Individual Payments mailed to Class Members, Individual Payments returned or uncashed and all Trust Account transactions on two occasions: (i) no later than six (6) months after distribution of Individual Payments to Class Members; and (ii) no later than eight (8) months after distribution of Individual Payments to Class Members; and at any time upon the request of this Court.

June 22, 2017.

Rhiannon Morgan
Rhiannon Morgan
Deputy Prothonotary

Prothonotary.