



No. S071269  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between:

**MICHELLE FAIRHURST AND MARC KAZIMIRSKI**

**Plaintiffs**

and:

**DE BEERS CANADA INC., DB INVESTMENTS SOCIÉTÉ ANONYME, DE BEERS S.A., DE BEERS CONSOLIDATED MINES PROPRIETARY, LTD., THE DIAMOND TRADING COMPANY LIMITED, CSO VALUATIONS A.G., and DE BEERS CENTENARY A.G.**

**Defendants**

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

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**ORDER MADE AFTER APPLICATION  
REGARDING APPROVAL OF CLASS COUNSEL FEES & DISBURSEMENTS**

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BEFORE            )            THE HONOURABLE JUSTICE            )            02/Nov/2017  
                          )            WARREN                                    )              
                          )    )            

ON THE APPLICATION of the plaintiffs coming on for hearing at the Courthouse, 800 Smithe Street, Vancouver, BC, on 02/Nov/2017 and on hearing Reidar M. Mogerman, Jennifer Winstanley and Naomi Kovak, for the plaintiffs; Katherine L. Kay for De Beers Canada Inc., DB Investments Société Anonyme, De Beers S.A., De Beers Consolidated Mines Proprietary, Ltd., The Diamond Trading Company Limited, CSO Valuations A.G., and De Beers Centenary A.G and on reading the materials filed and judgment being reserved to this date;

THIS COURT ORDERS that:

1. An order that the retainer agreements between Camp Fiorante Matthews Mogerman and the representative plaintiffs, Marc Kazimirski and Michelle Fairhurst, are approved.

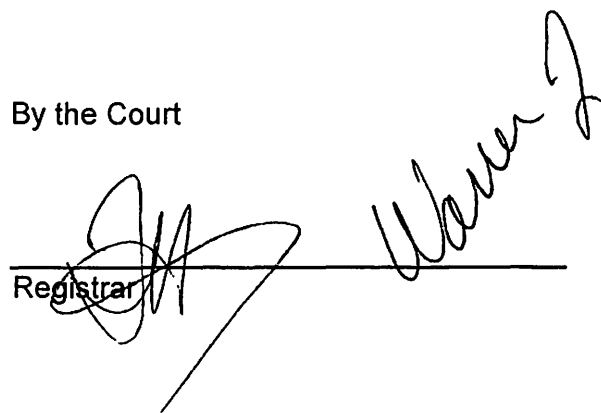
2. An order approving class Counsel legal fees in the amount of \$2,350,000 plus applicable taxes.
3. An order approving disbursements in the amount of \$527,940.06 inclusive of applicable taxes.
4. An order that Class Counsel legal fees, disbursements, and applicable taxes be paid first from the recovered costs awards, with the remainder paid from the settlement amount, payable pursuant to the terms of the Settlement Agreement dated October 14, 2016.
5. An order that the orders set out in paragraphs 2 – 4 are contingent on a parallel or equivalent order being made by the Ontario Superior Court of Justice in *Brant v. De Beers Canada Inc., et al.*, Court File No. 1399/10 CP and the Quebec Superior Court in *Sanderson v. De Beers Canada Inc., et al*, Court File No. 500-06-000571-113.
6. An order that endorsement of this order by counsel for the defendants be dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER:

  
\_\_\_\_\_  
Signature of lawyer for the plaintiff

Reidar Mogerman

By the Court

  
\_\_\_\_\_  
Registrar

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**CAMP FIORANTE MATTHEWS MOGERMAN**

Barristers & Solicitors  
#400 – 856 Homer Street  
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Via Mike Bike