

SUPERIOR COURT
(Class Action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000743-159

DATE: May 12, 2017

IN THE PRESENCE OF: THE HONOURABLE MARC DE WEVER, J.S.C.

BENEDICT MATTHEW BISSONNETTE

Applicant

v.

CITY OF WESTMOUNT

Respondent

and

FONDS D'AIDE AUX ACTIONS COLLECTIVES

Impleaded Party

and

TRUDEL JOHNSTON & LESPÉRANCE

Applicant attorneys

JUDGMENT

[1] **CONSIDERING** the Application to approve a Class Action Settlement and for Approval of Class Counsel's Fees ;

[2] **CONSIDERING** articles 590, 591 and 593 C.c.p. and article 42 of the Act respecting the Fonds d'aide aux actions collectives;

[3] **CONSIDERING** the representations of Class Counsel and Counsel to the Respondent, the City of Westmount;

[4] **CONSIDERING** the interests of the Class Members;

[5] **CONSIDERING** that the Court is of the opinion that the Settlement Agreement is fair, reasonable and in the best interest of the Class Members;

FOR THESE REASONS, THE COURT:

[6] **GRANTS** the Application to approve a Class Action Settlement and for Approval of Class Counsel's Fees;

[7] **DECLARES** that the Settlement Agreement is reasonable, fair, appropriate, in the best interest of the Class Members and forms part of the judgment granting approval;

[8] **APPROVES** the Settlement Agreement concluded between the parties as a settlement of this class action and **ORDERS** the parties to respect its terms;

[9] **DECLARES** that the Settlement Agreement constitutes a transaction within the meaning of article 2631 of the *Civil Code of Québec* binding all parties and all Class Members;

[10] **APPOINTS** Me Gabrielle Gagné, as Internal Adjudicator of the Agreement;

[11] **ORDERS** that notice of the Settlement Agreement be given to Class Members in the manner provided for at section 4.2 of the Settlement Agreement;

[12] **APPROVES** the "Professional Appointment and Agreement on Extrajudicial Fees" concluded by the Applicant and the Applicant Attorneys;

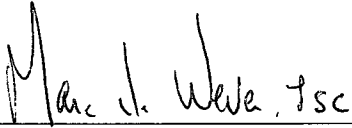
[13] **DECLARES** that the Applicant Attorneys are entitled to extrajudicial fees in the amount of 20% of the Total Settlement Fund, before deduction of disbursements;

[14] **DECLARES** that the Applicant Attorneys are entitled to reimbursement of disbursements in the amount of \$619.26, said disbursements to be deducted from the Total Settlement Fund;

[15] **ORDERS** the Applicant Attorneys to retain from any balance the percentage provided for in the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives* (ch.F-3.2.0.1.1,r.2) for the benefit of the Fonds d'aide aux actions collectives;

[16] **DECLARES** that the Applicant is entitled to reimbursement of his expenses related to this case as documented and totalling \$2,284.39, to be deducted from the Total Settlement Fund;

[17] **THE WHOLE** without legal costs.



MARC DE WEVER, J.S.C.

Me André Lespérance
Me Jean-Marc Lacourcière
TRUDEL JOHNSTON & LESPÉRANCE
Attorneys for Applicant

Me Kurt A. Johnson
IRVING MITCHELL KALICHMAN
Attorneys for Respondent

Hearing date: May 1st, 2017