

Form 78.05

2009

Hfx. No. 315567

SUPREME COURT OF NOVA SCOTIA

BETWEEN:

ALBERT CARL SWEETLAND and BARBARA FONTAINE

Plaintiffs

- AND -

GLAXOSMITHKLINE INC. and GLAXOSMITHKLINE LLC

Defendants

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

ORDER APPROVING CLASS COUNSEL LEGAL FEES

BEFORE THE HONOURABLE JUSTICE MICHAEL J. WOOD

THIS MOTION made by the Plaintiffs for an order approving Class Counsel Legal Fees arising from a settlement entered into between the parties on October 11, 2018 (the “Settlement Agreement”), was heard this day at the Law Courts, 1815 Upper Water Street in Halifax, Nova Scotia.

UPON READING the affidavit of Madeleine Carter, affirmed the 14th day of December, 2018; the affidavit of Albert Carl Sweetland, sworn the 6th day of December, 2018; and the affidavit of Barbara Fontaine, sworn the 5th day of December, 2018;

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. Legal fees in the amount of CAD \$1,183,541.67 (inclusive of applicable taxes) payable to Class Counsel from the Minimum Settlement Amount are approved as fair and reasonable;
2. Legal fees in the amount of 25% (plus applicable taxes) of any additional Settlement Payment made beyond the Minimum Settlement Amount, pursuant to paragraph 5.1(b) of the Settlement Agreement, payable to Class Counsel are approved as fair and reasonable;
3. Disbursements in the amount of \$131,289.39 (\$118,584.03 plus applicable tax of \$12,705.36) payable to Class Counsel are approved as fair and reasonable, and Class Counsel may subsequently seek approval of disbursements incurred but not yet calculated, up to an aggregate maximum of \$400,000;
4. An honorarium in the amount of \$25,000, to be paid from *, shall be shared by and distributed among the Representative Plaintiffs in the within action and the plaintiffs in the Avandia litigation listed in Exhibit "B" to the Settlement Agreement, in accordance with the distribution scheme attached as Schedule "A" to the Affidavit of Madeleine Carter affirmed December 14, 2018;
5. The maximum fee for legal services to be charged to Class Members by lawyers (including but not limited to Class Counsel and Related Counsel Firms) who are retained to assist in submitting claims for compensation under the Settlement Agreement is capped at fifteen (15) percent of the amount awarded to that Class Member.

Dated _____, 2019

Prothonotary