

Court File No. 00-CV-192173CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR. JUSTICE
WARREN K. WINKLER

MONDAY, THE 16th DAY
OF FEBRUARY, 2004.

BETWEEN:

JAMIE SMITH, ALANA DALTON, JAMIE McDONALD
and IRVINE SALES INC., OPERATING AS THE HARTLEY HOUSE

Plaintiffs

- and -

THE CORPORATION OF THE MUNICIPALITY OF BROCKTON,
THE BRUCE-GREY-OWEN SOUND HEALTH UNIT, STAN KOEBEL,
THE WALKERTON PUBLIC UTILITIES COMMISSION and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendants

- and -

IAN D. WILSON ASSOCIATES LIMITED,
N WELL DRILLING LIMITED, EARTH TECH (CANADA) INC.,
CONESTOGA-ROVERS & ASSOCIATES LIMITED,
B.M. ROSS AND ASSOCIATES LIMITED,
GAP ENVIROMICROBIAL SERVICES INC.,
A & L CANADA LABORATORIES EAST, INC.,
DAVID BIESENTHAL and CAROL BIESENTHAL

Third Parties

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION made by the Administrator of the Plan for an order for directions regarding certain applications for compensation made after the First Claim Deadline of January 2, 2002,

THIS IS TO CERTIFY THAT THE
DOCUMENT, EACH PAGE OF WHICH
IS APPARENTLY ATTACHED
WHICH IS STAMPED THEREON,
IS A TRUE COPY OF THE
SEAL OF THE SUPERINTENDENT
OF JUSTICE AT TORONTO,
TRUE COPY OF THE DOCUMENT,
ON FILE IN THIS OFFICE,
DATED AT TORONTO THIS
DATE
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ON READING the Motion Record and Supplementary Motion Record of the Administrator and the exhibits therein referred to,

AND ON READING that the Administrator posted portions of the Motion Record on the Administrator's website and otherwise arranged for service of motion materials on the parties affected,

AND ON HEARING AND READING the submissions of counsel for certain of the parties, and upon considering subsections 24(8) and (9) and section 12 of the Class Proceedings Act,

1. **THIS COURT ORDERS** that personal service of the Motion Record be dispensed with **nunc pro tunc** and that service of the Motion Record upon late applicants be authorized **nunc pro tunc** by sending by ordinary mail to each late applicant, or to counsel for the late applicant where represented by counsel, a copy of the Notice of Motion and Motion Record Index, together with that Exhibit "D" Appendix "B" material which pertains to him or her, to the last known address (in the records of the Administrator) of each late applicant or counsel, together with the posting of the Motion Record (excluding Appendix "B" of Exhibit "D" and Exhibits "F" and "G") on the Administrator's website (with information to be provided in the aforesaid mailing to the late applicants or counsel describing how to gain access to the said website).

2. **THIS COURT ORDERS** that the ordinary service of the Motion Record upon counsel for the Children's Lawyer, counsel for the Public Guardian and Trustee, and upon Mr. William P. Dermody, Applicants' Independent Advice Counsel, be dispensed with **nunc pro tunc** and that service of the Motion Record upon those parties be authorized **nunc pro tunc** by faxing to each of them a copy of the Notice of Motion and Motion Record Index (together with information describing how to gain access to the Administrator's website).

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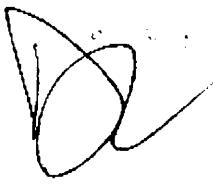
3. **THIS COURT ORDERS** that the Administrator shall consider those applications received by it between the First Claim Deadline of January 2, 2002 and February 16, 2004 as though such claims were received prior to the First Claim Deadline.
4. **THIS COURT ORDERS** that having regard for the confidentiality interests of the applicants, the Motion Record, Supplementary Motion Record, and all exhibits referred to therein, and all Affidavits of Service, be sealed and access to such sealed documents shall only be given with leave of the Judge.
5. **THIS COURT ORDERS** that having regard for the confidentiality interests of the applicants, Messrs. McCarthy, Tétrault LLP, Reuter Scargall Bennett LLP and Sutts Strosberg LLP return to the Administrator all copies in their possession of the Motion Record, Supplementary Motion Record and the exhibits referred to therein, or alternatively destroy such documents and confirm in writing to the Administrator such destruction has taken place.
6. **THIS COURT ORDERS** that the application form provided to the Administrator in respect of the applicant whose material appears at Tab 32 of Exhibit "D" Appendix "B", shall be considered by the Administrator as if it were an application under the Plan.



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SMITH ET AL

v.

CORPORATION OF THE MUNICIPALITY OF BROCKTON ET AL

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

ORDER

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