

JUSTICE BLUSTEIN

APRIL 19, 2018

Court File No.: CV-17-576146-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

KEVIN MARRIOTT

Plaintiff

- and -

**GENERAL MOTORS OF CANADA COMPANY, GENERAL MOTORS COMPANY,
GENERAL MOTORS LLC, ROBERT BOSCH GMBH, ROBERT BOSCH LLC and
ROBERT BOSCH INC.**

Defendants

Proceeding under the *Class Proceedings Act, 1992*



ORDER

THIS MOTION, made by the Plaintiff for an Order approving the terms of a litigation funding agreement (the "Agreement") entered into with Claims Funding International, PLC ("CFI"), was heard on April 19, 2018;

ON READING the materials filed by the Plaintiff, and on hearing the submissions of counsel for the Plaintiff concerning whether the Agreement should be approved, and if so, upon what terms;

AND ON BEING ADVISED that the Defendants do not oppose this Order;

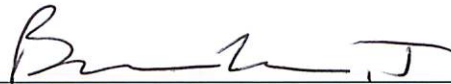
1. **THIS COURT ORDERS** that:

(a) the Agreement is approved, subject to the terms and conditions herein;

- (b) CFI shall pay into court the following amounts, as irrevocable letters of credit in a form acceptable to the Defendants and to the Accountant of the Superior Court of Justice, and in accordance with Rule 72.02 of the *Rules of Civil Procedure*, as security for the Defendants' costs of this action, on the dates specified:
- (i) \$150,000 CDN on or before May 19, 2018;
 - (ii) an additional \$200,000 CDN by no later than 30 days after any order certifying this action as a class proceeding under the *Class Proceedings Act, 1992*; and
 - (iii) an additional \$500,000 CDN by no later than 90 days before the scheduled trial date;
- (c) counsel for the Plaintiff shall notify counsel for the Defendants forthwith upon the posting of security in accordance with the terms of this Order;
- (d) if CFI fails to provide security in accordance with the terms of this Order, the Defendants, or any one of them, may bring a motion to have the action stayed or dismissed;
- (e) CFI submits and attorns to the jurisdiction of the Ontario Superior Court of Justice for all purposes related to this litigation, including in relation to the enforcement of any costs order made in favour of the Defendants or any of them;

- (f) amounts posted pursuant to this Order shall be paid out to the Defendants in accordance with Rule 72.03 of the *Rules of Civil Procedure*, or as ordered by this Court;
- (g) the Defendants, or any of them, shall be at liberty to move to vary this Order at any time to increase the amount of security required to be posted by CFI, on notice to the Plaintiff and CFI who may oppose the motion;
- (h) nothing in this Order shall be interpreted as limiting the ability of the Defendants or any of them to seek to enforce any costs award against either the Plaintiff or CFI;
- (i) subject to further court order, no evidence obtained from a defendant and that is not part of the public record may be provided to CFI without the written consent of the defendant from which the evidence was obtained, provided that the Plaintiff and counsel for the Plaintiff may summarize and provide their comments and views on such evidence for the purposes of the reporting obligations set out in section 3 of the Agreement. To the extent any evidence obtained from the Defendants is provided to CFI, CFI shall be bound by Rule 30.1.01 of the *Rules of Civil Procedure* and shall be deemed to be a party to this action for the purposes of that Rule;
- (j) the Plaintiff may communicate any formal settlement offers made by the Defendants, or any of them, to CFI, and those communications and their contents shall be kept confidential pursuant to section 5 of the Agreement;

- (k) this Order shall be without prejudice to the rights of the defendants, Robert Bosch LLC and Robert Bosch GmbH, to raise jurisdictional arguments, including *forum non conveniens*, in the action; and
- (l) this Order is made without costs.



The Honourable Justice Glustein

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

APR 19 2018

PER / PAR:



**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

Proceeding under the *Class Proceeding Act, 1992*

ORDER

SISKINDS LLP

Barristers & Solicitors
100 Lombard Street, Suite 302
Toronto, ON M5C 1M3

Daniel E. H. Bach (LSO #: 52087E)

Tel: (416) 594-4376
Fax: (416) 594-4377

680 Waterloo Street
P.O. Box 2520
London, ON N6A 3V8

SOTOS LLP

180 Dundas Street West,
Suite 1200
Toronto, ON M5G 1Z8

David Sterns (LSO #: 36274J)

Louis Sokolov (LSO #: 34483L)
Jean-Marc Leclerc
(LSO #: 43974F)

Tel: (416) 977-0007
Fax: (416) 977-0717