

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° : 500-06-000013-934

DATE : NOVEMBER 22nd, 2012

BY : THE HONOURABLE DANIEL H. TINGLEY, J.S.C.

Manon Doyer
Petitioner

v.

Dow Corning Corporation

-and-

Dow Corning Canada Inc.
Respondents

-and-

Samson Bélair/ Deloitte & Touche
Claims Administrator

-and-

Fonds d'aide aux recours collectifs
Mis en cause

**JUDGMENT APPROVING THE DISPOSITION OF THE REMAINDER OF
SETTLEMENT FUNDS AND PRONOUNCING THE CONCLUSION OF THE
ADMINISTRATION OF CLASS ACTION**

JT0971

[1] **CONSIDERING** the motion for disposition of remainder of funds and to conclude the administration of the class action;

- [2] **CONSIDERING** the entirety of the claims has been processed and the final indemnities were distributed in November 2011;
- [3] **CONSIDERING** that at the date of the motion and after the necessary research was carried out to locate claimants, Class Counsel is in possession of 12 uncashed cheques and the Claims Administrator is in possession of 4 uncashed cheques;
- [4] **CONSIDERING** that these uncashed cheques total the amount of \$32,371.56;
- [5] **CONSIDERING** that this amount of \$32,371.56 constitutes the remainder of settlement funds;
- [6] **CONSIDERING** the proposal by the Parties to distribute this remainder as follows:
- (i) First, a payment to the Fonds d'aide aux recours collectifs representing the percentage to which they are entitled according to subsection 1, paragraph 1 a) of the *Regulation respecting the percentage withheld by the Fonds d'aide aux recours collectifs*, namely 50% from any balance less than \$100,000. This payment would be in the amount of \$16,185.78;
 - (ii) A payment of the remainder of funds to the Research Institute of the McGill University Health Centre (RI MUHC), a recognized biomedical and health-care hospital research center which supports over 500 researchers, 1,000 graduates and post-doctoral students and operates more than 300 laboratories devoted to a broad spectrum of fundamental and clinical research. This payment would be in the amount of \$16,185.78;
- [7] **CONSIDERING** that this proposal for the equitable payout of the remaining funds would conclude the administration of the class action subject to the approval of the Claims Administrator's final report;
- [8] **CONSIDERING** the Parties consent to the motion;

FOR THESE REASONS, THE COURT:

- [9] **GRANTS** the motion for disposition of remainder of funds and to conclude the administration of the class action;

- [10] **APPROVES** the Claims Administrator, Deloitte's, final report dated April 18, 2012;
- [11] **APPROVES** the payment of the remainder of funds as follows:
- (i) \$16,185.78 to the Fonds d'aide aux recours collectifs and
 - (ii) \$16,185.78 to the Research Institute of the McGill University Health Centre;
- [12] **ORDERS** the Claims Administrator to pay, within 45 days of the present judgment:
- (i) \$16,185.78 to the Fonds d'aide aux recours collectifs and
 - (ii) \$16,185.78 to the Research Institute of the McGill University Health Centre;
- [13] **DISCHARGES** Deloitte of its mandate as Claims Administrator;
- [14] **PRONOUNCES** the conclusion of the present class action;
- [15] **THE WHOLE** without costs.



DANIEL H. TINGLEY, j.s.c.

Mtre Yves Lauzon
Mtre Careen Hannouche
LAUZON BÉLANGER LESPÉRANCE inc.
Class Counsel

Mtre Ronald Silverson
GASCO GOODHUE ST-GERMAIN
Counsel for Dow Corning Canada and Dow Corning Corporation

Mtre Frikia Belogbi
Counsel for Fonds d'aide aux recours collectifs