

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE ) WEDNESDAY, THE 12<sup>TH</sup> DAY  
JUSTICE STRATHY ) OF OCTOBER, 2011



**BETWEEN**

**DAVID AINSLIE and MURIEL MARENTETTE**

**Plaintiffs**

**and**

**AFEXA LIFE SCIENCES INC., GRANT THORNTON LLP,  
JACQUELINE J. SHAN, GORDON G. TALLMAN  
and HARRY BUDDLE**

**Defendants**

*Proceeding under the Class Proceedings Act, 1992*

**ORDER**

THESE MOTIONS, made by:

- (a) the Administrator for authorization to make a final distribution to the Authorized Claimants and for payment of an additional fee of \$15,000, inclusive of HST; and
- (b) Class Counsel for payment of the remaining one-third of their total fees originally requested;

were heard on October 12, 2011 at Toronto, Ontario.

ON READING the following:

- (a) the notice of motion;
- (b) the affidavits of:
  - (i) Michael Robb sworn June 16, 2010;
  - (ii) Roanne Goldsman sworn October 14, 2010;
  - (iii) Nicole Young sworn October 15, 2010;
  - (iv) Shane Sartori sworn October 21, 2010;
  - (v) Donna Fournier sworn December 7, 2010;
  - (vi) Paolo P. De Rosa sworn October 6, 2011;
  - (vii) Michael Robb sworn October 6, 2011;

ON HEARING the submissions of Class Counsel and counsel for the defendants,

1. THIS COURT ORDERS that for the purposes of this order, the definitions in the Settlement Agreement and the Plan of Allocation apply to and are incorporated into this order.
2. THIS COURT ORDERS that on December 1, 2011, the Administrator shall disburse the funds in the Escrow Account to the Authorized Claimants, in accordance with the distribution list attached as Schedule "A" to this order.
3. THIS COURT ORDERS that the Administrator shall pay the Administrator, from the Escrow Account, an additional fee of \$15,000, inclusive of HST.

4. THIS COURT ORDERS that on or before December 1, 2011, the Administrator shall pay Reva E. Devins, from the Escrow Account, \$3,955, inclusive of HST.

5. THIS COURT ORDERS that on or before December 1, 2011, the Administrator shall pay Class Counsel, from the Escrow Account, \$459,583.15, inclusive of GST, plus interest at a rate equal to the interest rate that accrued on the balance in the Escrow Account to the date of distribution.

6. THIS COURT ORDERS that upon distributing the funds in the Escrow Account to the Administrator, Class Counsel, Reva E. Devins and to the Authorized Claimants in accordance with this order, the Administrator shall be discharged from its duties as Administrator of the settlement.



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JUSTICE

947715-v3

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

OCT 20 2011

PER / PAR: 

AINSLIE et al.

Plaintiffs

vs. AFEKA LIFE SCIENCES INC. et al.  
Defendants

Court File No. 07-CV-336986PDI

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT TORONTO

**ORDER**

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