

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
TRIAL DIVISION

JUDICIAL DISTRICT OF SAINT JOHN

B E T W E E N:

EDWARD HANSCOMB, SHELDON PALK and ALFRED
DOIRON

PLAINTIFFS

-and-

THE CO-OPERATORS LIFE INSURANCE COMPANY and
ECKLER LTD.

DEFENDANTS

Proceeding under the *Class Proceedings Act*, RSNB 2011, c 125

ORDER

UPON READING the consent of the Plaintiffs and the consent of the Defendant, Eckler Ltd. ("Eckler");

1. THIS COURT ORDERS that the within proceeding be and hereby is discontinued as against Eckler on the following terms:
 - a) The discontinuance is on a without costs basis and is with prejudice and shall serve as a complete bar and defence to any subsequent action by the plaintiffs on the same facts;
 - b) Within 60 days from the date of this Order, Eckler shall produce to the Plaintiffs' counsel, and counsel for Co-Operators Life Insurance Company, the documents listed at Schedule A to this Order (the "Documents");
 - c) Because the documents, or some of them, may contain personal information which is protected under the *Personal Information Protection and Electronic Documents*

Act, SO 2000 c.5, the Documents are subject to the following confidentiality provisions:

- i. the Documents shall not be disclosed to any person other than: (i) the Plaintiffs' counsel, (ii) the Co-Operators Life Insurance Company and its counsel and, if necessary, (iii) any experts retained by the parties;
- ii. no party shall file any Documents publicly with the court without first redacting from the Documents all personal information about identifiable individuals including but not limited to: names, titles, addresses, telephone numbers, social insurance numbers, employee numbers, email addresses, salary amount, and pension amount;
- iii. any party that wishes to file any Documents with the court without redacting all personal information shall do so in a sealed envelope or other appropriate containers which shall be endorsed with:
 1. the title of this proceeding and court file number;
 2. an indication of the nature of the contents of the sealed envelope or container;
 3. the words "CONFIDENTIAL AND SUBJECT TO SEALING ORDER";
 4. a copy of the within Order attached to the sealed envelope or container;
 5. a statement substantially in the following form:

"This envelope containing documents which are filed in this case by [name of party] is not to be opened nor the contents thereof to be displayed or revealed except by order of the Court."
 6. and such sealed envelopes shall neither form part of the public record in this proceeding nor be opened (other than by this Court) except upon further order of this Court;
- iv. upon completion or final disposition of this proceeding and any related appeals, all Documents and any copies of Documents shall be destroyed provided that counsel to the parties may keep copies of Documents.

2. THIS COURT ORDERS that to the extent the parties seek production of further relevant and not privileged documents which are within the possession or control of Eckler, Eckler shall consent to an order of the Court under Rule 31.11 which shall contain any necessary confidentiality provisions, subject to Eckler's rights to object to the party requesting the documents having met the criteria under Rule 31.11.
3. THIS COURT ORDERS that a copy of the within Order shall be provided to each counsel of record in the within proceeding.
4. THIS COURT ORDERS that the parties may apply for further directions with respect to the use and disclosure of the Documents.

DATED at Saint John, New Brunswick this 14th day of December, 2015.



Justice William T. Grant

CONSENTED TO:

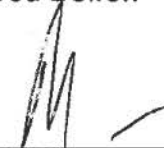


Robert J. Peters
PETERS ROUSE
Solicitors for the Plaintiffs,
Edward Hanscomb, Sheldon Palk
and Alfred Doiron

CONSENTED TO:



George L. Cooper
COX & PALMER
Solicitors for the Defendant,
Eckler Ltd.



Raymond F. Wagner, Q.C.
WAGNERS
Solicitors for the Plaintiffs,
Edward Hanscomb, Sheldon Palk
and Alfred Doiron

Schedule A

1. Co-op Atlantic Employees' Pension Plan (the "Pension Plan"), consolidated as of June 30, 2010
2. Trust Agreement between CIBC Mellon and Co-op Atlantic
3. Group Pension Segregated Investment Fund Contract dated December 18, 1992 between Co-op Atlantic and Co-operators Life (the "Contract")
4. Actuarial valuation reports of the Pension Plan while Eckler was the Pension Plan actuary
5. Quarterly custodial financial reports from Co-operators for the period prior to CIBC Mellon taking over as custodian
6. Pension related communications in Eckler's possession which were provided to 32 former employees who retired while the Contract was in effect