

Schedule E

2007 01 T 1386 CP

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION**

BETWEEN:

WILLIAM SQUIRES

PLAINTIFF

AND:

DOLLAR FINANCIAL GROUP INC., NATIONAL
MONEY MART COMPANY, SYD FRANCHUK,
JEFFREY WEISS, 10768 NEWFOUNDLAND
LIMITED carrying on business under the name and
style of MONEY MART, GERRY KILDUFF and
RON KUZYK

DEFENDANTS

BROUGHT UNDER THE CLASS ACTIONS ACT
BEFORE THE HONOURABLE MR. JUSTICE THOMPSON,
CASE MANAGEMENT JUDGE

Order Approving Notice to Class Members

THIS MOTION, made by the plaintiff for an order:

- (a) approving the Notice of the Approval Hearing; and
- (b) approving the method of dissemination of the Notice;

was heard this day at the Court House, St. John's, Newfoundland and Labrador.

ON BEING ADVISED that the parties have entered into a proposed settlement, which is subject to court approval,

ON READING the materials filed and on hearing the submissions of counsel for the plaintiff and the defendants,

1. **THIS COURT ORDERS AND DECLARES** that for the purposes of this order, the following definitions apply and are incorporated into this order:

- (a) **“Approval Hearing”** means the hearing on May 26, 2010 of the plaintiff’s motion for approval of the proposed settlement with the defendants;
- (b) **“Class Members”** means all persons who, in the period January 1, 1997 to March 31, 2010, entered into a fast cash advance in Nova Scotia, Newfoundland and Labrador or New Brunswick with Money Mart or a Former Franchisee or a Current Franchisee which was repaid using a first party personal cheque delivered at the time the fast cash advance was obtained provided such cheque was honoured by the bank, excluding persons who opt out;
- (c) **“Current Franchisees”** means 611282 N.B. Ltd;
- (d) **“Money Mart”** means National Money Mart Company;
- (e) **“Newspapers”** means the newspapers listed in Schedule A;
- (f) **“Notice”** means the notice generally in the form attached as Schedule B;
- (g) **“Notice Period”** means the period from April 19, 2010, 2010, to May 26,, 2010; and

2. **THIS COURT ORDERS** that John P. Brown of McCarthy Tétrault LLP be appointed to receive written objections to the proposed settlement from proposed Class Members and report to the court.

3. **THIS COURT DIRECTS** that the Approval Hearing shall be held on May 26, 2010, beginning at 10:00 a.m. E.T. at the Trial Division, Duckworth Street, St. John's, Newfoundland and Labrador.

4. **THIS COURT ORDERS** that at the Approval Hearing, the court will consider objections to the proposed settlement by proposed Class Members and that objections shall be sent in written form, by pre-paid mail or courier to McCarthy Tétrault LLP, Attention: John P. Brown, P.O. Box 48, Suite 5300, Toronto Dominion Bank Tower, Toronto, ON M5K 1E6 on or before May 21, 2010.

5. **THIS COURT DIRECTS** that the written objections referred to in paragraph 4 of this order shall include the following information:

- (a) the name, address, phone number, email address and date of birth of the person seeking to object to the settlement of the class action;
- (b) a brief statement of the objection and the reasons for the objection; and
- (c) whether the person or a representative intends to appear at the Approval Hearing in person or by counsel, and if by counsel, the name, address, telephone number, fax number and email address of counsel.

6. **THIS COURT ORDERS** that John P. Brown or his designate shall, on or before May 23,, 2010, report to the court, by affidavit, with a copy to all counsel, the names of the persons who objected and their objections and, if necessary, by supplementary report at the Approval Hearing.

7. **THIS COURT ORDERS** that the proposed Class Members shall be given notice of the proposed settlement and the Approval Hearing by the Notice being:

- (a) published once only by Money Mart immediately following the date of this Order in a one-quarter page advertisement in each of the Newspapers, subject to publication deadlines;
- (b) displayed on a sign prepared by Money Mart measuring at least two (2) feet horizontally by three (3) feet vertically and installed by Money Mart in a prominent location in each store in Nova Scotia, New Brunswick and Newfoundland and Labrador operated by Money Mart and its franchisees throughout the Notice Period;
- (c) made available, on a single page sized 8 ½” by 11”, placed by Money Mart in the receptacle located at the bottom of each sign throughout the Notice Period;
- (d) posted by Money Mart on its website at www.moneymart.com throughout the Notice Period;
- (e) posted by plaintiffs’ counsel on the website at www.ChesCrosbie.com throughout the Notice Period; and
- (f) delivered by plaintiffs’ counsel to any person who requests it from them throughout the Notice Period.

8. **THIS COURT ORDERS** Money Mart and its Current Franchisees stock the receptacle at the bottom of the sign in each store so that it always contains a supply of Notices.

9. **THIS COURT ORDERS** that:

- (a) Money Mart shall bear the costs of:
 - (i) producing the signs;

- (ii) delivering the signs to each of its corporate and franchise stores in Ontario;
- (iii) maintaining the signs;
- (iv) producing and providing adequate copies of the Notices;
- (v) publishing the Notice in the Newspapers;
- (vi) posting the Notice on its website www.moneymart.com;
- (vii) Mr. Brown receiving the written objections and reporting as required by paragraphs 4 and 6;

(b) the plaintiffs shall bear the costs of:

- (i) posting the Notice at www.ChesCrosbie.com; and
- (ii) delivering the Notice to any person who requests it from them.

10. **THIS COURT ORDERS** that, without in any way passing on the reasonableness or otherwise of the proposed settlement, the costs particularized in paragraph 9(a) of this order, shall be paid by Money Mart and the plaintiffs as directed in paragraph 9(b) as the costs are incurred, without any right to recover these costs in the event that the settlement is not approved.

11. **THIS COURT ORDERS** that on or before May 23, 2010, Money Mart and plaintiffs' counsel shall report to the court, by affidavit, with a copy to all counsel, with respect to their compliance with the relevant provisions of this order.

12. **THIS COURT DECLARES** that any one or more of the plaintiffs, defendants or Mr. Brown may apply to the court for further directions.