

2011

Hfx. No. 355381

SUPREME COURT OF NOVA SCOTIA

BETWEEN:

RODRICK DESBOROUGH

PLAINTIFF

- and -

**WRIGHT MEDICAL TECHNOLOGY CANADA LTD, WRIGHT MEDICAL
TECHNOLOGY, INC., and WRIGHT MEDICAL GROUP, INC.**

DEFENDANTS

Proceeding under the Class Proceedings Act, S.N.S. 2007, c. 28

**ORDER APPROVING CLASS COUNSEL FEES
AND DISBURSEMENTS**



**Sgd.
JMA, J.**

BEFORE THE HONOURABLE JUSTICE JOSHUA ARNOLD

A **MOTION** made by the Plaintiffs for an order approving Class Counsel Fees and Disbursements arising from a Settlement Agreement executed by Counsel for the Defendants on January 3, 2020, and by Class Counsel on January 6, 2020, and the Addendum to the Settlement Agreement executed by Counsel for both parties on January 17, 2020 (the "Settlement" or "Settlement Agreement"), was heard by the Honourable Justice Joshua Arnold heard via Skype videoconference on the 29th day of May, 2020;

UPON READING the affidavits of Kate Boyle, affirmed the 23rd day of March, 2020, affirmed the 14th day of April, 2020 and affirmed the 20th day of May, 2020; the affidavit of Rodrick Desborough, sworn the 13th day of March, 2020; and the affidavit of Dayna MacGillivray, affirmed the 28th day of May, 2020;

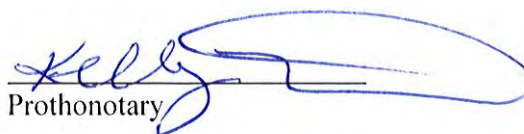
AND UPON READING AND HEARING the submissions of Class Counsel;

AND WHEREAS any capitalized terms used in this Order and not otherwise defined have the meanings given to them in the Settlement Agreement;

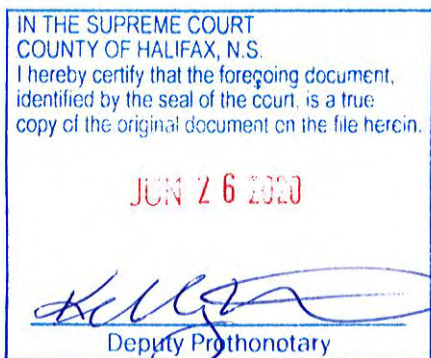
IT IS ORDERED THAT:

1. Class Counsel Fees in the amount of 25% of the reconciled Settlement Payment, as described at Section 4.7 of the Settlement Agreement, excluding Provincial Health Insurer payments, and net of approved Disbursements, are approved as fair and reasonable;
2. Disbursements in the amount of \$126,477.58, inclusive of applicable tax, are approved as fair and reasonable; and
3. Class Counsel shall apply the total sum of \$26,336.77 that the Plaintiff has been awarded in costs and disbursements throughout the litigation against the total amount of Disbursements of \$126,477.58, and thus the net amount to be paid from the Settlement Payment to Class Counsel for Disbursements is \$100,140.81.

Dated June 26, 2020


Prothonotary

KELLY MURPHY
Deputy Prothonotary



KELLY MURPHY
Deputy Prothonotary