



Court File No. 67/13

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE
JUSTICE EDWARDS

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Thursday, this 30th day
of August, 2023

BETWEEN:

**HEIKE HESSE and the Estate of ERKENRAADJE WENSVOORT by her Estate Trustee
Willemyntije Hammond ON BEHALF OF THEMSELVES AND ALL OTHERS
SIMILARLY SITUATED**

Plaintiffs

- and-

**ANDREA KAY, DANA GILDON CORMIER, MANDY EDGERTON REID, DAWN
DECIOCCI, JANE DOE "A", JANE DOE "B", JANE DOE "C", and PETERBOROUGH
REGIONAL HEALTH CENTRE**

Defendants

BROUGHT UNDER THE CLASS PROCEEDINGS ACT, 1992, S.O. 1992, c. 6

ORDER

THIS MOTION, brought by the proposed representative plaintiff for an order approving the settlement agreement entered into with the Peterborough Regional Health Centre ("PRHC") and dismissing this action as against PRHC was heard virtually this day in the Ontario Superior Court of Justice.

UPON READING the motion record filed by the proposed representative plaintiff, including the minutes of settlement dated May 9, 2023 attached to this order as Schedule "A" (the Settlement Agreement"), and hearing submissions from counsel for the representative plaintiff and counsel for PRHC;

ON BEING ADVISED that notice of this motion was provided to members of the Class in accordance with the notice plan approved by this Court on May 25, 2023;

AND ON BEING ADVISED that 4 persons validly and timely exercised the right to opt out, the deadline for opting out of this class action having now passed;

1. **THIS COURT ORDERS** that for purposes of this order, the definitions set out in the Settlement Agreement apply to and are incorporated into this order.
2. **THIS COURT ORDERS** that in the event of a conflict between this order and the Settlement Agreement, this order shall prevail.
3. **THIS COURT ORDERS** that this order, including the Settlement Agreement, is binding upon PRHC in accordance with the terms thereof, and upon each member of the Class that did not validly opt out of this action (the “Settlement Class”), including those individuals who are minors or mentally incapable, and the requirements of Rules 7.04(1) and 7.08(4) of the *Rules of Civil Procedure*, RRO 1990, Reg 194 are dispensed with in respect of the action.
4. **THIS COURT ORDERS** that the Settlement Agreement is fair, reasonable and in the best interests of the Class.
5. **THIS COURT ORDERS** that the Settlement Agreement is hereby approved pursuant to s. 27.1 of the *Class Proceedings Act* and shall be implemented and enforced in accordance with its terms.
6. **THIS COURT APPROVES** legal fees in the amount of \$286,865.04 inclusive of HST to be paid to Greenspon Granger Hill by PRHC as contemplated by paragraph 7 of the Settlement Agreement.
7. **THIS COURT ORDERS THAT** notice of approval of the Settlement Agreement and the process for each Class Member to make a claim in accordance with the Settlement Agreement will be given to each member of the Class in accordance with the Notice Plan attached as Schedule “B” to this order.

8. **THIS COURT ORDERS** that for purposes of administration and enforcement of the Settlement Agreement and this order, this Court will retain an ongoing supervisory role and the representative plaintiff and PRHC acknowledge and attorn to the jurisdiction of this Court solely for the purpose of implementing, administering and enforcing the Settlement Agreement and this order, and subject to the terms and conditions set out in the Settlement Agreement and this Order.

9. **THIS COURT APPROVES** RicePoint Administration Inc. as the Administrator who will create and administer an online claims based process for distribution of the Settlement Funds as contemplated by paragraph 5 of the Settlement Agreement.

10. **THIS COURT ORDERS** that this action, and any other action commenced in Ontario by any member of the Settlement Class, be dismissed without costs on January 30, 2024 with prejudice to all members of the Settlement Class.

11. **THIS COURT ORDERS AND DECLARES** that on January 30, 2024, each Class Member who has not validly opted-out of this action shall be deemed to have conclusively and forever released PRHC from any and all liability arising out of the claims that were advanced or could have been advanced in this action.

12. **THIS COURT ORDERS** that on notice to the Court but without further order of the Court, the parties to the Settlement Agreement may agree to reasonable extensions of time to carry out any of the provisions of the Settlement Agreement.

Entered at Peterborough
Entré à Peterborough

Thursday, September 7, 2023

In Book No. 74-65
au registre no.


