

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE JUSTICE)

FRIDAY THE 15th DAY

PAUL M. PERELL)

JULY 18th 2015
OF MAY, 2015

BETWEEN:

DIANNA LOUISE PARSONS, MICHAEL HERBERT CRUICKSHANKS,
DAVID TULL, MARTIN HENRY GRIFFEN, ANNA KARDISH,
ELSIE KOTYK, Executrix of the Estate of Harry Kotyk, deceased
and ELSIE KOTYK, personally

THIS IS TO CERTIFY THAT THIS DOCUMENT, EACH PAGE OF WHICH IS STAMPED WITH THE SEAL OF THE SUPERIOR COURT OF JUSTICE AT TORONTO, IS A TRUE COPY OF THE DOCUMENT ON FILE IN THIS OFFICE.

LA PRÉSENT ATTEST QUE CE DOCUMENT, CHACUNE DES PAGES EST REVÊTUE DU SÉAL DE LA COUR SUPÉRIEURE DE JUSTICE À TORONTO, EST UNE COPIE CONFORME DU DOCUMENT CONSERVÉ DANS CE BUREAU.

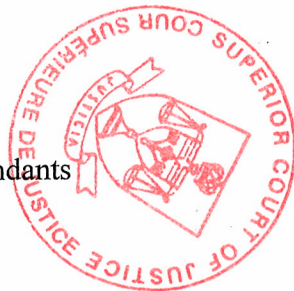
DATED AT TORONTO THIS 15th DAY OF JULY 2015
REGISTRAR
GRIFFEN
Plaintiffs



and

THE CANADIAN RED CROSS SOCIETY,
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
and THE ATTORNEY GENERAL OF CANADA

Defendants



and

HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF ALBERTA, HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF SASKATCHEWAN, HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF MANITOBA, HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF NEW BRUNSWICK, HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF PRINCE EDWARD ISLAND, HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF NOVA SCOTIA HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF NEWFOUNDLAND, THE GOVERNMENT OF THE NORTHWEST TERRITORIES, THE GOVERNMENT OF NUNAVUT and THE GOVERNMENT OF THE YUKON TERRITORY

Intervenor

Proceeding under the *Class Proceedings Act, 1992*

B E T W E E N:

JAMES KREPPNER, BARRY ISAAC, NORMAN LANDRY, as
Executor of the Estate of the late SERGE LANDRY, PETER FELSING,
DONALD MILLIGAN, ALLAN GRUHLKE, JIM LOVE and
PAULINE FOURNIER as Executrix of the Estate of the late PIERRE
FOURNIER

Plaintiffs

and

THE CANADIAN RED CROSS SOCIETY, THE ATTORNEY
GENERAL OF CANADA and HER MAJESTY THE QUEEN IN
RIGHT OF ONTARIO

Defendants

and

HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE
OF ALBERTA, HER MAJESTY THE QUEEN IN THE RIGHT OF
THE PROVINCE OF SASKATCHEWAN, HER MAJESTY THE
QUEEN IN THE RIGHT OF THE PROVINCE OF MANITOBA, HER
MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF
NEW BRUNSWICK, HER MAJESTY THE QUEEN IN THE RIGHT
OF THE PROVINCE OF PRINCE EDWARD ISLAND HER MAJESTY
~~THE QUEEN IN THE RIGHT OF THE PROVINCE OF NOVA~~
SCOTIA HER MAJESTY THE QUEEN IN THE RIGHT OF THE
PROVINCE OF NEWFOUNDLAND, THE GOVERNMENT OF THE
NORTHWEST TERRITORIES, THE GOVERNMENT OF NUNAVUT
AND THE GOVERNMENT OF THE YUKON TERRITORY

Intervenors

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION made by the Ontario Members of the Joint Committee by

Notice of Motion, dated March 16, 2015, was heard this day in writing.

AND ON READING the materials filed by the parties to the motion as follows:

- (a) "Report of the Joint Committee Relating to Financial Sufficiency of the 1986-1990 Hepatitis C Trust as at December 31, 2013";
 - (b) Affidavit of Dr. Murray Krahn, sworn March 16, 2015 and attached report, "Estimating the Prognosis of Canadians Infected with the Hepatitis C Virus Through the Blood Supply, 1986-1990, The Fifth Revision of Hepatitis C Prognostic Model Based on the Post-Transfusion Hepatitis C Compensation Claimant Cohort";
 - (c) Affidavit of Richard Border, sworn March 11, 2015 and attached report, "Actuarial Report to the Joint Committee Assessing the Financial Sufficiency of the 1986-1990 Hepatitis C Trust as at December 31, 2013";
 - (d) Affidavit of Dr. Vince Bain, sworn March 11, 2015;
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- (e) Affidavit of Peter Gorham, sworn April 8, 2015 and attached report, "Actuarial Report Assessing the Financial Sufficiency of the 1986-1990 Hepatitis C Trust Fund as at 31 December 2013";

(collectively, the "Reports").

AND ON BEING ADVISED the Joint Committee and Canada consent to this order in respect of the 1986-1990 Hepatitis C Settlement Agreement 2013 Financial Sufficiency Review,

AND ON BEING ADVISED that neither Her Majesty the Queen in Right of the Province of Ontario nor the Intervenors take a position on this motion;

AND THIS ACTION BEING STAYED against the defendant the Canadian Red Cross Society by the order of Mr. Justice Blair made on July 20, 1998 in Ontario Superior Court of Justice Action No. 98-CL-002970 (Toronto) and subsequently extended by further orders made on August 18, 1998, October 5, 1998, January 18, 1999, May 5, 1999, July 28, 1999 and February 25, 2000;

1. THIS COURT DECLARES that the Reports are hereby filed with the Court pursuant to the provisions of section 10.01(1)(i) of the January 1, 1986 to July 1, 1990 Hepatitis C Settlement Agreement.

2. ~~THIS COURT ORDERS AND DECLARES~~ that the assets of the Trust exceed the liabilities and therefore the Trust Fund is financially sufficient as at December 31, 2013 pursuant to section 10.01(1)(i) of the January 1, 1986 to July 1, 1990 Hepatitis C Settlement Agreement.

3. THIS COURT ORDERS AND DECLARES that as at December 31, 2013, assets of the Trust exceed the liabilities, after taking into account an amount to protect the class members from major adverse experience or catastrophe, by an amount between \$236,341,000 to \$256,594,000.

4. THIS COURT ORDERS that this order not be effective until similar orders have been made by the Superior Court of Quebec and the Supreme Court of British Columbia.

Perell, J.

JUSTICE

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

JUL 29 2015

PER / PAR:

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PARSONS et al.
KREPPNER et al.

vs. THE CANADIAN RED CROSS SOCIETY et al.
Plaintiffs

Defendants

Court File No. 98-CV-141369
98-CV-146405

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT TORONTO

ORDER

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