



No. S106877
Vancouver Registry

In the Supreme Court of British Columbia

DAMON GREEN

Plaintiff

and:

**TECUMSEH PRODUCTS OF CANADA LIMITED;
TECUMSEH PRODUCTS CO.; TECUMSEH
COMPRESSOR COMPANY; DANFOSS A/S; DANFOSS,
INC.; DANFOSS COMMERCIAL COMPRESSORS LTD.;
DANFOSS SCROLL TECHNOLOGIES, LLC.; DANFOSS
TURBOCOR COMPRESSORS, INC.; DANFOSS
COMPRESSOR, LLC; DANFOSS FLENSBURG GMBH;
ACC USA LLC; APPLIANCES COMPONENTS
COMPANIES Sp.A.; PANASONIC CORPORATION,
PANASONIC CANADA INC.; WHIRLPOOL CANADA LP;
EMBRACO NORTH AMERICA; and WHIRLPOOL
CORPORATION**

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE MADAM JUSTICE)
GROPPER) 22/Jan/2016
)

ON THE APPLICATION of the plaintiff, Damon Green coming on for hearing at the Courthouse, 800 Smithe Street, Vancouver, BC, on 22/Jan/2016 and on hearing David G.A. Jones and Julie Facchin counsel for the BC plaintiff, Damon Green, Jonathan Foreman Kerry McGladdery Dent and Michela Gregory for the Ontario Plaintiff, 1355741 Ontario Inc. operating as Zero Zone Mechanical, William McNamara for the defendants Tecumseh Products of Canada Limited, Tecumseh Products Co. and Tecumseh Compressor Company, Chris Naudie for the defendants Danfoss A/S, Danfoss Inc., Danfoss Commercial Compressors Ltd., Danfoss Scroll Technologies, LLC, Danfoss Turbocor Compressors, Inc. and Danfoss Compressor, LLC, Danfoss Flensburg GmbH, Emrys Davis for the defendants Panasonic Corporation and

Panasonic Canada Inc., and Sandra Forbes for the defendants Whirlpool Canada LP, Embraco North America and Whirlpool Corporation and on reading the materials filed including the settlements collectively referred to as the "Settlement Agreements":

- (a) the settlement agreement with the Defendant, Danfoss Flensburg GmbH, dated June 18, 2015;
- (b) the settlement agreement with the Defendant, Embraco North America, Inc., dated August 17, 2015;
- (c) the settlement agreement with the Defendants Panasonic Corporation and Panasonic Canada Inc., dated July 29, 2015; and
- (d) the settlement agreement with the Defendants Tecumseh Products of Canada Limited, Tecumseh Products Co., and Tecumseh Compressors Company, dated August 19, 2015.

and on judgement being reserved to February 12, 2016.

THIS COURT ORDERS that:

2. for the purposes of this order, the definitions set out in the Settlement Agreements apply to and are incorporated into this order;
3. the contingency fee agreement entered into with the Representative Plaintiff, Damon Green is approved, pursuant to section 38(1) of the *Class Proceedings Act*, R.S.B.C. 1996, c. 50;
4. legal fees in the amount of \$1,107,088.33, plus disbursements of \$152,610.05, plus interest on disbursements of \$10,658.90, plus applicable taxes are approved and awarded to Harrison Pensa LLP, Siskinds LLP and Camp Fiorante Matthews Mogerman ("Class Counsel") in respect of the Settlement Agreements;
5. Class Counsel fees and applicable taxes approved in paragraph 4 herein are payable in the following installments:
 - (a) \$984,598.13, plus applicable taxes payable upon the Settlement Agreements becoming effective;
 - (b) \$35,583.00, plus applicable taxes payable upon payment of the second installment of the Tecumseh settlement funds; and
 - (c) \$86,907.20, plus applicable taxes payable upon payment of the third installment of the Tecumseh settlement funds;
6. Class Counsel's legal fees, disbursements and applicable taxes shall be paid from the Settlement Amount, payable pursuant to the terms of the Settlement Agreements;

7. this order is contingent upon a parallel order being made by the Ontario Superior Court of Justice, and the terms of this order shall not be effective unless and until such an order is made by the Ontario Superior Court of Justice; and

8. endorsement of this order by counsel for the defendants is dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



for Signature of lawyer for the Plaintiff
Damon Green

David G.A. Jones

By the Court


Registrar



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In the Supreme Court of British Columbia

Between:

DAMON GREEN

Plaintiff

and:

**TECUMSEH PRODUCTS OF CANADA LIMITED;
TECUMSEH PRODUCTS CO.; TECUMSEH
COMPRESSOR COMPANY; DANFOSS A/S; DANFOSS,
INC.; DANFOSS COMMERCIAL COMPRESSORS LTD.;
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TURBOCOR COMPRESSORS, INC.; DANFOSS
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Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

ORDER MADE AFTER APPLICATION (FEE APPROVAL)

VIA MIKE BIKE

CAMP FIORANTE MATTHEWS MOGERMAN
Barristers & Solicitors
#400 – 856 Homer Street
Vancouver, BC V6B 2W5

Tel: (604) 689-7555
Fax: (604) 689-7554
Email: service@cfmlawyers.ca

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