

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE)
)
DAVID S. CRANE)
) 8th DAY, THE
) DAY OF JUNE, 2012

B E T W E E N:

**KRP ENTERPRISES INC., 1643078 ONTARIO INC.
KEVIN CLARK, ESTA CLARK, CHRISTINA ACCIACCAFERRO,
JEFFREY ACCIACCAFERRO, STEVE TONG, LORI TONG,
RUSSELL KAVANAGH, MICHELLE KAVANAGH, PAUL DURCEK,
STEFANY DURCEK, QUINTIN CHAUSSE, DONNA CHAUSSE,
ANNE MARIE VANSICKLE, JAMES PAUL VANSICKLE,
J.P. WOOLLEY SURVEYING LTD. and MARGARET COOK**
Plaintiffs

- and -

**ONTARIO PROVINCIAL POLICE COMMISSIONER GWEN M. BONIFACE,
ONTARIO PROVINCIAL POLICE INSPECTOR BRIAN HAGGITH, and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**
Defendants

Proceeding under the Class Proceedings Act, 1992

O R D E R

THIS MOTION, made by the Plaintiffs for an order to amend the Caledonia Compensation Plan in accordance with the provisions of the *Class Proceedings Act, 1992*;

ON READING the Motion Record of the Plaintiffs, filed, no one opposing the motion:

1. THIS COURT ORDERS that the following amendments to the Caledonia Compensation Plan are hereby approved:

- a. To add the following addresses to Schedule "D" (Listing of Municipal Addresses Included in Property Occupiers Class) attached to the Caledonia Compensation Plan:

- (i) 45 Sixth Line;
- (ii) 114 Sixth Line;
- (iii) 5300 Highway 6 South;
- (iv) 481 Argyle Street South;
- (v) 138 MacCrae Drive;
- (vi) 204 Kinross Street;
- (vii) 40 Braemar Avenue

and to allow the occupiers of the properties represented by these addresses to make applications for compensation as members of the Property Occupiers Class in accordance with the provisions of the Caledonia Compensation Plan provided that they submit their applications by June 30, 2012.

- b. To make the following amendments to the Caledonia Compensation Plan:

- (i) to amend paragraph 6.8 to substitute "from February 28, 2006 continuously throughout the Occupation Period" with "from February 28, 2006 to December 31, 2009";
- (ii) to amend Schedule "E" of the Caledonia Business Plan by substituting "February 28, 2006 to date" with "February 28, 2006 to December 31, 2009" in column that is associated with the 100% Percentage in the Apportionment by Time chart; and
- (iii) to amend paragraph 1 of the Caledonia Class Action – Proof of Loss (Property Occupiers Class) to "February 28, 2006 to December 31, 2009"


which shall provide that any applicant who qualifies as a member of the Property Occupiers Class and has occupied their property continuously from February 28, 2006 to December 31, 2009 shall receive compensation using 100% of the factor as determined in the Caledonia Compensation Plan.

c. To amend the Caledonia Compensation Plan to provide that any business that had been listed in Schedule "A" (List of Caledonia Business Class Members) and who has made an application within the time limits set out in the Caledonia Compensation Plan shall be deemed to be a member of the Caledonia Business Class in satisfaction of subsection 8.5.1.1 of the Caledonia Compensation Plan.

d. To amend the Caledonia Compensation Plan to provide that any business that had been listed in Schedule "B" (List of Highway 6 Class Members) and who has made an application within the time limits set out in the Caledonia Compensation Plan shall be deemed to be a member of the Caledonia Business Class in satisfaction of subsection 8.5.1.1 of the Caledonia Compensation Plan.

2. THIS COURT ORDERS class counsel to retain a reserve of funds in the amount of \$1,500,000.00 which is to be held until the expiration of two (2) years from the date of the final distribution of the settlement funds under the Caledonia Compensation Plan at which time they will be distributed in accordance with further direction of the court.



ENTERED AT CAYUGA
in Book No. 2012
as Document No. 36
on June 22 2012
by 

KRP ENTERPRISES INC. et al.
Plaintiffs

v.

ONTARIO PROVINCIAL POLICE COMMISSIONER GWEN M. BONIFACE et. al.
Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE
Action Commenced at Cayuga

ORDER

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