

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE
JUSTICE BALTMAN

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MONDAY, THE 23 DAY
OF MARCH, 2020

BETWEEN:



A.Z.P., A.J.P., and QI ZHANG

Plaintiffs

- and -

REPROMED LTD., THE TORONTO INSTITUTE FOR REPRODUCTIVE MEDICINE INC.,
DR. ALFONSO DEL VALLE, PRAXAIR CANADA INC. and CHART INDUSTRIES, INC.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER
(Fee Approval)

THIS MOTION made by Class Counsel for an order approving the payment of Class Counsel legal fees, was heard on February 5, 2020 at the Court House, 7755 Hurontario St., Brampton, Ontario.

ON BEING ADVISED that a settlement agreement has been entered into with the Defendants Repromed Ltd., The Toronto Institute for Reproductive Medicine Inc., Praxair Canada Inc. and Chart Industries, Inc. (the "**Settlement Agreement**");

ON READING the materials filed including the affidavit of Linda Visser sworn January 28, 2020; the affidavits of AZP and AJP sworn January 27, 2020, and the affidavit of Qi Zhang sworn January 24, 2020, and on hearing the submissions of Class Counsel;

1. **THIS COURT ORDERS** that, except to the extent that they are modified by this Order, the definitions set out in the Settlement Agreement apply to and are incorporated into this Order.
2. **THIS COURT ORDERS** that a legal fee of \$375,000.00, plus applicable taxes, is approved with respect to the Settlement Agreement and shall become payable to Siskinds LLP, Gluckstein Personal Injury Lawyers, Rastin & Associates, and Harte Law (“**Class Counsel**”) upon the Settlement Agreement becoming effective in accordance with its terms.
3. **THIS COURT ORDERS** that disbursements of \$45,143.49, plus applicable taxes and interest, are approved and shall be payable upon the Settlement Agreement becoming effective in accordance with their terms.
4. **THIS COURT ORDERS** that the retainer agreements entered into with the representative plaintiffs, A.Z.P., A.J.P., and Qi Zhang, are approved pursuant to section 32(2) of the *Class Proceedings Act, 1992*.
5. **THIS COURT ORDERS** that honorarium payments in the amount of \$2,500.00 be paid to each of the representative plaintiffs upon the Settlement Agreement becoming effective in accordance with its terms.

6. **THIS COURT ORDERS** that Class Counsel legal fees, disbursements, applicable taxes, and the honoraria be paid from the settlement funds, payable pursuant to the terms of the Settlement Agreement.



A handwritten signature in cursive script, appearing to read "R. Baltman", written over a horizontal line.

The Honourable Justice Baltman

A.Z.P., A.J.P., and Qi Zhang
Plaintiffs and
REPROMED LTD., et al.
Defendants

Court File No.: CV-18-00002489-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at Brampton

ORDER
(Fee Approval)

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