

No. S-134895
Vancouver Registry

SUPREME COURT OF BRITISH COLUMBIA VANCOUR REGISTRY FEB 05 2024
SUPREME COURT OF BRITISH COLUMBIA VANCOUR REGISTRY FEB 05 2024 ENTERED and

In the Supreme Court of British Columbia

Darren Ewert

Plaintiff

**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. Wilhelmsen Holding ASA; Wilh. Wilhelmsen ASA;
Wallenius Wilhelmsen Logistics Americas, LLC;
Wallenius Wilhelmsen Logistics AS;
Wallenius Lines AB; WWL Vehicle Services Canada Ltd.;
Toyofuji Shipping Co., Ltd.;
Compania Sud Americana De Vapores S.A.; CSAV Agency North
America, LLC; Nissan Motor Car Carrier Co., Ltd.;
World Logistics Service (USA) Inc.; Höegh Autoliners AS; Höegh
Autoliners, Inc.**

Defendants

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

ORDER MADE AFTER APPLICATION RE FEE APPROVAL

☐	BEFORE THE HONOURABLE MR. JUSTICE BASRAN	)))	12/DEC/2023
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ON THE APPLICATION of the plaintiff coming on for hearing at the Courthouse, 800
Smithe Street, Vancouver, BC, on 12/Dec/2023 and on hearing David G.A. Jones,
Michelle Segal, and Rebecca Coad for the plaintiff Darren Ewert;

AND ON READING the materials filed on hearing the submissions of plaintiff's counsel;

THIS COURT ORDERS that:

1. the retainer agreement entered into with the Representative Plaintiff, Darren Ewert, is hereby approved pursuant to s 38(2) of the *Class Proceedings Act*;
2. the request of Class Counsel for payment of contingent legal fees of CAD \$1,862,500.00 plus applicable taxes, and disbursements in the amount of \$889,291.71 plus applicable taxes, is approved;
3. Class Counsel's legal fees and applicable taxes, and disbursements and applicable taxes, are to be paid from the settlement funds, pursuant to the terms of 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**");
4. this Order is contingent upon approval of the settlement agreement and approval of Class Counsel's legal fees, disbursements, and applicable taxes by the Ontario Superior Court 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 Ontario Superior Court and the Superior Court of Québec;
5. endorsement of this order by counsel for the Defendants is dispensed with.

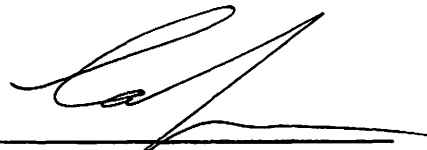
THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



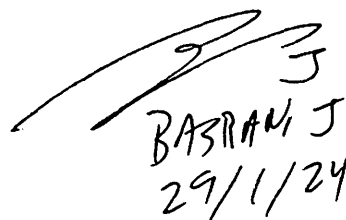
Signature of lawyer for the plaintiff,
Darren Ewert

FOR David G.A. Jones
by permission

By the Court



Registrar



BAZRAN J
29/1/24

In the Supreme Court of British Columbia

Between

Darren Ewert

Plaintiff

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

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

via: *LMF (Jake)*