

SUPERIOR COURT
(CLASS ACTION)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° : 500-06-000500-104

DATE : MARCH 14, 2012

IN THE PRESENCE OF: THE HONOURABLE ROBERT MONGEON, J.S.C.

VIRGINIA NELLES
Petitioner

vs.

ROYAL BANK OF CANADA
Respondent

JUDGMENT

[1] The Court having examined the Motion to Approve a Class Action Settlement Agreement and Transaction, to Permit the Amendment of the Amended Motion Introductory of Class Action Proceedings, to Approve the Payment of Legal Fees by The Class to Class Counsel and to Authorize the Reimbursement of Amounts Owed to the Fonds d'Aide aux Recours Collectifs, as well as the Exhibits and Affidavits in support thereof produced in the present Court record, and after having heard counsel for the parties and certain Class Members, renders the following Judgment:

[2] **GRANTS** the present Motion;

[3] **APPROVES** the Settlement and Transaction Agreement entered into by the parties on March 5, 2012 (Exhibit R-1), and orders the parties and the Claims Administrator to comply with the terms thereof;

[4] **DECLARES** that the Settlement Agreement is fair and reasonable and in the best interests of the Class members;

[5] **GRANTS** the Plaintiff's Motion to Amend the Amended Motion Introductory of Class Action Proceedings in accordance with the Re-Amended Motion Introductory of Class Action Proceedings set forth in Schedule in 3.1 of the Settlement Agreement;

[6] **DECLARES** that the claims of the Class members which have been added to the present Class Action in accordance with the Re-Amended Motion Introductory of Class Action Proceedings shall be bound by the final Judgment and Settlement Agreement unless they opt out thereof by filing a Notice with the Clerk of the Superior Court of Quebec, by registered mail, of their intention to opt out such claims from the Class Action by no later than May 14, 2012;

[7] **APPOINTS** Mr. Kevin Curran, BSc. BSc. B. Arch., as the Claims Administrator and orders Mr. Curran to abide by the terms of the Settlement Agreement;

[8] **APPROVES** the Proof of Claim form and instructions in respect of completing the Proof of Claim form set forth in Schedule 5.2.7 to the Settlement Agreement;

[9] **DECLARES** that the Claims Bar Date after which Class members may not file a Proof of Claim is June 15, 2012;

[10] **APPROVES** the form and content of the final Judgment Notice produced as Schedule 5.2.3 to the Settlement Agreement;

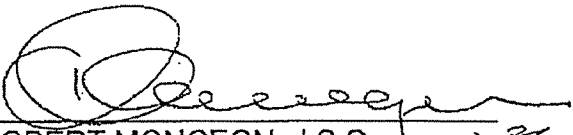
[11] **APPROVES** the payment to Class counsel of fees and costs by the Class in accordance with the Statement of Account (Exhibit R-4), to be paid out of the Settlement Proceeds;

[12] **APPROVES** the payment to the Fonds d'aide aux recours collectifs of the amount of Two Hundred Thousand Dollars (\$200,000.00), to be paid out of the Settlement Proceeds;

[13] **APPROVES** the payment to the Claims Administrator of the Settlement Administration Expenses set forth in the Settlement Agreement, to be paid out of the Settlement Proceeds, as defined in the Settlement Agreement;

[14] **ORDERS** collective recovery;

- [15] **APPROVES** the distribution process set forth in the Settlement Agreement;
- [16] **DECLARES** that the Plaintiff may grant the Release to the Released Parties on her own behalf, and in her quality as designated representative on behalf of the Class members who have not opted out of the Class Action, in accordance with sections 8 and 9 of the Settlement Agreement, declares that said Releases are binding on all Class members who have not or who do not validly opt out of the Class Action pursuant to Article 1007 C.C.P., and declares that the Defendant and its related, affiliated and associated parties are released in accordance with the terms of Section Nine (9) of the Settlement Agreement;
- [17] **REMAINS** seized with issues that may arise within the present Class Action;
- [18] **RESERVES** the rights of Barbara MacLeod, the Estate of the late Julianna MacLeod and the Estate of the late Dirk Dresselhuizen in respect of the matters raised by counsel on their behalf in a letter dated March 13, 2012 produced into the present Court record;
- [19] **THE WHOLE** without costs.


ROBERT MONGEON, J.S.C. *js*

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Date of hearing: March 14, 2012