

AND ON READING the materials filed, including the Settlement Agreement and the proposed Distribution Plan,

1. THIS COURT ORDERS that it will conduct a hearing to consider whether or not to approve the proposed settlement and to fix the fees, disbursements and applicable taxes for Class Counsel at a hearing to be held on Friday, July 26, 2013, beginning at 10:00 a.m. (the “Approval Hearing”).

2. THIS COURT ORDERS that on or before June 28, 2013, the Class Members shall be given notice of the Approval Hearing, substantially in the form attached as Schedule “A” to this order (“Notice”), by Class Counsel:

- (a) delivering the Notice by regular mail to every Unit at 3650/3640 Kingston Road;
- (b) emailing the Notice to every person who registered with Class Counsel and provided a valid email address;
- (c) delivering the notice by regular mail to every person who has not provided an email address to Class Counsel and has an address that is not 3650/3640 Kingston Road;
- (d) publishing the Notice once, in a one-quarter page advertisement, in *The Toronto Sun* newspaper;
- (e) posting the Notice at www.kingstonroadclassaction.com;
- (f) sending the Notice by email to the Public Trustee and the Children’s Lawyer; and
- (g) providing the Notice to any other person who requests it.

3. THIS COURT ORDERS that, on or before the Approval Hearing, Class Counsel shall serve and file an affidavit with the Court confirming delivery of the Notices in accordance with paragraph 2.

4. THIS COURT ORDERS that Sarkis Isaac of Howie & Partners, Chartered Accountants be and is hereby appointed to receive any written objections from the Class Members and shall, on or before the Approval Hearing, serve and file a report with the court which compiles all of the written objections received by him.

5. THIS COURT ORDERS that Class Members must submit their objections, in writing to Sarkis Isaac by mail, fax or email, by no later than 5:00 pm eastern time on July 24, 2013:

by mail to: Kingston Road Class Action
Attention: Sarkis Isaac
Howie & Partners, Chartered Accountants
3063 Walker Road
Windsor ON N8W 3R4

or by fax to: 519.250.1929

or by email to: classaction@howieandpartners.com

6. THIS COURT ORDERS that any written objections to the proposed settlement should include the following:

- (a) the Class Member's name, address, telephone number, fax number (if applicable) and email address (if applicable);
- (b) if the Class Member is deceased or otherwise incapable of making his or her own objection, the contact information of the person acting on behalf of the Class Member, together with a copy of the power of attorney, or court order, or other authorization to permit such person to represent the Class Member;

- (c) a brief statement of the nature of and reason for the objection; and
- (d) whether the Class Member intends to appear at the Approval Hearing in person, or by counsel, and if by counsel, the name, address, telephone number, fax number and email address of counsel.



JUSTICE

#1091278v5

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

JUN 27 2013



DOUGLAS CHARMLEY et al. vs. DELTERA CONSTRUCTION LIMITED
Plaintiffs

Defendant

Court File No. 09-375391-OOCP

**ONTARIO
SUPERIOR COURT OF JUSTICE**
PROCEEDINGS COMMENCED AT
TORONTO

ORDER

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