

SCHEDULE "G"

C A N A D A
PROVINCE OF SASKATCHEWAN

Q.B. No. 1512 of 2003

**IN THE COURT OF QUEEN'S BENCH
JUDICIAL CENTRE OF SASKATOON**

BETWEEN:

**JUSTIN LYBECK, TOM SAVAS, TREVOR MOSER and CODY
ARMSTRONG, a minor suing under his legal guardian, TAMI
ARMSTRONG**

PLAINTFFS

AND:

**THE CITY OF NORTH BATTLEFORD, HER MAJESTY THE
QUEEN IN RIGHT OF THE PROVINCE OF SASKATCHEWAN,
and SASKATCHEWAN WATER CORPORATION**

DEFENDANTS

ORDER

BEFORE THE HONOURABLE
MR. JUSTICE R. C. MILLS

)
)

THE 11th DAY OF
April, 2017

UPON THE APPLICATION of the minor Plaintiff's Tom Savas and Cody Armstrong pursuant to *The Class Actions Act*, S.S. 2001, c. C-12.01, as amended (the "CAA") for a Final Judgement Order approving the Settlement Agreement dated September 27, 2016 attached to this Order as Schedule A (the "Settlement Agreement"), and dismissing this action:

AND UPON HAVING READ:

- a) The pleadings and proceedings had and taken herein, including the Order of this Honourable Court dated October 14, 2016 granting conditional approval of the Settlement Agreement, and conditionally certifying this action as a class proceeding for settlement purposes only on behalf of the following "Settlement Class" (the "Certification Hearings Notice Approval Order"):

All persons who:

- i) Contracted cryptosporidiosis or symptoms of cryptosporidiosis as a result of consuming contaminated water supplied by the City of North Battleford between March 20 and April 25, 2001; and
 - ii) Who were under the age of 18 years at the time of such consumption.
- b) Notice of Motion dated September 1, 2016;
 - c) Affidavit of Tom Savas, sworn September 7, 2016;

- d) Affidavit of Cody Armstrong, sworn September 7, 2016;
- e) Affidavit of Bradley Jamieson, sworn September 2, 2016; and
- f) A draft of this Order.

AND UPON BEING ADVISED that:

- a) The Plaintiffs in this action and the Defendants, by their council, have entered into the Settlement Agreement; and
- b) The Plaintiffs, the Defendants, and their counsel, have consented to the terms of this Order.

AND UPON HEARING:

- a) Bradley Jamieson, counsel for the Plaintiffs, and affiliated counsel, if any;
- b) Terry Zakreski, and affiliated counsel, counsel for the Defendants, the City of North Battleford; and
- c) Max Bilson, and affiliated counsel, counsel for the Defendants, Her Majesty the Queen in Right of the Province of Saskatchewan and the Saskatchewan Water Corporation.

IT IS HEREBY ORDERED AND DECLARED that:

1. For the purposes of this Order the definitions set out in the Settlement Agreement apply to and are incorporated into this Order;
2. The settlement set forth in the Settlement Agreement is fair, reasonable and in the best interest of the members of the Infant Class;
3. The settlement of this action, on the terms set forth in the Settlement Agreement attached hereto as Schedule “1”, is hereby approved pursuant to Section 38 of the CAA;
4. The Settlement Agreement in its entirety (including its preambles, recitals and schedules) forms part of this Order, and has the full force and effect of an order of this Court;
5. The Settlement Agreement shall be implemented in accordance with its terms and is valid and binding on;
 - a) The Plaintiffs;
 - b) All members of the Infant Class who do not Opt Out; and
 - c) The Defendants;
6. The need for service or notice of this or any further or supplicant steps in these proceedings on the Public Guardian and Trustee, as well as all other requirements in *The Public Guardian and Trustee Act* and **Rules 2-14 – 2-18** of the Rules, are hereby dispensed with.
7. This Order constitutes the full and final resolution of all Claims and Liabilities connected with the 2001 water contamination in the City of North Battleford of the Infant Class;

8. Each member of the Infant Class shall be deemed to have Released and do hereby release each Releasee from any and all Released Claims/Liabilities as set out in the Release annexed as Schedule “J” to the Settlement Agreement;
9. The Releasors are forever barred and enjoined from directly or indirectly filing, commencing, prosecuting, intervening in or continuing any actions, whether in Canada or elsewhere, on their own behalf or on behalf of any class or any other person, in connection with any Released Claims/Liabilities as set out in the Release annexed as Schedule “J” to the Settlement Agreement;
10. Each Participating Settlement Class Member shall consent and shall be deemed to have consented to the dismissal as against the Releasees without cost and with prejudice;
11. Bruneau Group Inc. is appointed as Administrator;
12. The Administrator shall execute its obligations as set out in the Settlement Agreement;
13. For purposes of the enforcement of this Order, this Court will retain jurisdiction and the Defendants and Participating Settlement Class Members attorn to the jurisdiction of this Court for these purposes;
14. The Administrator shall provide Class Counsel and counsel for the Defendants, who shall provide to the Court, a report at the conclusion of the Administration of the claims process, regarding payment made to Eligible Claimants;
15. The Defendants have no liability whatsoever with respect to administration of the Settlement Agreement;
16. The Approvals Notice is hereby approved substantially in the form attached hereto as Schedule “2”;
17. The plan for publication and dissemination of the Approvals Notice, attached hereto as Schedule “3”, is approved and shall be performed;
18. Approving the form and content of the Opt-Out Form attached to this Order as Schedule “4” that Class Members can opt-out of this settlement;
19. All other members of the Infant Class who wish to opt-out of the action pursuant to Section 18 of the CAA, and hereby preserve their claims, if any, against the Defendants, must not elect to file any Claim Form under the Settlement Agreement and must mail a fully completed and executed Opt-Out Form to the Administrator, which, to be effective, must be received or post marked on the or before May 25, 2017, following first publication of the Approval Notice (Schedule “2” to this Order). Members of the Infant Class who are Opt-Outs shall not be entitled to any payments under the Settlement Agreement and shall not be entitled to appear in this case or object to the settlement of this action or the Settlement Agreement;

20. The form and content of the Opt-Out Form substantially in the form attached as Schedule “4” is hereby approved;
21. The Administrator shall provide copies of all Opt-Out forms received to Class Counsel and the Defendants counsel prior to June 25, 2017;
22. If the Settlement Agreement is terminated in its entirety in accordance with Settlement Agreement, then, without restricting the application of the provisions of the Settlement Agreement;
 - a) This Order, including the certification of this action as a class proceeding for the purpose of settlement, shall be set aside and be of no further force or affect, and without prejudice to any party and this action shall be decertified as a class proceeding pursuant to Section 12 of *The Class Actions Act* without prejudice to the Plaintiffs ability to reapply for certification, and the Defendants ability to oppose such application for certification; and
 - b) All negotiations, statements and proceedings relating to the Settlement Agreement shall be deemed to be Without Prejudice to their rights of the Parties and the Parties shall be deemed to be restored to their respective positions existing immediately before the Settlement Agreement was executed.
23. This Court retains exclusive jurisdiction over all matters relating to the interpretation, administration, implementation, effectuation, and enforcement of this Order and the Settlement Agreement;

ISSUED at the City of Saskatoon, in the Province of Saskatchewan this ___ day of _____, 2017.

Local Registrar

This document was delivered by:

CUELENAERE KENDALL KATZMAN & WATSON

Barristers & Solicitors

500, 128 Fourth Avenue South

Saskatoon SK S7K 1M8

Lawyer in charge of file: Bradley Jamieson

Telephone: (306)653-5000

Facsimile: (306)652-4171

File number: 74927-001/JW

This document was delivered to:

STEVENSON HOOD THORNTON BEAUBIER LLP

Barristers & Solicitors

500, 123 Second Avenue South

Saskatoon, SK S7K 7E6

Lawyer in charge of file: Janet Stevens

Telephone: (306)244-0132

Facsimile: (306)653-1118

MINISTRY OF JUSTICE

Civil Law Division

900, 1874 Scarth Street

Regina, SK S4P 4B3

Lawyer in charge of file: Max Bilson

Telephone: (306)787-5244

Facsimile: (306)787-0581