



COURT FILE NUMBER            ACTION No: 0601—02908

COURT                            COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE                CALGARY

PLAINTIFF(S)                    H. CRAIG DAY, as representative Plaintiff

DEFENDANT(S)                  NATIONAL MONEY MART COMPANY, DOLLAR FINANCIAL GROUP, INC., MONEY MART SPRUCE GROVE LTD., MONEY MART ST. ALBERT LTD., MONEY MART LEDUC LTD., NORALTA MONEY MART LTD., 1008485 ALBERTA LTD., 815028 ALBERTA LTD., 632758 ALBERTA LTD., and MONEY MART LLOYDMINSTER LTD.

Brought under the *Class Proceedings Act*, S.A. 2003, c. C-16.5

DOCUMENT

**ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

CUMING & GILLESPIE  
Barristers and Solicitors  
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Solicitor's File No. 11077CGG

I hereby certify this to be a true copy of the original Order  
Dated this 28 day of Aug, 2017  
Sean S. Smyth  
for Clerk of the Court

**DATE ON WHICH ORDER WAS PRONOUNCED:**

**August 25, 2017**

**NAME OF JUDGE WHO MADE THIS ORDER:**

**The Honourable Mr. Justice A.D. Macleod**

THE APPLICATION of the Plaintiff dated August 23, 2017 coming on for hearing at Calgary, Alberta, on August 25, 2017, and on hearing Paul R. Bennett, Mark W. Munteer, Craig Gillespie and James Cuming, counsel for the Plaintiff; John P. Brown and ~~Sean S. Smyth~~, counsel for the Defendants National Money Mart Company and Money Mart Spruce Grove Ltd., Money Mart St. Albert Ltd., Money Mart Leduc Ltd., Noralta Money Mart Ltd., and Money Mart Lloydminster Ltd., and Greg Stirling, counsel

for 1008485 Alberta Ltd. 815028 Alberta Ltd., and 632758 Alberta Ltd. and ~~re one~~ appearing for Dollar Financial Group, Inc., ~~although duly served.~~

Shanna Hunka

**IT IS HEREBY ORDERED THAT:**

1. The time for service of the Application is abridged, and notice to Class Members of the Application is dispensed with.
2. The settlement of this action on the terms set out in the Settlement Agreement dated July 20, 2017, including all Schedules (the "Settlement Agreement") is approved, and is incorporated by reference into this Order (the "Settlement Approval Order").
3. Grant Thornton LLP is appointed as Auditor, until further order of this Court, on the terms and conditions and with the powers, duties and responsibilities set out in the Settlement Agreement.
4. This Settlement Approval Order, including the Settlement Agreement, is binding upon each Class Member.
5. Each Class Member is bound by this Settlement Approval Order, whether or not such person receives a distribution, or whether such person claims compensation.
6. Class Members have the right to opt-out of the actions in in the manner set out in s.5 of the Settlement Agreement.
7. Any persons who validly opts-out of the action with respect to the Settlement Agreement shall receive no benefit pursuant to the Settlement Agreement and shall not be bound by the Settlement Agreement.
8. Each Class Member who does not opt-out has, by virtue of the Settlement Agreement and of this Settlement Approval Order, individually, completely and unconditionally released, forever discharged and acquitted the Released Persons from any and all of the Settled Claims, and the Releases set forth in the Settlement Agreement shall have full force and effect.
9. Class Members who do not opt-out, and anyone claiming through or on behalf of any of them are forever barred from commencing, instituting or prosecuting the

Settled Claims against any one of the Released Persons in any action, litigation, investigation or other proceeding in any court of law or equity, arbitration, tribunal, proceeding, or any other forum, directly, representatively or derivatively.

10. Nothing herein shall release a Class Member from any outstanding obligation owed by a Class Member to Money Mart except to the extent that eligible Default Transactions are released pursuant to the Settlement Agreement.
11. No person may bring any action or take any proceedings against the Auditor, John P. Brown or any of their employees, agents, partners, associates, representatives, successors or assigns, for any matter in any way relating to the administration of the Settlement Agreement or the implementation of this Settlement Approval Order except with leave of this Court.
12. The parties shall be at liberty to apply for further directions with respect to any matters arising under the Settlement Agreement, over which this Court retains continuing jurisdiction.
13. Except as provided herein this action is dismissed without costs, and with prejudice.
14. The Contingency Fee Agreement dated March 29, 2010 between Craig Day and Cuming & Gillespie and Hordo & Bennett (now Bennett Munteer LLP) is approved *nunc pro tunc*.
15. Legal expenses payable to Bennett Munteer LLP and Cuming & Gillespie (collectively, "Class Counsel") of \$6,034,912.02 for both this action and in *Young v. National Money Mart Company*, ABQB No. 0301-16311 are approved, which amount includes fees of \$5,491,648.58, GST on these fees of \$274,582.43, and disbursements of \$268,681.01 (inclusive of GST), which include disbursement payments to the Representative Plaintiff in this action and the *Young* action of \$7,500 each.
16. Class Counsel may apply \$35,000 held in trust for costs in the *Young* and *Day* action as payment against the disbursements approved in paragraph 15 above.

- 17. Payment to Class Counsel of the balance of the approved legal expenses in the amount of \$5,999,912.02 from the Settlement Amount in accordance with the Settlement Agreement is approved, and Class Counsel are entitled to redeem the Deferred Cash Payment and Services Vouchers paid for these approved legal expenses for cash upon receipt.

J.C.C.Q.B.A

AGREED AS TO FORM:

Bennett Mounter LLP

Counsel for the Plaintiff

McCarthy Tetrault

Counsel for the Defendants, National Money Mart Company, and Money Mart Spruce Grove Ltd., Money Mart St. Albert Ltd., Money Mart Leduc Ltd., Noralta Money Mart Ltd., and Money Mart Lloydminster Ltd.

Parlee McLaws

Counsel for the Defendants, 008485 Alberta Ltd., 815028 Alberta Ltd., and 632758 Alberta Ltd.

Bishop McKenzie

Counsel for Dollar Financial Group Inc.  
Shanna L. Hurke