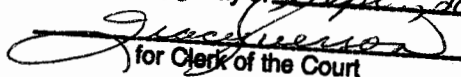


I hereby certify this to be a true copy of  
the original Order

Dated this 18 day of Sept, 2013

Alberta Rules of Court

  
for Clerk of the Court

COURT FILE NO. 0501 08152

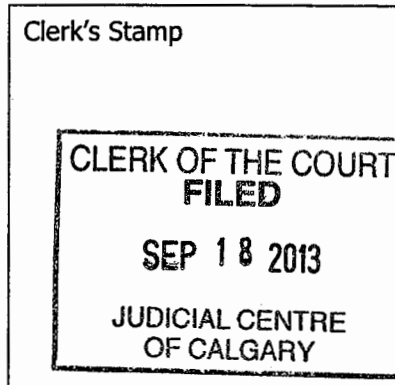
COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFFS DOUGLAS ALEXANDER and WILLIAM BARRETT, as Representative Plaintiffs

DEFENDANTS HMS FINANCIAL INC., et al

DOCUMENT **ORDER**



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT McLENNAN ROSS LLP  
1000 First Canadian Centre  
350 - 7<sup>th</sup> Avenue SW  
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Lawyer: Graham McLennan, Q.C.  
Telephone: (780) 482-9200  
Fax: (780) 482-9100  
Email: gmclennan@mross.com  
File: 251207

**DATE ON WHICH ORDER WAS PRONOUNCED:** September 12, 2013

**LOCATION WHERE ORDER WAS PRONOUNCED:** EDMONTON, ALBERTA.

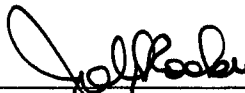
**NAME OF JUDGE WHO MADE THIS ORDER:** ASSOCIATE CHIEF JUSTICE JOHN D. ROOKE.

UPON THE APPLICATION of the Plaintiff Class; AND UPON having read Affidavit No. 8 of Michelle Borysiuk, filed; IT IS HEREBY ORDERED THAT:

1. The payout amounts distributed to Class Members under the first distribution be adjusted to account for errors and omissions identified after the first distribution, with such amounts being adjusted in the second distribution of funds pursuant to the attached Schedule "A";
2. McLennan Ross LLP may reduce the fees and disbursements otherwise owed to it in connection with the next distribution of funds in this matter in the amount of \$300.22, and include that amount in the funds for distribution to Class Members in the second distribution in order to correct an error resulting in overpayment as more particularly described in Affidavit No. 8 of Michelle Borysiuk sworn July 5, 2013.;
3. The claim of Joe Hobbins is allowed and shall be paid in accordance with the attached Schedule "A";
4. Subsequent distributions in connection with this class proceeding be amended such that amounts less than \$10.00 otherwise owing to individual Class Members need not be paid by Class Counsel, but may be instead retained with the balance of funds for distribution to Class Members whose payment would be greater than \$10.00 (and otherwise in accordance with the Administration Plan approved by the this Honourable Court's Order of July 26, 2011) or in the alternative, if the

total amount for distribution is less than \$1,000 after the deduction for administration, then the amount will be donated to the Canadian Red Cross;

5. Notice of this Application to the Defendants and to Class Members is waived; and
6. In all other respects, the pending and any future, distributions shall be carried out on the same basis as the initial distribution of funds, pursuant to the Administration Plan and in accordance with the July 26, 2011 Order of this Honourable Court.
7. Costs of this Application shall be in the cause.



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ASSOCIATE CHIEF JUSTICE OF THE COURT OF QUEEN'S  
BENCH OF ALBERTA

Schedule "A"



**CALCULATION OF TOTAL FUNDS FOR PAYOUT IN 2013**

<b>RECOVERED FUNDS FOR DISTRIBUTION AS OF JULY 30, 2011</b>	<b>5,010,857.88</b>			
<b>LESS MR &amp; CG DISBURSEMENT ACCOUNTS</b>	<b>(206,422.18)</b>	MR - \$176,639.19 [\$170,716.65 + GST]	Other Charges	71,981.96
			Disbursements	98,734.69
			GST	5,922.54
		CG - \$29,782.99 [\$28,376.66 + GST]	Other Charges	8,827.25
			Taxable Disbursements	19,299.41
			Non-taxable Disbursements	250.00
			GST	1,406.33
<b>BALANCE:</b>	<b>4,804,435.70</b>			
<b>LESS FEES &amp; GST</b>	<b>(1,681,384.34)</b>	33.33% of \$4,804,435.70	1,601,318.42	
		5% of \$1,601,318.42	80,065.92	
<b>BALANCE:</b>	<b>3,123,051.36</b>			
<b>LESS INTEREST ON DISBURSEMENTS</b>	<b>(49,767.98)</b>	8% on MR account of \$170,716.65	35,686.62	
		8% on CG account of \$28,376.66	14,081.36	
<b>TOTAL FOR DISTRIBUTION TO CLASS MEMBERS:</b>	<b>3,073,283.38</b>			
<b>Less Payment to Rep Plaintiff</b>	<b>(5,000.00)</b>			
<b>Less Payment to Rep Plaintiff</b>	<b>(5,000.00)</b>			
<b>Less Holdback for MR Administration of Funds Account</b>	<b>(135,000.00)</b>			
<b>FIGURE FOR DISTRIBUTION TO CLASS MEMBERS JANUARY, 2012</b>	<b>2,928,283.38</b>			

<b>DISTRIBUTED OUT TO CLASS MEMBERS</b>	<b>(2,928,283.38)</b>			
<b>BALANCE</b>	<b>135,000</b>			
<b>LESS MR ADMINISTRATION OF FUNDS ACCOUNT</b>	<b>(148,128.72)</b>			
<b>BALANCE:</b>	<b>(13,128.72)</b>	*MR Contingency Fee did not include this recovered amount.		
<b>Recovered Funds for Distribution as of June 20, 2013</b>	<b>354,540.49</b>			
<b>Plus Portion of Administration of Funds Account that MR contingency fee not taken off</b>	<b>13,128.72</b>			
<b>Less MR Disbursement Account</b>	<b>(44.25)</b>	[MR - \$42.14 + GST]		
<b>Balance</b>	<b>367,624.96</b>			
<b>Less MR Fees &amp; GST</b>	<b>(127,382.04)</b>	33.33% of \$367,624.96	<b>121,316.23</b>	
		5% of \$121,316.23	<b>6,065.81</b>	
<b>Less Interest on Disbursements</b>	<b>(2.29)</b>	8% on MR account of \$44.25		
<b>Less Additional Amounts Paid out in January 2012 due to E&amp;O</b>	<b>(9,377.76)</b>			
<b>Less Additional Amounts to be Paid Out due to E&amp;O on 1<sup>st</sup> Payout</b>	<b>(3,070.14)</b>			
<b>Less Anticipated Administration of Funds Cost of 2<sup>nd</sup> Distribution</b>	<b>(10,350.00)</b>			
<b>Plus Overpayment</b>	<b>\$300.22</b>			
<b>\$ FOR DISTRIBUTION ON 2<sup>ND</sup> PAYOUT</b>	<b>217,742.95</b>			