

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) THURSDAY, THE 18th DAY OF
)
JUSTICE BELOBABA) MARCH, 2021

B E T W E E N:

JAMES RICHARD MACDONALD,
LYNN D. ZOPPAS, JOHN A. ZOPPAS and MICHAEL HALASZ

Plaintiffs

- and -

BMO TRUST COMPANY, BMO NESBITT BURNS INC. and
BMO INVESTORLINE INC.

Defendants

PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT, 1992*

NOTICE APPROVAL ORDER

THIS MOTION made by the Plaintiffs for an order approving the notice of settlement approval hearing and the method of dissemination of said notice for settlement approval was heard this day at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

ON READING the materials filed, including the settlement agreement with the Defendants dated as of March 17, 2021 attached to this order as **Schedule “A” (“Settlement Agreement”)**, and on reading the submissions of counsel for the Plaintiffs;

AND WHEREAS this Court certified this proceeding as a class proceeding on January 31, 2012 on behalf of the following Class:

all current and former clients of BMO Nesbitt Burns Inc. (“**BMO Nesbitt Burns**”) and BMO InvestorLine Inc. (“**BMO InvestorLine**”) resident in Canada who held one or more registered accounts administered by BMO Trust Company, BMO Nesbitt Burns and/or BMO InvestorLine and purchased or sold investments denominated in foreign currency in their registered accounts or were paid dividends or interest in a foreign currency in their registered account(s), or otherwise received foreign currency into their registered account(s) which was then converted to Canadian dollars by the defendants during the period between:

June 14, 2001 and September 6, 2011 for:

- (i) all clients and former clients of BMO InvestorLine;
- (ii) the 14 clients of BMO Nesbitt Burns who opted out of the class proceeding entitled *Skopit v. BMO Nesbitt Burns* either entirely or with respect to the overlap period with this action; and

October 1, 2002 and September 6, 2011 for all other clients of BMO Nesbitt Burns.

AND ON BEING ADVISED that the deadline for opting out of this proceeding has passed, and no persons validly exercised the right to opt out;

AND ON BEING ADVISED that the Plaintiffs and the Defendants consent to this order;

1. **THIS COURT ORDERS** that, for the purposes of this order, except to the extent that they are modified in this order, the definitions set out in the Settlement Agreement apply to and are incorporated into this order.

2. **THIS COURT ORDERS** that the Settlement Approval Hearing Notice is hereby approved substantially in the form attached hereto as **Schedule “B”**.

3. **THIS COURT ORDERS** that the Notice Program described in the Settlement Agreement for the dissemination of the Settlement Approval Hearing Notice is hereby approved.

Signed: *Justice Edward P. Belobaba*

Notwithstanding Rule 59.05, this Judgment [Order] is effective from the date it is made, and is enforceable without any need for entry and filing. In accordance with Rules 77.07(6) and 1.04, no formal Judgment [Order] need be entered and filed unless an appeal or a motion for leave to appeal is brought to an appellate court. Any party to this Judgment [Order] may nonetheless submit a formal Judgment [Order] for original signing, entry and filing when the Court returns to regular operations.

SCHEDULE "A"
[SETTLEMENT AGREEMENT]

SCHEDULE "B"

[SETTLEMENT APPROVAL HEARING NOTICE]