



Court File No. 61559CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MADAM )  
JUSTICE LEITCH )

FRIDAY, THE 12<sup>th</sup> DAY  
OF FEBRUARY, 2016

B E T W E E N :

1355741 ONTARIO INC. operating as ZERO ZONE MECHANICAL

Plaintiff

-and-

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

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER  
(Approval of Fees and Disbursements)**

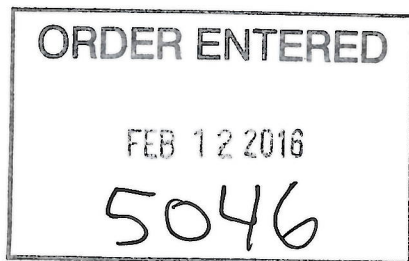
**THIS MOTION** made by the Plaintiff for an Order approving the fees and disbursements of Harrison Pensa <sup>LLP</sup>, Siskinds <sup>LLP</sup> and Camp Fiorante Matthews Mogerman (“Class Counsel”), was heard January 22, 2016 at the Court House, 80 Dundas Street, London, Ontario.

**ON READING** the materials filed and on hearing the submissions of Class Counsel:

1. **THIS COURT ORDERS** that, for the purposes of this Order, the following settlements are 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.
2. **THIS COURT ORDERS** that, for the purposes of this Order, the definitions set out in the Settlement Agreements apply to and are incorporated into this Order.
3. **THIS COURT ORDERS** that the retainer agreement entered into with the Representative Plaintiff, 1355741 Ontario Inc. operating as Zero Zone Mechanical is hereby approved, pursuant to section 32(2) of the *Class Proceedings Act, 1992*.
4. **THIS COURT ORDERS** that that 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 be approved and awarded to Harrison Pensa<sup>LLP</sup>, Siskinds<sup>LLP</sup> and Camp Fiorante Matthews Mogergerman (“Class Counsel”) in respect of the Settlement Agreements;
5. **THIS COURT ORDERS** that 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 fund;
6. **THIS COURT ORDERS** that 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 COURT ORDERS** that this Order is contingent upon a parallel order being made by the Supreme Court of British Columbia, and the terms of this Order shall not be effective unless and until such an order is made by the Supreme Court of British Columbia.



  
The Honourable Justice Leitch

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

Proceeding under the *Class Proceedings Act, 1992*

**Order  
(Approval of Fees and Disbursements)**

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