

No. S077807
Vancouver Registry

In the Supreme Court of British Columbia

Between:

**BARRY JIM BURNELL and
LORNE NELS DAVID IVERSON**

Plaintiffs

and:

ATTORNEY GENERAL OF CANADA

Defendant

Brought pursuant to the *Class Proceedings Act*, RSBC 1996, c.50

**ORDER MADE AFTER APPLICATION
RE: SETTLEMENT ADMINISTRATION**

BEFORE THE HONOURABLE)
MADAM JUSTICE GRIFFIN) 10/November/2015
)

ON THE APPLICATION of the representative plaintiffs, Barry Jim Burnell and Lorne Nels David Iverson, coming on for hearing at 800 Smithe Street, Vancouver, B.C. on November 10, 2015, and on hearing David G.A. Jones and Meldon Ellis counsel for the representative plaintiff Barry Jim Burnell; Matthew Voell, counsel for the representative plaintiff Lorne Nels David Iverson; and Maria Molloy, counsel for the defendant, the Attorney General of Canada;

AND ON READING the materials filed;

THIS COURT ORDERS that:

1. The Settlement Administration and Distribution Plan (the "Plan") is hereby approved in substantially the form attached as **Schedule "A"**.

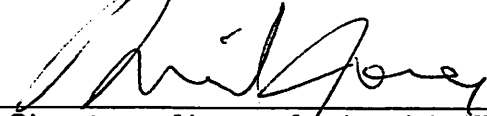
2. Camp Fiorante Matthews Mogerma is hereby appointed as Claims Administrator under the Plan.
3. The Plan shall govern the administration of the settlement agreement with the defendant, the Attorney General of Canada, dated April 23, 2015 (the "Settlement Agreement").
4. The class and sub-class members who accept the Claims Administrator's calculation of their eligible purchases of IVQ in pounds from the Pacific Halibut Management Association ("PHMA") must deliver their sworn claim forms within 90 days of the date that notification letters were sent to Class and Sub-class members by the Claims Administrator showing their eligible IVQ purchases.
5. Class and Sub-Class members who dispute the Claims Administrator's calculation of their eligible purchases of IVQ from the PHMA must deliver their objection forms and corresponding sworn claim forms within 45 days of the date that notification letters are sent to Class and Sub-class members by the Claims Administrator showing the eligible IVQ purchases.
6. Class and Sub-Class members who fail to deliver an objection form within the deadline for doing so under paragraph 5 of this Order are forever barred from disputing the amount of compensation issued to them by the Claims Administrator out of the funds paid under the Settlement Agreement.
7. The Claims Administrator is at liberty to undertake any investigation or steps the Claims Administrator may consider necessary in order to locate and contact Class or Sub-Class members who have not cashed, deposited, or otherwise dealt with the cheque sent to them in payment of their claims, and that any expenses incurred by the Claims Administrator in so doing may be reimbursed to the Claims Administrator from the amount payable to such Class or Sub-class member without further application to this Court.

8. The Claims Administrator is at liberty to apply for directions to the court as to the distribution of any settlement funds payable to Class or Sub-Class members that remain unclaimed after the Claims Administrator has taken the steps described in paragraph 7 of this Order.

9. No action may be brought against Class Counsel or the Claims Administrator concerning the settlement administration process without leave from the court.

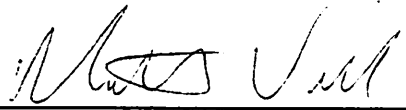
10. Endorsement of this Order by the defendant be dispensed with.

APPROVED AS TO FORM:




Signature of lawyer for the plaintiff,
Barry Jim Burnell

David G.A. Jones



Signature of lawyer for the plaintiff,
Lorne Nels David Iverson

Matthew Voell

By the Court


Registrar

Schedule "A"

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SETTLEMENT ADMINISTRATION AND DISTRIBUTION PLAN

PART 1: GENERAL

1. This settlement administration and distribution plan (the "Plan") will govern the administration and distribution of the settlement agreement with the defendant, the Attorney General of Canada, dated April 23, 2015 (the "Settlement Agreement") and the settlement amount paid in accordance with the Settlement Agreement (the "Settlement Amount").
2. Only Class and Sub-class members who submit a claim form in accordance with paragraphs 8 or 9 below (the "Claimants") will be entitled to share in the distribution of settlement funds.
3. Each Claimant's share in the settlement funds will be determined on the basis of the following :
 - (a) the documents provided by the Pacific Halibut Management Association ("PHMA") via Schmidt Berg & Company, Certified General Accountants further to the court order in this matter dated June 26, 2015;

- (b) any available documents provided by each Claimant; or
 - (c) Class Counsel's reasonable estimate of the missing information, if possible.
4. To the extent reasonably possible, Claimants' will be entitled to an amount ("Net Entitlement") to be determined as follows:
- (a) the amount of IVQ in pounds purchased from PHMA for each Commercial L Halibut License (the "License") between January 2001 to December 2006 ("Amount A");
 - (b) the Claimant's proportionate ownership share of the vessel to which the License was issued ("Percentage B");
 - (c) the total amount of IVQ in pounds purchased by all Claimants from PHMA for all Commercial L Halibut Licenses between January 2001 to December 2006 ("Amount C");
 - (d) each Claimant will be entitled to receive a pro-rata percentage of the available settlement funds calculated as:

$$\frac{\textit{Amount A} \times \textit{Percentage B}}{\textit{Amount C}}$$

for each license (the "License Percentage"); and

- (e) the License Percentage will be multiplied by the net settlement funds (calculated as the Settlement Amount less legal fees, disbursements, administration costs, representative plaintiff honoraria, and the Holdback described in paragraph 18).
5. Camp Fiorante Matthews Mogerman will act as the claims administrator (the "Claims Administrator") in the claims process.

6. Class Counsel or the Claims Administrator may at any time move to the Court for approval of a reasonable modification to this Plan or for further directions with respect to the distribution of the settlement funds.

PART 2: NOTICE TO CLAIMANTS

7. All Claimants will be provided with a personalized notice setting out the available data on his, her or its purchases of IVQ from PHMA as described in paragraph 4(a) together with a blank claim form. This notice will be in the form of a letter sent by regular mail or email. Such notice will explain how to challenge the notice under paragraphs 9 and 12-16 below.
8. If Class and Sub-class members agree with the notice described in paragraph 7 above, they must submit sworn claim forms to the Claims Administrator by regular mail, fax or email within 90 days of the mailing of the notices described in paragraph 7 above. Such sworn claim forms must identify the Claimant's proportionate ownership share of the vessel to which applicable License was issued and identify any other person(s) with an ownership interest in such vessel during the period January 2001 to December 2006
9. If Class and Sub-class members disagree with the notice described in paragraph 7 above, they are entitled to challenge the notice as described in paragraphs 12-16 below.

PART 3: DISTRIBUTION OF NET SETTLEMENT FUNDS

10. After the Claims Administrator has reviewed claims forms submitted under paragraph 8 and resolved challenges brought pursuant to paragraphs 9 and 12-16, the Claims Administrator will calculate each eligible Claimant's Net Entitlement as described in paragraph 4 above.
11. The Claims Administrator will then issue a letter to each Eligible Claimant confirming that Claimant's Net Entitlement and enclosing a cheque in that amount. Despite paragraph 10, The Claims Administrator is authorized to make interim payments to Claimants if there are unresolved challenges or appeals

under paragraphs 9 and 12-16 provided the Claims Administrator retains funds sufficient to pay out any such Claimants if such challenge or appeal is successful.

PART 4: CHALLENGES TO NOTICES AND APPEALS

12. Class and Sub-class members will be entitled to challenge the paragraph 7 notice on the basis of incorrect data about their purchases of IVQ from PHMA. Class and Sub-class members may challenge their paragraph 7 notice by submitting a corrected sworn claim form to the Claims Administrator (by regular mail, fax or email) for reconsideration within 45 days of the date of mailing of the paragraph 7 notice, identifying which data they believe to be incorrect and providing some proof of the correct data. Such sworn claim form must also provide the ownership information described in paragraph 8 above.
13. The Claims Administrator shall confirm, in writing, receipt of all challenges by Claimants under section 12.
14. In deciding whether to accept or deny a challenge to a paragraph 7 notice, the Claims Administrator will be flexible in what is accepted as proof under paragraph 12.
15. The Claims Administrator will notify in writing any Claimant who brings a challenge of the Claims Administrator's decision at the address provided by the Claimant.
16. Any challenges by Claimants that cannot be resolved through the Claims Administrator will be referred to the Court for final determination. There will be no appeal from that determination.

PART 5: COST OF SETTLEMENT ADMINISTRATION

17. All expenses of settlement administration, such as the cost of postage and photocopying, will be paid from the settlement funds.

18. The Claims Administrator may hold back from distribution to the Claimants an amount which it calculates will be reasonably necessary to pay taxes on the interest that accrues on the settlement funds while it holds the settlement funds in trust (the "Holdback").
19. If, after payment of the taxes described in paragraph 18, there are funds remaining in the Holdback, the Claims Administrator may apply for directions to the Court as to the disposition of the funds remaining.
20. No actions may be brought against Class Counsel or the Claims Administrator concerning the claims administration without leave of the Court.

PART 6: UNCLAIMED AMOUNTS

21. If a Claimant does not cash, deposit or otherwise deal with the cheque sent to them pursuant to paragraph 11 within three months of its date of issuance, the Claims Administrator may take such steps as it considers necessary to locate and contact the Claimant and issue the Claimant's settlement entitlement to them. Any expenses incurred in so doing shall be reimbursed to the Claims Administrator from the settlement benefit payable to the Claimant.
22. If any settlement funds remain unclaimed after the Claims Administrator has taken such steps, the Claims Administrator may apply for directions to the Court as to the disposition of the unclaimed amounts, which may include distribution of those amounts to other Claimants.