

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) TUESDAY, THE 5th
)
JUSTICE MORGAN) DAY OF DECEMBER , 2023

B E T W E E N:

**JOHN SOMWAR, TULSIDAI SOMWAR and SHANTA
PERSAUD**

Plaintiffs

and

**~~FLY JAMAICA AIRWAYS LTD., THE BOEING COMPANY, JOHN DOE #1 PILOT,
JOHN DOE #2 CO-PILOT BASIL FERGUSON, KEONE BRYAN, JOHN DOE #3
AIRCRAFT MAINTENANCE PROVIDER MEXICANA MRO, S.A. DE. C.V., JOHN
DOE #4 AIRCRAFT MAINTENANCE MECHANIC~~**

Defendants

Proceedings under the Class Proceedings Act, 1992

**ORDER
(First Notice Approval)**

THIS MOTION, made by the Plaintiffs for an order approving the Plaintiffs' Notice Plan and Notice of Hearing for Settlement Approval was made this day in writing.

ON READING the Notice of Motion and affidavit of Valerie Lord, filed,

1. **THIS COURT ORDERS** that the Plaintiffs' Notice Plan to provide notice of the Motion for Settlement Approval is approved in the form attached hereto as **Schedule A**.

2. **THIS COURT ORDERS** that the form and content of the Notice of Hearing for Settlement Approval is approved substantially in the form attached hereto as **Schedule B**.

3. **THIS COURT ORDERS** that there be no costs awarded for this motion.

A handwritten signature in blue ink, appearing to read "Morgan J.", is centered on a light blue rectangular background.

Morgan J.

SCHEDULE A – NOTICE PLAN

A. Notice of Proposed Settlement and Approval Hearing (Settlement Hearing Notice)

1. Class Counsel will email the Settlement Hearing Notice to all putative Class Members.
2. Class Counsel will send the Settlement Hearing Notice via regular mail to all putative Class Members who do not have an email address.
3. Class Counsel will post an update to their firm websites advising of the hearing for approval of the settlement (the Settlement Hearing). The update will set out the key terms of the proposed settlement and explain the process for objecting to the proposed settlement, or the proposed Class Counsel fees.
4. Class Counsel will post the Notice of the Settlement Hearing (the Settlement Hearing Notices) in English on their websites, as well as the executed Settlement Agreement. Once filed with the court, Class Counsel will also post a link of the Plaintiffs' motion record for settlement approval and Class Counsel's motion record for fee approval.

**NOTICE OF HEARING FOR
SETTLEMENT APPROVAL**

Somwar et al. v. Fly Jamaica Airways Ltd. et al.
Aviation Crash Class Action

You are receiving this notice because you were:

- a passenger on Fly Jamaica Flight 0J256 on November 9, 2018, or
- a family member of yours was on Fly Jamaica Flight 0J256 on November 9, 2018

A proposed class action was commenced by John Somwar, Tulsidai Somwar and Shanta Persaud for damages arising from a plane crash that took place on Fly Jamaica Flight 0J256 on November 9, 2018. Because you were a passenger or your family member was a passenger, you may have been affected by the plane crash, and you are a class member.

You are not being sued. You do not have to pay any legal fees out of your own pocket.

This notice is to tell you that **a settlement of the proposed class action has been reached**. By entering into this settlement the Defendants have not admitted liability – the settlement is a negotiated compromise of the parties' positions.

Under the terms of the Settlement the Defendants will pay a settlement fund totaling up to \$5,550,000.00, which includes all damages to be paid to the Class, legal fees, interest and taxes. In exchange, the Defendants will receive a full and final release from the Class for the claims made against it relating to the plane crash.

Before the Settlement is Final, the Settlement has to be approved by the Ontario Superior Court of Justice. The court hearing to decide if the Settlement is fair, reasonable and in the best interest of the Class, and if it should therefore be approved, is scheduled for **January 10, 2024** and will be heard by videoconference.

**Topic: Settlement Approval Motion: Somwar v. Fly Jamaica Airways Ltd. et al. -
CV-18-00609494-00CP**

Time: Jan 10, 2024, 10:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

<https://ca01web.zoom.us/j/64971495987?pwd=VXJhNkVwd1Y2Wm0rVUViNE9jS3JVZz09>

Meeting ID: 649 7149 5987

Passcode: 083720

Dial by your location

• +1 647 374 4685 Canada

At the same time as the hearing for approval of the Settlement Agreement, the Plaintiffs' lawyers will ask the Court to approve their legal fees and expenses to be paid from the Settlement Fund. The legal fees requested will be 25% of the Settlement Fund, plus taxes and disbursements, consistent with the Contingency Fee Agreement signed by the Plaintiffs.

Your legal rights will be impacted if the Settlement is approved. You have the right to either attend the hearing or to make written submissions to the Court about the Settlement Agreement, including if you wish to object to the terms of the settlement, or about the legal fees to be paid to the Plaintiffs' Lawyers.

More details about the Settlement, how it will affect you, and how to make submissions to the Court are available on the websites referenced below to get more information.

Questions about this Notice, the Class Action, or the Settlement can be made to:

<p><u>HOWIE, SACKS & HENRY LLP</u> 20 Queen Street West, Suite 3500 Toronto, ON M5H 3R3 Valerie Lord vlord@hshslawyers.com Tel: 416.361.5990</p>	<p><u>ROCHON GENOVA LLP</u> 121 Richmond Street West, Suite 900 Toronto, ON M5H 2K1 Vincent Genova vgenova@rochongenova.com Tel: 416.363.1867</p>
<p>CAMP FIORANTE MATTHEWS MOGERMAN LLP 856 Homer Street, Suite 400 Vancouver, BC V6B 2W5 Joe Fiorante Tel: 604.689.7555</p>	

The Ontario Superior Court of Justice has authorized distribution of this Notice; however, questions about this Notice should NOT be directed to the Court.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

**ORDER
(First Notice Approval)**

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