



No. S-121627
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LAWRENCE BRIAN JER, JUN JER AND JANETTE SCOTT

PLAINTIFFS

AND:

**RASHIDA SAMJI, RASHIDA SAMJI NOTARY CORPORATION, SAMJI & ASSOC.
HOLDINGS INC., AND SOCIETY OF NOTARIES PUBLIC OF BRITISH COLUMBIA**

DEFENDANTS

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

NOTICE OF APPLICATION

Name of Applicants: Plaintiffs

To: The Defendants

TAKE NOTICE that an application will be made by the applicants to the Case Management Judge, the Honorable Madame Justice Gerow, at the courthouse at 800 Smithe Street, Vancouver, B.C., on November 26, 2014 at 9:00 a.m. for the orders set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. An order approving the Amended Settlement Administration Plan, attached as Schedule "A" to this Application.
2. An order approving the form of Entitlement Letter to be sent by Class Counsel to class members, attached as Schedule "B" to this Application.
3. An order approving the form of the Notice of Confirmation to be enclosed with the Entitlement Letter, attached as Schedule "C" to this Application.

4. An order approving the form of the Notice of Dispute to be enclosed with the Entitlement Letter, attached as Schedule “D” to this Application.
5. An order that class members must deliver the Notice of Confirmation or Notice of Dispute within 45 days of the date of the Entitlement Letters are sent to class members by Class Counsel.
6. An order that class members who fail to deliver a Notice of Dispute within the deadline for doing so are forever barred from disputing the amount of their entitlements as set out in the Entitlement Letter issued to them by Class Counsel.
7. An order authorizing Class Counsel to make payments to class members of their percentage settlement entitlements as set out in their Entitlement Letter, after any adjustments as may be required as a result of Notices of Dispute filed by class members, within 14 days of either the deadline for filing a Notices of Dispute or, if any Notices of Dispute are filed, the final resolution of those disputes.
8. An order approving the form of payment letter to be used by Class Counsel to make payments to class members of their settlement entitlements, attached as Schedule “E” to this Application.
9. An order that Class Counsel is at liberty to undertake any investigation or steps Class Counsel may consider necessary in order to locate and contact class members who have not filed a Notice of Confirmation within the time required, and that any expenses incurred by Class Counsel in so doing may be reimbursed to Class Counsel from the settlement amounts payable to the class member in respect of which such investigative efforts were undertaken, in an amount up to 10 percent of the amount of the class member’s settlement entitlement, without further application to this Court.

10. An order that Class Counsel is at liberty to apply for directions to the Court as to the distribution of any unclaimed settlement funds payable to class members who have not filed a Notice of Confirmation.
11. An order that no action may be brought against Class Counsel concerning the settlement administration process, without leave from the Court.

Part 2: FACTUAL BASIS

12. On May 16, 2014, this Court approved a settlement with the former Defendants, Royal Bank of Canada and Toronto Dominion Bank (the “Banks”) which resulted in the creation of a settlement fund for the benefit of all class members (the “Bank Fund”).
13. On May 30, 2014, this Court approved a settlement with the former Defendants Arvin Patel, Coast Capital Savings Credit Union, Coast Capital Insurance Services Ltd. and Worldsource Financial Management Inc. (the “Coast Defendants”), which resulted in the creation of a settlement fund for the benefit of all class members with a claim against the Coast Defendants (the “Coast Fund”).
14. On September 29, 2014, notice was sent to class members of this application to approve the proposed Settlement Administration Plan for distribution of the settlement funds to class members. The Notice was in the form approved by the Court by Order made September 10, 2014.
 - Affidavit of Naomi Kovak sworn October *, 2014 (the “Kovak Affidavit”), para. 2
15. The Settlement Administration Plan provides that class members’ settlement entitlements will be determined based upon their net principal loss as determined in the claims process in the Rashida Samji bankruptcy. All class members will have had the opportunity to provide proof of their loss in that claims process, if they consider the Trustee has improperly calculated their net principal loss based upon the records available to the Trustee.
 - Claims Process Order made September 10, 2014 in B.C.S.C. Reg. No. B121430

16. The Settlement Administration Plan provides that the Bank Fund will be divided into two portions. The most significant portion of the fund will be used to pay the claims of class members who only had claims against the Banks. A smaller portion of the fund will be used to pay the claims of class members who also have claims against the Coast Fund.
17. This division of the Bank's Fund reflects Class Counsel's assessment that much of the responsibility for losses suffered by class members who had claims against the Coast Defendants would be apportioned to those Defendants, as between them and the Banks. This division also reflects the manner in which the settlement with the Banks was negotiated.
- Kovak Affidavit, para. 7
18. The Settlement Administration Plan also provides that the class members claims against the Bank Fund shall be weighted to reflect Class Counsel's assessment of the differing litigation risks of class members' claims against the Banks. This weighting is based on factors that were identified and applied by Class Counsel in negotiating the settlement with the Banks.
- Kovak Affidavit, para. 8-10
19. The Settlement Administration Plan provides for a pro-rata distribution of the Coast Fund among class members who were entitled to claim against the Fund. This pro-rata distribution reflects the common underpinning of all class members who had the claims against the Coast Defendants.
- Kovak Affidavit, para. 11
20. The Settlement Administration Plan provides for an extremely simplified claims process and provides class members with the opportunity to dispute certain determinations made by Class Counsel with respect to class members' settlement entitlements.

Part 3: LEGAL BASIS

21. The Settlement administration process provides for a fair and reasonable distribution to class members of the Bank and Coast Funds.

Part 4: MATERIAL TO BE RELIED ON

22. Affidavit of Naomi Kovak, sworn October 8, 2014.

23. Claims Process Order made September 10, 2014 in B.C.S.C. Vancouver Registry No. B121430

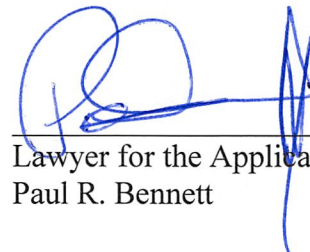
24. The pleadings and materials filed herein.

25. Such further and other material as counsel may advise and this Honourable Court may permit.

The applicants estimate that the application will take 45 minutes.

[x] The matter is not within the jurisdiction of a master.

Date: October 8, 2014



Lawyer for the Applicants
Paul R. Bennett

THIS NOTICE OF APPLICATION was prepared by the law firm of Hordo Bennett Munteer LLP, whose place of business and address for service is 14th Floor - Sun Tower Building, 128 West Pender Street, Vancouver, British Columbia, V6B 1R8. Telephone: (604) 639-3680. Fax: (604) 639-3681. Counsel Reference: Paul R. Bennett

SCHEDULE "A"

No. S-121627
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LAWRENCE BRIAN JER, JUN JER AND JANETTE SCOTT

PLAINTIFFS

AND:

**RASHIDA SAMJI, RASHIDA SAMJI NOTARY CORPORATION, SAMJI & ASSOC.
HOLDINGS INC., AND SOCIETY OF NOTARIES PUBLIC OF BRITISH COLUMBIA**

DEFENDANTS

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

AMENDED SETTLEMENT ADMINISTRATION PLAN

1. Determination of Each Class Member's Net Principal Loss

The Trustee in Bankruptcy for Rashida Samji, in conjunction with class counsel, will calculate the net principal loss for each investor in the Samji Ponzi scheme based on available records concerning the investments made in and payments received from the scheme.

Notice will be given by the Trustee in Bankruptcy of the amount of each investor's net principal loss which will constitute the investor's claim in the bankruptcy, pursuant to a claims process order made in the Samji bankruptcy proceeding. Investors will have the opportunity to dispute the calculation of their claim in the bankruptcy proceeding, in accordance with the terms of the claims process order.

The amount of each class member's principal loss as settled in the bankruptcy proceeding will be final and will form the basis for the calculation of their settlement entitlement in the class action. Once the amount of each class member's net principal loss has been settled in the bankruptcy, no further challenge may be made by the class member to the calculation of that net principal loss in the settlement distribution process.

2. Litigation Risk Adjustment for Class Members' Claims Against the Banks

Once the amount of each class member's net principal loss has been finally settled in the bankruptcy, each class member's claim will be adjusted to reflect the differential litigation risks of various class members' claims against the former Defendants, Royal Bank of Canada ("RBC"), and Toronto-Dominion Bank ("TD"), collectively "the Banks". This adjusted litigation value will be used to calculate each class member's pro-rata entitlement to payment from the Bank Settlement Fund, as set out in section 3 below. For clarity, this adjusted value is not the amount each class member will receive from the Bank Settlement Fund.

Class members' claims will be adjusted by allocating their net principal loss among the following groups of claims and applying the applicable percentage for that group to the loss so allocated:

- (a) Group A: losses attributable to amounts invested between November 27, 2009 and April 27, 2010 pursuant to instruments processed by RBC and losses attributable to amounts invested after April 27, 2010 by class members who had made investments before that date pursuant to instruments processed by RBC: 65%.
- (b) Group B: losses attributable to amounts invested prior to November 27, 2009 and which are attributable either to instruments payable in trust and processed by RBC, or to non-trust instruments processed by RBC which were preceded by an investment by the class member made pursuant to an instrument payable in trust and processed by RBC: 65%.
- (c) Group C: losses which fall within either Groups A or B, where the class member had an account at RBC at the time the investments were made which resulted in those losses: an additional 5% for total of 70%.
- (d) Group D: losses which do not fall within Group A and are attributable either to instruments payable in trust and processed by TD or Vancouver City Savings Credit Union ("Vancity"), or to non-trust instruments processed by TD or Vancity which were preceded by an investment by the class member made pursuant to an instrument payable in trust processed by the same financial institution: 55%.
- (e) Group E: losses attributable to all other investments, which are attributable to non-trust instruments processed through RBC, TD and Vancity that do not fall within Groups A to D: 35%.

A class member's net principal loss will be allocated to particular investments made by the class member on the basis of the first in/first out principle. Payments received by the investor will be deemed to have been received in repayment of the first investment made by the investor, and then the next investment and so on.

To illustrate how the allocation process will work, suppose an investor has made three investments in the Ponzi scheme of \$100,000 each, the first in 2007, the second in 2009, and the third in 2011. Suppose the total payments received from the scheme total \$150,000, leaving the investor with a net principal loss of \$150,000. Under the first-in, first-out principle, the payments received by the class member are deemed to have been received against repayment of the first money into the scheme. This means that for this investor, the payments received by the investor are deemed to be in repayment of the first \$100,000 invested in 2007 and \$50,000 of the second \$100,000 invested in 2009. The net principal loss of \$150,000 is attributable to the remaining \$50,000 of the second investment in 2009, and a \$100,000 to the third investment in 2011.

Since this hypothetical investor's first two cheques were processed through RBC, the loss attributable to the third \$100,000 investment in 2011 will fall into either Group A or C depending on whether the class member was a customer of RBC. If the class member was a RBC customer, the claim relating to the third investment falls into Group C and the adjusted litigation value of the investor's claim with respect to this investment will be 70% or \$70,000. If the class member is not a RBC customer, the adjusted value of the investor's claim with respect to this investment will be 65% or \$65,000.

For the remaining \$50,000 of loss attributable to the 2009 investment, the value of the claim for this loss will depend upon whether the instrument by which the investment was made, or the instrument by which the 2007 investment was made which preceded it, was written in trust or not. If either instrument was payable in trust, the claim for this investment will fall either into Group B or C, depending on whether the class member is a RBC customer, and its value will be 65% or \$32,500, if the claim falls within Group B, or 70% or \$35,000, if the claim falls within Group C. If neither instrument was written in trust, the claim falls within Group D and the value will be 35% or \$17,500.

Once the adjusted litigation value of the class member's claim is determined through this process of allocation of the class member's loss into the various group of claims, the adjusted value of the class member's claim will be used to calculate the amount of the class member's pro-rata payment from the Settlement Fund, as set out below.

3. The Proportionate Share of the Bank Settlement Fund

The Bank Settlement Fund of \$8.5 million will be notionally divided into two portions. \$8.1 Million will be for payment of class members who only had claims against the Banks and did not have claims against the former Defendants, Arvin Patel, Coast Capital Savings Credit Union, Coast Capital Insurance Services Ltd. and Worldsource Financial

Management Inc., (collectively, "Coast Capital"). The remaining \$400,000 of the Bank Settlement Fund will be for claims of class members who also have claims against Coast Capital (the "Coast Capital Claimants"), as determined by class counsel from documentation provided in the litigation. This apportionment reflects class counsel's assessment that much of the responsibility for losses suffered by Coast Capital Claimants would be apportioned to Coast Capital, as between it and the Banks.

The total legal expenses paid from the Bank Settlement Fund (\$2,916,451.96) will be deducted proportionally from each of these respective portions of the fund. This means 95.3% (\$8.1 million divided by \$8.5 million) of the total legal expenses, equal to \$2,779,378.72 will be deducted from the \$8.1 million portion of the fund and 4.7% (\$400,000 divided by \$8.5 million) of the expense, equal to or \$137,073.24, will be deducted from the \$400,000 portion of the fund. This will leave \$5,320,621.28 in the fund for payments to class members who only have claims against the Banks and \$262,926.76 for payment to Coast Capital Claimants, plus accrued interest on those amounts.

Class members will be entitled to receive a pro-rata percentage of each of these respective portions of the Bank Settlement Fund, less any amounts paid as settlement administration expenses. The class members' percentage entitlement shall be calculated by dividing the total adjusted litigation value of the class member's claim by the total adjusted litigation value of all potential class members' claims against the applicable portion of the fund.

The class member's settlement benefit will be determined by multiplying their final percentage entitlement against the amount remaining in the applicable portion of the Bank Settlement Fund at the time of distribution.

4. The Coast Capital Settlement Fund

The Coast Capital Settlement Fund will be distributed to Coast Capital Claimants on a simple pro-rata basis. Each Coast Capital Claimant will be entitled to receive a percentage amount of the remaining settlement fund (after payment of legal expenses) that will be calculated by dividing their net principal loss as settled in the bankruptcy by the total net principal loss of all Coast Capital Claimants.

The class members' settlement benefit will be determined by multiplying their percentage entitlement against the amount remaining in the Coast Capital Settlement Fund at the time of distribution.

5. Notice to Class of the Settlement Administration Plan and Entitlement

Class members will be given notice of the application to approve this Settlement Administration Plan by email and by mail, in the same manner as they were given notice of the settlement approval hearings.

Once the Settlement Administration Plan has been approved and the claims of class members have been settled through the bankruptcy process, class members will receive notice of their presumptive entitlements from the settlement funds and will be required to submit a Notice of Confirmation confirming that they wish to receive their settlement entitlements and their contact details.

6. Challenges to Entitlement

Class members will have the opportunity at that time to dispute the calculation of their presumptive entitlement by submitting a Notice of Dispute. Class members will not be able to dispute their net principal loss as determined in the bankruptcy proceedings, or the litigation values of the various groups of claims as set by this Settlement Administration Plan once it is approved by the Court, but may only challenge the application of those litigation values to their net principal loss. Class members may also challenge class counsel's determination as to whether they are a Coast Capital Claimant.

Any challenges by class members to their claim entitlement that cannot be resolved through class counsel will be referred to the Court for final determination. There will be no appeal from that determination.

7. Cost of Settlement Administration

All third party costs of settlement administration, such as the cost of postage or of third party assistance in the calculation of settlement entitlements, will be paid from the respective Settlement Fund which applies to the claims in relation to which the expenses were incurred.

No further fees will be paid to class counsel in respect of the claims process.

No actions may be brought against class counsel concerning the claims administration without leave of the Court.

8. Unclaimed Amounts

If a class member does not file a Notice of Confirmation claiming their settlement entitlement, class counsel may take such steps as they consider necessary to locate and contact the class member and issue their settlement entitlement to them. Any expenses incurred in so doing shall be reimbursed to class counsel from the settlement benefit payable to the class member.

If any settlement funds remain unclaimed after class counsel has taken such steps, class counsel may apply for directions to the Court as to the disposition of the unclaimed amounts, which may include distribution of those amounts to claiming class members.

Schedule "B"

HORDO | BENNETT | MOUNTEER LLP
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VIA COURIER

January *, 2015

[Name and Address of Class Member]

Re: Distribution of Settlement Funds in *Jer. et al. v. Samji et al.*, BCSC No. S121627
(the "Samji Class Action")

You have been identified as a class member in the Samji Class Action, which is brought on behalf of the following class of persons:

"All persons, other than the Defendants, who have provided funds to invest in the "Mark Anthony Investment" scheme promoted by Samji and who have received payments from the scheme which are lesser in total amount than the total principal amount they invested."

This letter sets out **your entitlement to payment** from settlement funds received in settlement of certain claims advanced in the Samji Class Action, in partial compensation for the principal loss you suffered from your investment in the Ponzi scheme operated by Rashida Samji.

Your payment entitlement as set out in this letter has been determined in accordance with the Settlement Administration Plan approved by the Supreme Court of British Columbia on November 26, 2014. A copy of the Settlement Administration Plan and the court order approving it is available for review at www.samjiclassaction.com.

This letter also sets out **what you must do in order to claim your entitlement**, and what you must do if you wish to dispute certain parts of the calculation of your entitlement.

Please read this letter carefully.

A. The Two Settlement Funds and Their Application to You

There are two different settlement funds from which payments are to be made to class members.

One is the settlement fund received from the settlement of the claims made in the Samji Class Action against the Royal Bank of Canada and the Toronto Dominion Bank (the "Bank Fund"). The other is the settlement fund received from the settlement of the claims made in the Samji Class Action against Coast Capital Savings Credit Union, Coast Capital Insurance Services Limited, Arvin Patel and Worldsource Financial Management Inc. (the "Coast Fund").

All class members are entitled to payment from the Bank Fund. To claim against the Coast Fund, you must have been a member of Coast Capital Savings Credit Union ("Coast Capital") who invested with Rashida Samji through Arvin Patel at Coast Capital (and have not released your claim against Coast Capital).

[EITHER]

Our records show that you are not a member of Coast Capital who invested with Rashida Samji through Arvin Patel [or you have released your claim against Coast Capital] and therefore are not entitled to any payment from the Coast Fund. If you disagree with this determination, you must file a Notice of Dispute, as explained in s. * of this letter below.

[OR]

Our records show that you were a member of Coast Capital and therefore are entitled to payment from the Coast Capital Fund. Under the Court-approved Settlement Administration Plan, you will also receive payment from that portion of the Bank Fund that has been set aside for payments to class members who also have claims against the Coast Fund (the "Coast class members").

B. The Calculation of Your Net Loss

Under the Court-approved Settlement Administration Plan, the amount of your net loss as determined by the Trustee in Bankruptcy of Rashida Samji, in the claims process that has been completed in the Bankruptcy of Rashida Samji, will be the basis of your entitlement to payment from the Bank Fund [where applicable: and the Coast Fund].

The Trustee in Bankruptcy has determined your net principal loss to be [amount]. Enclosed with this letter is the Statement of Account issued by the Trustee which sets out the calculation of your net loss based upon the investments you made and the payments you received from the Samji Ponzi scheme.

The calculation of your net principal loss cannot be challenged in this settlement administration process and is final and binding upon you.

C. The Allocation of Your Net Loss to Your Investments

Under the Court-approved Settlement Administration Plan, your net loss must be allocated to the various investments you made. To allocate your net loss, the payments you received from the Samji Ponzi scheme, as set out in the enclosed Statement of Account issued by the Trustee in Bankruptcy, are deemed to have been received in repayment of your earliest investments.

Applying the payments you received to your earliest investments results in the following allocation of your net loss among your investments:

Investment Date	Investment Amount	Loss
**	**	**
**	**	**
**	**	**
TOTAL		\$**

This allocation of your net loss to the above investments cannot be challenged in this settlement administration process.

D. The Adjustment of Your claim for Litigation Risk

Under the Settlement Administration Plan, each of your investments which form part of your net loss, as set out in the table above, must be allocated to one of the Groups A to E as set out in the enclosed schedule entitled "Groups of Claims". Each investment must then be adjusted by the percentage adjustment applicable for the group to which the investment is allocated, as set out in the enclosed schedule entitled "Groups of Claims".

Based on the information available to us, your investments which constitute your net loss have been allocated to the various groups of claims and adjusted as follows:

	Investment Date	Group Allocated	Amount of Loss	Percentage Adjustment	Adjusted Value
	***	***	***	***	***
	***	***	***	***	***
	***	***	***	***	***
TOTAL:					\$***

If you believe that one or more of your investments has been allocated to the wrong Group of Claims, you must file a Notice of Dispute, as further explained in Section H of this letter below.

E. Your Entitlement from the Bank Fund

The total value of the adjusted claims of [where applicable: Coast] class members against the Bank Fund [where applicable: set aside for payment to Coast members] has been calculated to be \$*. Your claim amounts to \$* which is *% of the total amount. This is your present percentage entitlement to the Bank Fund [as applicable: set aside for payment to Coast Class Members].

The total amount of the Bank Fund available for payment to class members [where applicable: with claims against the Coast Fund] as of [date] is \$*. **Your present percentage entitlement of *% will result in the payment to you of \$*.**

The amount of the payment to you may change as a result of disputes by class members concerning their adjusted value of their claims against the Bank Fund. These disputes may have the effect of increasing the total value of class members' claims against the Bank Fund [as applicable: set aside for payment to Coast class members] which increase may result in a small change to the amount of your percentage entitlement.

F. Your Entitlement from the Coast Fund

[EITHER]

As stated above, our records show that you were not a member of Coast Capital who invested with Rashida Samji through Arvin Patel [or you have released your claim against Coast Capital] and therefore are not entitled to any payment from the Coast Fund. If you disagree with this determination, you must file a Notice of Dispute, as explained in Section H of this letter below.

[OR]

As a Coast class member, you are entitled to payment from the Coast Fund. The Court-approved Settlement Administration Plan provides that all Coast Class Members will receive a pro-rata share of the Coast Fund, calculated by dividing the amount of each Coast class member's principal loss into the total amount of the principal loss of all Coast class members.

Your principal loss is \$*. The total amount of the principal loss of all class members who have been identified as Coast class members is \$*. This means your pro-rata entitlement from the Coast Fund is *% (\$* of your principal loss divided by \$* of total Coast class members' principal loss) of the Coast Fund.

The amount of the Coast Fund available for payment to Coast class members is as of [date] is \$*. **Your pro-rata percentage entitlement of *% to the Coast Fund will result in the payment to you of \$*.**

The amount of the payment to you may change as a result of disputes by class members concerning class counsel's determination that they are not entitled to payment from the Coast Fund. If such a dispute results in the identification of one or more additional Coast class members, this will have the effect of reducing your pro-rata percentage entitlement to the Coast Fund and the amount of your payment from the Coast Fund.

G. What do I need to do to receive my payment?

In order to receive your settlement payment, you must deliver a signed copy of the enclosed Notice of Confirmation to class counsel. This Notice of Confirmation confirms that you have reviewed this entitlement letter and directs class counsel to send your payment to the address as indicated on the Notice of Confirmation.

You may deliver your Notice of Confirmation to class counsel by mail, fax or email as set out on the enclosed Notice of Confirmation.

In order to receive your settlement payment, **you must deliver the enclosed Notice of Confirmation to class counsel by [date – 45 days from issuance of entitlement letters].**

H. What do I do if I disagree with my entitlement?

If you dispute the determination that you are not entitled to payment from the Coast Fund, or dispute the calculation of the adjusted value of your claim against the Bank Fund, **you must deliver to class counsel a completed and signed copy of the enclosed Notice of Dispute.** You may deliver the Notice of Dispute to class counsel by mail, fax or email as set out on the enclosed Notice of Dispute.

You cannot challenge the amount of your net loss as set out in Section B of this letter. You also cannot challenge the allocation of that net loss to your investments as set out in Section C of this letter. You can only challenge the allocation of one or more of your investment to the Group of Claims to which the investment has been allocated, as set out in Section D of this letter.

If you deliver a Notice of Dispute challenging the allocation of one or more of your investments to the Group of Claims to which the investment has been allocated, you must explain on the Notice of Dispute the basis for your challenge and provide any documents you have in support of your claim that your investment has been improperly allocated among the various Group of Claims.

Notice of Disputes must be received by [date]. Notices of Dispute received by class counsel after that date will not be considered.

I. Questions

If you have any questions concerning this entitlement letter, please set out your questions in writing by email to class counsel at info@samjiclassaction.com, with a telephone number at which you can be reached. Class counsel will respond to your questions by email or by telephone. <mailto:pb@hbmlaw.com>

Yours truly

HORDO BENNETT MOUNTEER LLP

Paul R. Bennett

PRB/
Enclosures

GROUPS OF LOSSES

- Group A: losses attributable to amounts invested between November 27, 2009 and April 27, 2010 pursuant to instruments processed by RBC and losses attributable to amounts invested after April 27, 2010 by class members who had made investments before that date pursuant to instruments processed by RBC: 65%.
- Group B: losses attributable to amounts invested prior to November 27, 2009 and which are attributable either to instruments payable in trust and processed by RBC, or to non-trust instruments processed by RBC, which were preceded by an investment by the class member made pursuant to an instrument payable in trust and processed by RBC: 65%.
- Group C: losses which fall within either Groups A or B, where the class member had an account at RBC at the time the investments were made which resulted in those losses: an additional 5% for total of 70%.
- Group D: losses which do not fall within Group A and are attributable either to instruments payable in trust and processed by TD or Vancouver City Savings Credit Union ("Vancity"), or to non-trust instruments processed by TD or Vancity which were preceded by an investment by the class member made pursuant to an instrument payable in trust processed by the same financial institution: 55%.
- Group E: losses attributable to all other investments, which are attributable to non-trust instruments processed through RBC, TD and Vancity that do not fall within Groups A to D: 35%.

SCHEDULE "C"

SAMJI CLASS ACTION NOTICE OF CONFIRMATION

I/we confirm that I/we have reviewed and accept the determination of our settlement entitlement in *Jer et al. v. Samji et al.*, Vancouver Registry No. S-121627, as set out in the entitlement letter from Hordo Bennett Mounter LLP dated [*date*].

Please send the settlement payment to the following address:

Signed this _____ day of _____, 2014.
(Date) (Month)

[Name]

[Name]

To receive your settlement payment, you must deliver this Notice of Confirmation by **[date]** to Hordo Bennett Mounter LLP:

- (a) by Mail at: Hordo Bennett Mounter LLP
1400 – 128 West Pender Street
Vancouver, BC V6B 1R8
- (b) by Fax to: 604 639-3681
- (c) by email at info@samjiclassaction.com

SCHEDULE "D"

SAMJI CLASS ACTION – NOTICE OF DISPUTE

I/we dispute the following determinations of my/our settlement entitlements in *Jer et al. v. Samji et al.*, Vancouver Registry No. S-121627, as set out in the entitlement letter from Hordo Bennett Mounter LLP dated [date].

Please check as applicable:

- ☐ The determination that I/we are not entitled to any payment from the Coast Fund;
- ☐ The allocation of one or more of our investments to the Group of Claims to which the investment was allocated in Section * of the Entitlement Letter.

The reasons for this Notice of Dispute are [please explain below the reasons for your dispute as completely as you can – use an additional page if necessary]:

The following documentation is attached in support of this Notice of Dispute:

In order for this Notice of Dispute to be considered, you must deliver this Notice of Dispute by **[date]** to Hordo Bennett Mounter LLP:

- (a) by Mail at: Hordo Bennett Mounter LLP
1400 – 128 West Pender Street
Vancouver, BC V6B 1R8
- (b) by Fax to: 604 639-3681
- (c) by email at info@samjiclassaction.com

SCHEDULE "E"

HORDO | BENNETT | MOUNTEER LLP

LITIGATION COUNSEL

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14th Floor - Sun Tower Building
128 West Pender Street
Vancouver, BC V6B 1R8
Tel (604) 639-3680
Fax (604) 639-3681
www.hbmlaw.com

Direct Line:
E-mail:

[date]

[Investor name]
[Investor address]

Dear Sirs/Mesdames:

Re: Settlement Payment in *Jer et al. v. Samji et al.*
Vancouver Registry No. S-121627
(Samji Class Action)

Enclosed is your settlement payment of \$* payable from the Bank Fund in the Samji Class Action.

[OR]

Enclosed is your settlement payment of \$*, which consists of \$* payable from the Bank Fund and \$* payable from the Coast Fund in the Samji Class Action.

[IF APPLICABLE]

The above amount varies from the amount set out in our letter to you dated [date] setting out your settlement entitlement because the resolution of certain Notices of Dispute delivered by some class members had the effect of [increasing the value of the class member's claims against the Bank Fund] and/or [increasing the number of class members who were entitled to claim against the Coast Fund] and/or [accrued interest has increased the amount available for distribution to class members]. Details of the changes which affected the amount of your settlement payment can be reviewed at www.samjiclassaction.com under the link "Final Settlement Payments".