



COURT FILE NO: C50192
M37724

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE JUSTICE DOHERTY
THE HONOURABLE JUSTICE ROSENBERG
THE HONOURABLE JUSTICE MacFARLAND

THURSDAY THE 1ST DAY
OF OCTOBER, 2009

BETWEEN

Paul Lawrence, Anne Eagles and Charles Simon, Evelyn Simon and Erica Prussky, in their
capacity as Trustees of the Charles Trust

Plaintiffs (Appellants)

and

Sutts, Strosberg LLP, Koskie Minsky LLP, and Groia & Company

Appellants

and

Atlas Cold Storage Holdings Inc., Patrick A. Gouveia, Susan Elizabeth Peters, as Executrix of
the Estate of Andrew W. Peters, deceased, Ronald Perryman, Joseph Wiley, Robert W. Martin,
Albrecht W.A. Bellstedt, J. Nicholas Ross, Michael H. Wilson, Ernst & Young LLP and BMO
Nesbitt Burns Inc.

Defendants (Respondents)

and

Rosetim Investments Inc. and PBMH Investments Ltd.

Objectors (Respondents)

ORDER

THIS APPEAL by the Appellants, Sutts, Strosberg LLP, Koskie Minsky LLP, and Groia & Company, (the “class counsel”) for the reversal of the order of Lax J. dated February 12, 2009, was heard this 2nd day of July, 2009 at Osgoode Hall in the City of Toronto, seeking to set aside that portion of the order relating to counsel fees and approve the fees of the class counsel Appellants in the total amount of \$12 million and disbursements of \$434,474.09, plus taxes and applicable interest, minus the interim amount already paid to class counsel (\$3,838,862.58).

AND ALSO heard on the 2nd day of July 2009 was a motion to quash the appeal brought by the moving parties, the Objector Respondents.

ON READING the Notice of Motion to Quash, the Motion Record, the Notice of Appeal, Appeal Book and Compendium, Facta and Books of Authorities and on hearing the submissions of counsels for the Appellants and the Objector Respondents and the judgment having been reserved until this day

1. THIS COURT ORDERS that the motion to quash the appeal and the appeal be dismissed.
2. THIS COURT ORDERS that costs in the sum of \$10,000, inclusive of disbursements and GST, be paid by class counsel, the Appellants, Sutts, Strosberg LLP, Koskie Minsky LLP, and Groia & Company, to the Objector Respondents.

3. THIS ORDER BEARS interest at the rate of 2% per year commencing on
October 1, 2009.



REGISTRAR

ENTERED AT/INSCRIT À TORONTO

ON/BOOK NO:

LE/DANS LE REGISTRE NO:

OCT 30 2009

PER/PAR: 

**PAUL LAWRENCE et al
Plaintiffs (Appellants)**

**-and-
-and-**

**SUTTS, STROSBURG et al Appellants
ROSETIM INVESTMENTS INC. et al Objectors (Respondents)**

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COURT OF APPEAL FOR ONTARIO
PROCEEDING COMMENCED IN WINDSOR

ORDER

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