

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE	)	Wednesday, THE
	)	
JUSTICE AKBARALI	)	28th DAY OF September, 2022
	)	

**B E T W E E N :**

**CHARLES O'BRIEN and JAMES RAE**

Plaintiffs

- and -

**MAXAR TECHNOLOGIES INC., HOWARD L. LANCE, ANIL WIRASEKARA, BIGGS  
C. PORTER, NICK S. CYPRUS and KPMG LLP**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER  
(DISCONTINUANCE)**

THIS MOTION, made by the Plaintiffs, on consent, for an Order approving the discontinuance of the within action without costs and providing for notice of the discontinuance, was read this day at the Courthouse located at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

**ON READING** the materials filed, including the consent of the parties:

1. **THIS COURT ORDERS** that the within action be and is hereby discontinued.
2. **THIS COURT ORDERS** that the Notice of Discontinuance and Notice Plan, in the forms attached as Schedules "A" and "B" to the Affidavit of Albert Pelletier, sworn August 19, 2022 are approved pursuant to sections 19 and 29 of the *CPA*.

3. **THIS COURT ORDERS THAT** the Notice of Discontinuance shall be disseminated per the Notice Plan.

4. **THIS COURT ORDERS** that there be no costs of this motion; no further costs of this proceeding, and that the Plaintiffs will bear the costs of implementing the Notice Plan



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The Honourable Justice Akbarali

**CERTIFICATE OF TRANSLATION  
OF  
JOSÉE DESMARAIS**

I, Josée Desmarais, of the City of Montreal, Province of Quebec, Canada, SOLEMNLY AFFIRM:

1. I am an English to French translator for Alexa Translations and I am fluent in the written and spoken languages of English and French;
2. I am certified to translate from English to French by OTTIAQ in the Province of Quebec;
3. Attached hereto and marked as Exhibit "A" to this, my Certificate, is a photocopy of the original Order of Discontinuance of the proposed class action against MAXAR in English;
4. Attached hereto and marked as Exhibit "B" to this, my Certificate, is the true, correct and full translation into French to the best of my knowledge, skills and abilities of the above-mentioned English document, Order of Discontinuance of the proposed class action against MAXAR, attached hereto as Exhibit "A."

I solemnly affirm this 19<sup>th</sup> day of the month of September, 2022 that the above content of this, my Certificate, is true.



Josée Desmarais  
Certified Translator

**EXHIBIT A**

Court File No.: CV-19-00631107-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE ) [day], THE  
JUSTICE AKBARALI ) [date] DAY OF [month], 2022  
)

**B E T W E E N :**

**CHARLES O'BRIEN and JAMES RAE**

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- and -

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**EXHIBIT A**

- 2 -

3. **THIS COURT ORDERS THAT** the Notice of Discontinuance shall be disseminated per the Notice Plan.

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The Honourable Justice Akbarali

**EXHIBIT B**

N° de dossier de la Cour : CV-19-  
00631107-00CP

**COUR SUPÉRIEURE DE JUSTICE  
DE L'ONTARIO**

L'HONORABLE ) [jour], LE  
JUGE AKBARALI )  
[date] JOUR DE [mois] 2022

**ENTRE :**

**CHARLES O'BRIEN et JAMES RAE**

demandeurs

- et -

**MAXAR TECHNOLOGIES INC., HOWARD L. LANCE, ANIL WIRASEKARA, BIGGS  
C. PORTER, NICK S. CYPRUS et KPMG LLP**

défendeurs

*Action aux termes de la Loi de 1992 sur les  
recours collectifs*

**ORDONNANCE  
(DÉSISTEMENT)**

LA PRÉSENTE MOTION, présentée par les demandeurs, sur consentement, en vue d'obtenir une ordonnance approuvant le désistement de la présente action sans frais et prévoyant un avis de désistement, a été lue en ce jour au palais de justice situé à Osgoode Hall, 130 Queen Street West, Toronto (Ontario).

**APRÈS AVOIR LU** les documents déposés, y compris le consentement des parties :

1. **CETTE COUR ORDONNE** que la présente action soit par la présente abandonnée.
2. **CETTE COUR ORDONNE** que l'avis de désistement et le plan d'avis, dans les formulaires joints à titre d'annexes « A » et « B » à l'affidavit d'Albert Pelletier, assermenté le 19 août 2022, soient approuvés conformément aux articles 19 et 29 de la *Loi de 1992 sur les recours collectifs*.

## **EXHIBIT B**

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3. **CETTE COUR ORDONNE** que l'avis de désistement soit diffusé conformément au plan d'avis.

4. **CETTE COUR ORDONNE** qu'il n'y ait pas de frais pour cette motion, pas d'autres frais dans cette instance et que les demandeurs assument les frais de mise en œuvre du plan d'avis.

L'honorable juge Akbarali