

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE) MONDAY, THE 29TH DAY
) OF JULY, 2024
JUSTICE C. BOSWELL)

B E T W E E N:

JONATHAN A. CALLOWHILL

Plaintiff

- and -

AIRBOSS OF AMERICA CORP., P. GREN SCHOCH, FRANK IENTILE and
PATRICK CALLAHAN

Defendants

Proceeding Under the *Class Proceedings Act, 1992*

ORDER

(Class Counsel Fees, Disbursements, and Honorarium)

THIS MOTION, made by Class Counsel for an Order approving the retainer agreement and the fees and disbursements in this action under the contingency agreement between the Plaintiff and Class Counsel dated November 18, 2022 and an honorarium awarded to the Representative Plaintiff, was heard this day at the courthouse located at 50 Eagle St. W., Newmarket, Ontario.

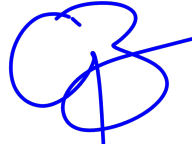
ON READING the Plaintiff's Motion Record, including the Affidavit of Soheil Karkhanechi (Class Counsel Fee Affidavit) and the Affidavit of Jonathan A. Callowhill and associated factum,

AND ON HEARING the submissions of Class Counsel,

AND ON BEING ADVISED by Class Counsel that the Claims Administrator has not received any objections concerning Class Counsel's fee request and the payment of the requested honorarium to the Representative Plaintiff:

1. **THIS COURT ORDERS** that the capitalized terms in this Order, unless otherwise defined in this Order, shall have the same meanings set out in the Settlement Agreement entered into by the parties, dated May 2, 2018.
2. **THIS COURT FURTHER ORDERS** that the Retainer Agreement, dated November 18, 2022, entered into by the Representative Plaintiff, Jonathan A. Callowhill, and SMK Law P.C. is hereby approved.
3. **THIS COURT FURTHER ORDERS** that the total amount payable out of the Settlement Amount to Class Counsel in respect of legal fees is hereby set at \$3,080,250 plus HST.
4. **THIS COURT FURTHER ORDERS** that the total amount payable out of the Settlement Amount to Class Counsel in respect of disbursements is hereby set at \$430,227.60 inclusive of HST.
5. **THIS COURT FURTHER ORDERS** that the total amount payable out of the Settlement Amount to the Representative Plaintiff, Jonathan A. Callowhill in respect of an honorarium is hereby set at \$15,000.00 inclusive of HST.
6. **THIS COURT FURTHER ORDER** that the amounts payable to Class Counsel and to the Representative Plaintiff, Jonathan A. Callowhill, as set out in this Order, shall be paid to the respective parties within 14 days of the date of this Order.

Date: July 29, 2024

A handwritten signature in blue ink, consisting of several overlapping loops and a vertical stroke extending downwards.

(Signature of judge, officer or registrar)

CALLOWHILL
Plaintiff

v.

AIRBOSS OF AMERICA CORP. et al.
Defendants

Court File No.: CV-22-00004044-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at
Newmarket

Proceeding under the Class Proceedings Act, 1992

ORDER

SMK LAW P.C.

99 Yorkville Avenue, Suite 200
Toronto, ON M5R 3K5

Soheil Karkhanechi (LSO: 85514Q)

Tel: (416) 551-7346
E: soheil@smklawyers.ca

Paul Bates (LSO: 22619D)

Tel: (416) 869-9898 x 101
E: pbates@batesbarristers.com
c/o SMK Law

Mahdi M. Hussein (LSO: 72907W)

Tel: (647) 243-4725 ext. 1001
E: mahdi@mhbarrister.com
c/o SMK Law

Lawyers for the Plaintiff, Jonathan A.
Callowhill