



Court File No.: 16-70454CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE MACLEOD

)
)
)
)

MONDAY THE 1ST
DAY OF NOVEMBER, 2021

B E T W E E N :

**DAVINA DIXON, DANIEL DIXON and
REBECCA DIXON**

Plaintiffs

- and -

DR. NORMAN BARWIN

Defendant

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by Class Counsel for an order approving the legal fees payable to Nelligan O'Brien Payne LLP with respect to this proceeding was heard on November 1st, 2021 at 2:00 p.m.

WHEREAS the settlement agreement in this action was executed on July 23, 2021 and was approved by order of this Court dated November 1, 2021 (the "Settlement"),

WHEREAS the settlement fund established pursuant to the Settlement in this action is \$13,375,000.00 (the "Settlement Fund"),

UPON HEARING the submissions of counsel for the Plaintiffs and upon reading the materials filed, including the motion record of the Plaintiffs and the factum of Class Counsel,

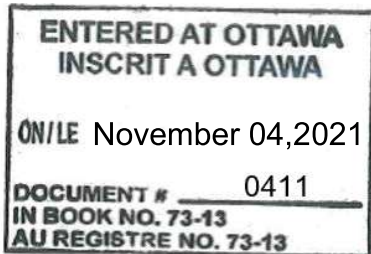
1. **THIS COURT ORDERS** that the fees payable to Nelligan O'Brien Payne LLP by the Defendant out of the Settlement Fund is hereby set at \$3,343,750.00 in respect of legal fees, plus \$434,687.50 in respect of HST, calculated as follows:

(a)	legal fees:	\$3,343,750.00
(b)	HST on subparagraph (a) above:	\$434,687.50
	<u>TOTAL:</u>	\$3,778,437.50

2. **THIS COURT ORDERS** that the total amount payable by the Defendant out of the Settlement Fund in respect of disbursements, in addition to the fees payable in paragraph 1 above, is hereby set at \$35,610.30 (inclusive of all applicable taxes) to Nelligan O'Brien Payne LLP.

3. **THIS COURT ORDERS** that the amounts payable in paragraphs 1 and 2 shall be paid to Nelligan O'Brien Payne LLP out of the Settlement Fund within 5 days of the Court Approval Date as defined in the order approving the Settlement in this action.

4. **THIS COURT ORDERS** that there shall be no costs of this motion.



C. MacLeod R59

DAVINA DIXON, et al.
Plaintiffs

DR. NORMAN BARWIN
Defendant

and

Court File No.: 16-70454CP

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at **OTTAWA**

ORDER

NELLYGAN O'BRIEN PAYNE LLP
300-50 O'Connor Street
Ottawa, ON K1P 6L2

Peter Cronyn LSO #19086L
peter.cronyn@nelliganlaw.ca
Tel: 613-231-8213 / Fax: 613-788-3659

Frances Shapiro Munn LSO #63493P
frances.shapiro@nelliganlaw.ca
Tel: 613-231-8355 / Fax: 613-788-3697

Jessica Fullerton LSO #54903A
jessica.fullerton@nelliganlaw.ca
Tel: 613-231-8366 / Fax: 613-788-3651

Lawyers for the Plaintiffs