

7 June 8/14

Page 18/14

The respondent, Ms. Walker, opposed two aspects of this motion, but otherwise did not oppose.

Claims Process

Ms. Walker submitted that the order should contain a requirement that the Plaintiff respond to any claims within 45 days. While deadlines can serve a useful purpose, this is likely depends upon the circumstances.

I accept the Plaintiff's argument that it requires some flexibility given the number of paragraphs and the number of the law statements. The Plaintiff has stated it will remain amenable despite the in this case, and I have no doubt it will bring the same approach to the various claims processes. Accordingly, I find that the claims process proposed by the Plaintiff is reasonable, I approve it and I have signed the order.

Fees of Plaintiff Counsel

Ms. Walker specified her objections to the fees claimed by Plaintiff's counsel in her

ONTARIO
SUPERIOR COURT OF JUSTICE
Commercial List

Proceeding commenced at Toronto

MOTION RECORD OF THE THE
MANAGER, SCHONFELD INC.

(Motion for approval of fees and activities, returnable
June 18, 2014)

GOODMANS LLP

Barristers & Solicitors
Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Canada M5H 2S7

Brian Empey LSUC#: 306400
Mark S. Dunn LSUC#: 55510L
Tel: (416) 979-2211
Fax: (416) 979-1234

Lawyers for The Manager

File No. 14-0074

factum dated 9th 12/14, which she commented in open court. I have re-read the copies of record in light of Mr. Wellb's submissions. Ex. 11 p 1 & the affidavit also also has an allowance for such amongst partners, also states and related info.

I derive the \$1,672.00 billed for work presently - with a review form part of the over-looked copy in the heavily notes of the preferences. I otherwise approve the procedure's accuracy, for the following reasons:

1) The recoverability of the fees must be assessed in the context of the specific piece of litigation. It has been held that a party who has involved a very large number of court appearances over the span of 9 months, who still with

accessory issues and has dealt with a large number of proceedings. The adversarial nature of most of the proceedings recover by the account is vitally important in light of the facts. It would not be recoverable for the

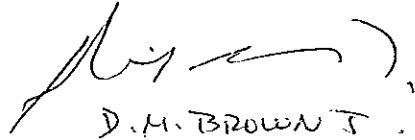
independent to expert testimony; 2) Mr. Mays' generally have involved the proceedings, including, just and recovery of a large number of the papers - \$62.6 million recoverable to para. 10 of the Manager's report - (likely, in form, the respondent must necessarily expect could raise legal fees)

③ Ex F allows ~~an~~ consideration of the extent to which work has been delegated down the timekeeper chain to the most appropriate level. This case involves complexity, so it is no surprise that significant partner time has been incurred. At the same time, I conclude that Ex F discloses an appropriate and reasonable delegation of tasks, and,

④ the hourly rates fall within the range of reasonable full indemnity rates for the downtown Toronto market.

Accordingly, I approve the fees of the counsel for the Manager, subject to that one adjustment. The order sought should otherwise go.

Counsel for the Mgr may submit a revised version of the order for my signature. The issued Claims Procedure Order may be picked up from the C.O.


D.M. BROWN J.