

No. S095493
Vancouver Registry

BETWEEN:

DENNIS JONES and SUSAN WILKINSON

Plaintiffs

AND:

ZIMMER GMBH, ZIMMER, INC., and
ZIMMER OF CANADA LIMITED

Defendants

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE
MR. JUSTICE BOWDEN

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Thursday, the 1st day
of September, 2016

ON THE APPLICATION OF the Representative Plaintiff for approval of the payment of class counsel fees and disbursements, and the payment of an honourarium to the Representative Plaintiff, was heard on the 28th Day of June, 2016, in Vancouver, British Columbia.

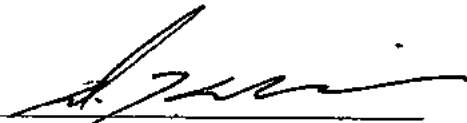
UPON READING the Representative Plaintiff's application record, and upon hearing David A. Klein, counsel for the Representative Plaintiff, and Andrew Borrell, counsel for the Defendants,

THIS COURT ORDERS AND DECLARES that:

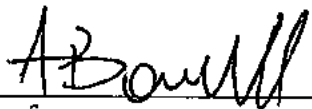
1. The Representative Plaintiff's retainer agreement with B.C. Class Counsel is approved.
2. The contribution to Class Counsel Fees payable by the Defendants in the amount of \$500,000 is approved, and is ordered to be paid to Class Counsel.
3. The contribution to Disbursements payable by the Defendants of up to \$500,000, is approved, and the full amount of \$500,000 is ordered to be paid by the Defendants to the Claims Administrator.
4. B.C. Class Counsel's disbursements, currently totalling \$299,928.41, are approved and are to be paid by the Claims Administrator to B.C. Class Counsel from the amounts provided to the Claims Administrator by the Defendants under s.9.1(2) of the Settlement Agreement. Future Disbursements may also be paid by the Claims Administrator to B.C. Counsel from these funds with the agreement of the Parties, or at the direction of this Honourable Court.
5. With respect to s.9.1(3) of the Settlement Agreement, the amounts payable by B.C. Class Members as Class Counsel Fees to B.C. Class Counsel are as follows:
 - (a) B.C. Class Members who underwent or were scheduled for Revision Surgery prior to the Eligibility Deadline, or who are Medically Precluded, shall each pay a pro rata Class Counsel Fee of one-third (33.33%), plus GST and PST, of the individual compensation awarded to them under the Settlement Agreement;
 - (b) Derivative Claimants of B.C. Class Members in relation to paragraph 5(a) above, shall each pay a pro rata Class Counsel Fee of one-third (33.33%), plus GST and PST, of the individual compensation awarded to them under the Settlement Agreement.
6. An honourarium in the amount of \$5,000.00 is approved for payment to the Representative Plaintiff. This shall be paid by the Claims Administrator to the Representative

Plaintiff as a Disbursement under s.9.1(2) of the Settlement Agreement.


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
 party lawyer for the Plaintiffs
David A. Klein



Signature of
 party lawyer for the Defendants
Andrew Borrell

By the Court. 

The Honourable Justice Bowden

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IN THE SUPREME COURT OF BRITISH COLUMBIA

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KLEIN LAWYERS LLP
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Vancouver, British Columbia
V6H 3V9

Attention: David A. Klein / A. Anita Vergis

Agent: Dye & Durham