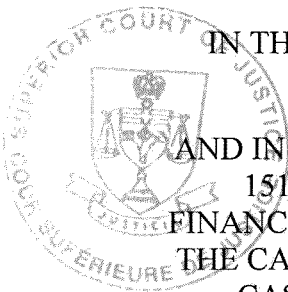


**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**(COMMERCIAL LIST)**

THE HONOURABLE REGIONAL ) THURSDAY, THE 27<sup>th</sup> DAY  
SENIOR JUSTICE MORAWETZ ) OF AUGUST, 2015



IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,  
R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF  
1511419 ONTARIO INC., FORMERLY KNOWN AS THE CASH STORE  
FINANCIAL SERVICES INC., 1545688 ALBERTA INC., FORMERLY KNOWN AS  
THE CASH STORE INC., 986301 ALBERTA INC., FORMERLY KNOWN AS TCS  
CASH STORE INC., 1152919 ALBERTA INC., FORMERLY KNOWN AS  
INSTALOANS INC., 7252331 CANADA INC., 5515433 MANITOBA INC., 1693926  
ALBERTA LTD DOING BUSINESS AS "THE TITLE STORE"

APPLICANTS

Court File No. 7908/12CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

BETWEEN:

TIMOTHY YEOMAN

Plaintiff

- and -

THE CASH STORE FINANCIAL SERVICES INC., THE CASH STORE INC., and  
INSTALOANS INC.

Defendants

**ORDER**  
**COURT-TO-COURT COMMUNICATIONS PROTOCOL**

**THIS MOTION**, made by FTI Consulting Canada Inc., in its role as Court-appointed Monitor (the “**Monitor**”), pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”) proceedings of the Applicants, for an order approving a court-to-court communications protocol (the “**Communications Protocol**”) appended as Schedule “A”, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Motion of the Monitor and the affidavit of Stephen Fulton sworn August 20, 2015, and on hearing the submissions of counsel for the Monitor, counsel for the Chief Restructuring Officer, and other such counsel present and on being advised that all parties on the service list maintained in these CCAA proceedings and the parties to the *Timothy Yeoman v. The Cash Store Financial Services* et al. were served with the motion record of the Monitor:

**COURT-TO-COURT COMMUNICATIONS PROTOCOL**

1. **THIS COURT ORDERS** that the Communications Protocol is hereby adopted.
2. **THIS COURT HEREBY REQUESTS** that the Communications Protocol also be adopted by:
  - a. the Supreme Court of British Columbia, with regard to the class proceedings in *Stewart v DirectCash Payments Inc.* et al. (Vancouver no. 154924) and *Stewart v. The Cash Store Financial Services Inc.* et al. (Vancouver no. 126361);

- b. the Alberta Court of Queen's Bench, with regard to the class proceedings in *Efthimiou v. The Cash Store et al.* (Calgary No. 1201-118160) and *Tschritter et al. v. The Cash Store Financial Services Inc. et al.* (Calgary No. 0301-16243);
- c. the Saskatchewan Court of Queen's Bench, with regard to the class proceedings in *Ironbow v. The Cash Store Financial Services Inc. et al.* (Saskatoon no. 1453 of 2012); and
- d. the Manitoba Court of Queen's Bench, with regard to the class proceedings in *Rehill v. The Cash Store Financial Services Inc. et al.* (Winnipeg no. CI 12-01-80578) and *Meeking v. The Cash Store Inc. et al.* (Winnipeg no. CI 10-01-66061).

  
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ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

AUG 27 2015



## **SCHEDULE A**

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C.  
1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF  
1511419 ONTARIO INC., FORMERLY KNOWN AS THE CASH STORE FINANCIAL  
SERVICES INC., 1545688 ALBERTA INC., FORMERLY KNOWN AS THE CASH  
STORE INC., 986301 ALBERTA INC., FORMERLY KNOWN AS TCS CASH STORE  
INC., 1152919 ALBERTA INC., FORMERLY KNOWN AS INSTALOANS INC., 7252331  
CANADA INC., 5515433 MANITOBA INC., 1693926 ALBERTA LTD. DOING  
BUSINESS AS "THE TITLE STORE"

Court File No. 7908/12CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

B E T W E E N :

TIMOTHY YEOMAN

Plaintiff

- and -

THE CASH STORE FINANCIAL SERVICES INC., THE CASH STORE INC., and  
INSTALOANS INC.

Defendants

No. 154924  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

B E T W E E N :

STEWART

Plaintiff

- and -

DIRECTCASH PAYMENTS INC. et al.

Defendants

No. 126361  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

STEWART

Plaintiff

- and -

THE CASH STORE FINANCIAL SERVICES INC. et al.

Defendants

No. 1201-118160  
Calgary Registry

**IN THE COURT OF QUEEN'S BENCH OF ALBERTA**

B E T W E E N :

EFTHIMIOU

Plaintiff

- and -

THE CASH STORE FINANCIAL SERVICES INC., et al,

Defendants

No. 0301-16243  
Calgary Registry

**IN THE COURT OF QUEEN'S BENCH OF ALBERTA**

BETWEEN:

TSCHRITTER et al.

Plaintiffs

- and -

THE CASH STORE FINANCIAL SERVICES INC. et al.

Defendants

No. 1453 of 2012  
Saskatoon Registry

**IN THE COURT OF QUEEN'S BENCH OF SASKATCHEWAN**

BETWEEN:

IRONBOW

- and -

THE CASH STORE FINANCIAL SERVICES INC. et al.

No. CI12-01-80578  
Winnipeg Registry

**IN THE COURT OF QUEEN'S BENCH OF MANITOBA**

BETWEEN:

REHILL

Plaintiff

- and -

THE CASH STORE FINANCIAL SERVICES INC. et al.

Defendants

**IN THE COURT OF QUEEN'S BENCH OF MANITOBA**

BETWEEN:

MEEKING

Plaintiff

- and -

THE CASH STORE INC. et al.

Defendants

**COURT-TO-COURT COMMUNICATIONS PROTOCOL**

**BACKGROUND:**

1. *In the Matter of 1511419 Ontario Inc., formerly known as The Cash Store Financial Services Inc.* (the “**CCAA Proceeding**”) is a proceeding under the *Companies Creditors' Arrangement Act*. R.S.C. 1985, c. C-34 (the “**CCAA**”) that is being supervised by the Ontario Superior Court of Justice (the “**Ontario Court**”).
2. *Yeoman v. The Cash Store Financial et al.* (the “**Ontario Class Action**”) is a class proceeding that is being supervised by the Ontario Court.
3. *Stewart v. DirectCash Payments Inc. et al.* and *Stewart v. The Cash Store Financial Services Inc. et al.* (the “**British Columbia Class Actions**”) are class proceedings that are being supervised by the Supreme Court of British Columbia (the “**British Columbia Court**”).
4. *Efthimiou v. The Cash Store et al.* and *Tschritter et al. v The Cash Store Financial Services Inc. et al.* (the “**Alberta Class Actions**”) are class proceedings that are being supervised by the Alberta Court of Queen's Bench (the “**Alberta Court**”).
5. *Ironbow v. The Cash Store Financial Services Inc. et al.* (the “**Saskatchewan Class Action**”) is a class proceeding that is being supervised by the Saskatchewan Court of Queen's Bench (the “**Saskatchewan Court**”).
6. *Rehill v. The Cash Store Financial Services Inc. et al.* and *Meeking v The Cash Store Inc. et al.* (the “**Manitoba Class Actions**”) are class proceedings that are being supervised by the Manitoba Court of Queen's Bench (the “**Manitoba Court**”).
7. Certain of the parties to the CCAA Proceeding, and the parties to the Ontario Class Action, the British Columbia Class Actions, the Alberta Class Actions, the Saskatchewan



Class Action and the Manitoba Class Actions anticipate entering into a global settlement (the “**Global Settlement**”) that will require (i) approval by the Ontario Court of a plan of arrangement under the CCAA (the “**CCAA Plan**”); (ii) approval of the Global Settlement by the Ontario Court pursuant to the *Class Proceedings Act, 1992*, S.O. 1992, c. 6; (iii) approval of the Global Settlement by the British Columbia Court pursuant to the *Class Proceedings Act*, R.S.B.C. 1996, c. 50; (iv) approval of the Global Settlement by the Alberta Court pursuant to the *Class Proceedings Act*, S.A. 2003, C-16.5; (v) approval of the Global Settlement by the Saskatchewan Court pursuant to *The Class Actions Act*, SS 2001, c C-12.01; and (vi) approval of the Global Settlement by the Manitoba Court pursuant to the *Class Proceedings Act*, C.C.S.M., c. C130;

8. The parties to the CCAA Plan and the anticipated Global Settlement desire that the approvals be sought at a hearing conducted jointly by the Ontario Court, the British Columbia Court, the Alberta Court, the Saskatchewan Court and the Manitoba Court, in order to achieve efficiencies and avoid undue delay.
9. Accordingly, adoption of this Court-to-Court Communications Protocol is being sought in each of the Ontario Court, the British Columbia Court, the Alberta Court, the Saskatchewan Court and the Manitoba Court (each, a “**Court**”) to govern the approvals required in respect of the anticipated Global Settlement. The approval proceedings will proceed in accordance with the following Guidelines.

#### **Guideline 1**

Except in circumstances of urgency, prior to a communication with another Court, each Court should be satisfied that such a communication is consistent with all applicable rules of procedure in its jurisdiction.

#### **Guideline 2**

A Court may communicate with another Court in connection with matters relating to the CCAA Proceeding, the Ontario Class Action, the British Columbia Class Actions, the Alberta Class Actions, the Saskatchewan Class Action and the Manitoba Class Actions, for the purposes of coordinating and harmonizing proceedings before it with those in the other jurisdictions.

#### **Guideline 3**

A Court may communicate with an authorized representative of another Court in connection with the coordination and harmonization of the proceedings before it with the proceedings in the other Courts.

#### **Guideline 4**

A Court may permit a duly authorized representative to communicate with another Court, subject to the approval of the other Court, or through an authorized representative of the other Court, on such terms as the other Court considers appropriate.

### **Guideline 5**

A Court may receive communications from another Court or from an authorized representative of the other Court and should respond directly if the communication is from another Court (subject to Guideline 7 in the case of multi-way communications) and may respond directly or through an authorized representative of the Court, subject to local rules concerning *ex parte* communications.

### **Guideline 6**

Communications from a Court to another Court or Courts may take place by or through the Court:

- (a) Sending or transmitting copies of formal orders, judgments, opinions, reasons for decision, endorsements, transcripts of proceedings, or other documents directly to the other Court and providing advance notice to counsel for affected parties in such manner as the Court considers appropriate;
- (b) Directing counsel to transmit or deliver copies of documents, pleadings, affidavits, factums, briefs, or other documents that are filed or to be filed with the Court to the other Court in such fashion as may be appropriate and providing advance notice to counsel for affected parties in such manner as the Court considers appropriate;
- (c) Participating in multi-way communications with the other Court by telephone or video conference call or other electronic means, in which case Guideline 7 applies.

### **Guideline 7**

In the event of communications between the Courts in accordance with Guidelines 2 and 5 by means of telephone or video conference call or other electronic means, unless otherwise directed by any of the Courts:

- (a) Counsel for all affected parties shall be entitled to participate in person during the communication and advance notice of the communication shall be given to all parties in accordance with the rules of procedure applicable in each Court;
- (b) The communication between the Courts shall be recorded and may be transcribed. A written transcript may be prepared from a recording of the communication which, with the approval of all Courts, shall be treated as an official transcript of the communication;
- (c) Copies of any recording of the communication, of any transcript of the communication prepared pursuant to any direction of any Court, and of any official transcript prepared from a recording will be filed as part of the record in the proceedings and made available to counsel for all parties in all Courts subject

to such directions as to confidentiality as the participating Courts may consider appropriate; and

- (d) The time and place for communications between the Courts should be to the satisfaction of all Courts. Personnel other than judges in each Court may communicate fully with each other to establish appropriate arrangements for the communication without the necessity for participation by counsel unless otherwise ordered by any of the participating Courts.

#### **Guideline 8**

In the event of communications between the Court and an authorized representative of another Court in accordance with Guidelines 3 and 5 by means of telephone or video conference call or other electronic means, unless otherwise directed by the Court:

- (a) Counsel for all affected parties shall be entitled to participate in person during the communication and advance notice of the communication shall be given to all parties in accordance with the rules of procedure applicable in each participating Court;
- (b) The communication shall be recorded and may be transcribed. A written transcript may be prepared from a recording of the communication which, with the approval of the Court, shall be treated as an official transcript of the communication;
- (c) Copies of any recording of the communication, of any transcript of the communication prepared pursuant to any direction of the Court, and of any official transcript prepared from a recording should be filed as part of the record in the proceedings and made available to the other Court and to counsel for all parties in all participating Courts subject to such directions as to confidentiality as the Court may consider appropriate; and
- (d) The time and place for the communication should be to the satisfaction of the Court. Personnel of the Court other than judges may communicate fully with the authorized representative of the other Courts to establish appropriate arrangements for the communication without the necessity for participation by counsel unless otherwise ordered by the Court.

#### **Guideline 9**

The Courts may conduct a joint hearing. In connection with any such joint hearing, the following will apply, unless otherwise ordered:

- (a) Each Court should be able to simultaneously hear the proceedings in all other Courts.
- (b) Evidentiary or written materials filed or to be filed in one Court will, in accordance with the directions of that Court, be transmitted to the other Courts or

made available electronically in a publicly accessible system in advance of the hearing. Transmittal of such material to the other Courts or its public availability in an electronic system will not subject the party filing the material in one Court to the jurisdiction of any of the other Courts.

- (c) Submissions or applications by the representative of any party will be made only to the Court in which the representative making the submissions is appearing unless the representative is specifically given permission by another Court to make submissions to it.
- (d) Subject to Guideline 7(b), each Court shall be entitled to communicate with the other Courts in advance of a joint hearing, with or without counsel being present, to establish guidelines for the orderly making of submissions and rendering of decisions by the Courts, and to coordinate and resolve any procedural, administrative, or preliminary matters relating to the joint hearing.
- (e) Subject to Guideline 7(b), each Court, subsequent to the joint hearing, shall be entitled to communicate with the other Courts, with or without counsel present, for the purpose of determining whether coordinated orders could be made by all Courts and to coordinate and resolve any procedural or nonsubstantive matters relating to the joint hearing.

#### **Guideline 10**

Each Court will, except upon proper objection on valid grounds and then only to the extent of such objection, recognize and accept as authentic the provisions of statutes, statutory or administrative regulations, and rules of court of general application applicable to the proceedings in the other jurisdictions without the need for further proof or exemplification thereof.

#### **Guideline 11**

Each Court will, except upon proper objection on valid grounds and then only to the extent of such objection, accept that orders made in the proceedings in the other jurisdictions were duly and properly made or entered on or about their respective dates and accept that such orders require no further proof or exemplification for purposes of the proceedings before it, subject to all such proper reservations as in the opinion of the Court are appropriate regarding proceedings by way of appeal or review that are actually pending in respect of any such orders.

#### **Guideline 12**

Each Court may coordinate proceedings before it with proceedings in the other jurisdictions by establishing a service list that may include parties that are entitled to receive notice of proceedings before the Court in the other jurisdiction (“**Non-Resident Parties**”). All notices, applications, motions, and other materials served for purposes of the proceedings before each Court may be ordered to also be provided to or served on the Non-Resident Parties by making such materials available electronically in a publicly accessible system or by facsimile transmission, certified or registered mail or delivery by courier, or in such other manner as may be directed by each Court in accordance with the procedures applicable in each Court.

### **Guideline 13**

Each Court may issue an order or issue directions permitting a representative of parties to the proceedings in the other jurisdictions to appear and be heard by the Court without thereby becoming subject to the jurisdiction of the Court.

### **Guideline 14**

A Court may communicate with another Court or with an authorized representative of such Court in the manner prescribed by these Guidelines for purposes of coordinating and harmonizing proceedings before it with proceedings in the other jurisdiction regardless of the form of the proceedings before it or before the other Court wherever there is commonality among the issues and/or the parties in the proceedings. The Court should, absent compelling reasons to the contrary, so communicate with the other Court where the interests of justice so require.

### **Guideline 15**

Directions issued by the Courts under these Guidelines are subject to such amendments, modifications, and extensions as may be considered appropriate by the Courts for the purposes described above and to reflect the changes and developments from time to time in the proceedings before them. Any directions may be supplemented, modified, and restated from time to time and such modifications, amendments, and restatements should become effective upon being accepted by all Courts. If any Court intends to supplement, change, or abrogate directions issued under these Guidelines in the absence of approval by all Courts, the Court should give the other Courts involved reasonable notice of its intention to do so.

### **Guideline 16**

Arrangements contemplated under these Guidelines do not constitute a compromise or waiver by the Court of any powers, responsibilities, or authority and do not constitute a substantive determination of any matter in controversy before the Court or before the other Courts nor a waiver by any of the parties of any of their substantive rights and claims or a diminution of the effect of any of the orders made by the Court or the other Courts.

### **Guideline 17**

The Courts may adopt the provisions of *The Canadian Judicial Protocol for the Management of Multijurisdictional Class Actions*, as deemed necessary and/or appropriate by the Courts or any Court, for the purposes of the approval of the CCAA Plan and the Global Settlement, including for the approval of any class counsel's fees and disbursements.

August 20, 2015

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IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,  
AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF THE CASH STORE  
FINANCIAL SERVICES INC. et al.”

Court File No. CV-14-10518-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

Proceeding commenced at TORONTO

**COURT-TO-COURT COMMUNICATIONS  
PROTOCOL APPROVAL ORDER**

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