

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE)
MADAM JUSTICE LEITCH)

FRIDAY, THE 24TH DAY
OF NOVEMBER, 2023.

BETWEEN:

RYAN TODD WONCH AND MARGARET A. WONCH

Plaintiffs

-and-

NIPPON YUSEN KABUSHIKI KAISHA; NYK LINE (NORTH AMERICA) INC.; NYK
LINE (CANADA), INC.; MITSUI O.S.K. LINES, LTD.; MITSUI O.S.K. BULK SHIPPING
(U.S.A.), INC.; KAWASAKI KISEN KAISHA, LTD.; "K" LINE AMERICA, INC.;
EUKOR CAR CARRIERS, INC.; WILH. WILHELMSSEN HOLDING ASA; WILH.
WILHELMSSEN ASA; WALLENIUS LINES AB; WALLENIUS WILHELMSSEN LOGISTICS
AMERICAS, LLC; WALLENIUS WILHELMSSEN LOGISTICS AS; WWL VEHICLE
SERVICES CANADA LTD.; COMPANIA SUD AMERICANA DE VAPORES S.A.;
NISSAN MOTOR CAR CARRIER CO., LTD.; WORLD LOGISTICS SERVICE (USA)
INC.; CSAV AGENCY NORTH AMERICA, LLC; HÖEGH AUTOLINERS AS;
HÖEGH AUTOLINERS, INC.

Defendants

PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT*, 1992, S.O. 1992, c.6

ORDER
(Approval of Class Counsel Fees and Disbursements)

THIS MOTION made by the Plaintiffs for an Order approving (i) the retainer agreement with the representative plaintiffs and (ii) Class Counsel's legal fees, disbursements and applicable taxes, was heard this day 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 the retainer agreement entered into with the Representative Plaintiffs, Ryan Todd Wonch and Margaret A. Wonch, is hereby approved pursuant to s.32(2) of the *Class Proceedings Act*, 1992.
2. **THIS COURT ORDERS** that the request of Class Counsel for payment of contingent legal fees of CAD \$1,862,500.00 plus applicable taxes with respect to the settlement agreement



entered into with Mitsui O.S.K. Lines, Ltd., Mitsui O.S.K. Bulk Shipping (U.S.A.), Inc., Nissan Motor Car Carrier Co., Ltd. and World Logistics Services (USA) Inc. (collectively the "MOL Defendants") dated September 7, 2022 and the settlement agreement entered into with Compania Sud Americana De Vapores S.A. dated July 6, 2016 (the "CSAV Defendant") is approved.

3. **THIS COURT ORDERS** that Class Counsel's disbursements in the amount of \$889,291.71 plus applicable taxes are approved.
4. **THIS COURT ORDERS** that Class Counsel's legal fees and applicable taxes are to be paid from the settlement funds, pursuant to the terms of the settlement agreements with the MOL Defendants and the CSAV defendant and that Class Counsel's disbursements and applicable taxes are to be paid from the settlement funds, pursuant to the terms of the settlement agreement with the MOL Defendants.
5. **THIS COURT ORDERS** that this Order is contingent upon approval of the settlement agreement and approval of Class Counsel's legal fees, disbursements, and applicable taxes by the Supreme Court of British Columbia and the Superior Court of Québec and the terms of this Order shall not be effective unless and until such orders are made by the Superior Court of British Columbia and the Superior Court of Québec.

Date: January 2, 2024


The Honourable Madam Justice Leitch

RYAN TODD WONCH, et al. v. NIPPON YUSEN KABUSHIKI KAISHA, et al.

Court File No. 1241/13 CP

Plaintiffs

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT LONDON

Proceeding Under the *Class Proceedings Act*, 1992

ORDER
(Approval of Class Counsel Fees
and Disbursements)

**FOREMAN & COMPANY
PROFESSIONAL CORPORATION**
4 Covent Market Place
London, ON N6A 1E2

Jonathan Foreman (LSO #45087H)
Sarah Bowden (LSO #56385D)
Tel.: 519.914.1175
Fax: 226.884.5340
E-mail: jforeman@foremancompany.com
sbowden@foremancompany.com

Lawyers for the Plaintiffs