



No. VLC-S-S-116652
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THEODORE WILSON

Plaintiff

AND:

DEPUY INTERNATIONAL LTD., DEPUY ORTHOPAEDICS INC.,
DEPUY, INC., and JOHNSON & JOHNSON

Defendants

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

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE) February 26, 2021
JUSTICE BRANCH)
)
)

ON THE APPLICATION of the Plaintiff for the approval of Class Counsel Fees and Disbursements coming on for hearing on 31/May/2018 at the Courthouse at 800 Smithe Street in Vancouver, British Columbia;

UPON READING the application materials and upon hearing D.Lennox, counsel for the representative plaintiff, and upon being advised that counsel for the Defendants and counsel or the Intervenor do not take a position on class counsel's fees and disbursements;

AND UPON approving Class Counsel Fees by reasons dated July 16, 2018, but not approving the settlement agreement, but instead granting leave to the parties to deliver an amended settlement agreement;


AND UPON the parties returning for a hearing on February 12, 2021 and on February 26, 2021 with an Amended Settlement Agreement, dated February 9, 2021;

AND UPON reading and approving the Amended Settlement Agreement.

THIS COURT ORDERS that:

1. Subject to the adjustments made below, the proposed 25% Class Counsel Fee is approved as fair and reasonable.
2. The Defendants' contribution in the aggregate toward Class Counsel Fees in the amount of \$275,000, plus taxes, as set out at section 10.1(i) of the Amended Settlement Agreement is approved and shall be paid by the Defendants to Class Counsel.
3. A 25% approved fee percentage can be deducted from each individual award as it is paid to that individual as provided by section 10.1(iv) of the Amended Settlement Agreement, but no additional money in respect of Class Counsel Fees should flow to Class Counsel until after \$1,100,000 in claims have been paid (i.e. when the \$275,000 already paid represents 25% of the total amount awarded.)
4. Pursuant to section 10.1(ii), Disbursements of \$32,555.28 are approved, and the Defendant shall pay this amount to Class Counsel.

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 lawyers for Plaintiff
Douglas Lennox

By the Court

Registrar