

ORDER

THIS MOTION, made by the Plaintiffs for:

- 1) an Order that Timothy Yeoman, the proposed representative plaintiff, be appointed as representative of the class members (“Class Representative”) for the class of “all persons who entered into ‘payday loan’ transactions (including ‘Basic Lines of Credit’) with Cash Store Financial (defined as The Cash Store Financial Services Inc., The Cash Store Inc., and Instalozans Inc.) in Ontario between September 1, 2011 and the date of judgment in the Class Action” (the “Class”); and
- 2) an Order that Harrison Pensa LLP and Koskie Minsky LLP, be appointed, respectively, as representative counsel to the Class (“Representative Counsel”) and as agent to Representative Counsel (“Agent.”)

ON READING the materials filed, and on hearing the submissions of the parties;

- 1) **THIS COURT ORDERS AND DECLARES** the time for service of the Plaintiffs’ Motion Record is hereby abridged and validated so that the motion is properly returnable today and service upon any interested party other than those parties served is hereby dispensed with;
- 2) **THIS COURT ORDERS** that Timothy Yeoman is appointed as Class Representative for the class of “all persons who entered into ‘payday loan’ transactions (including ‘Basic Lines of Credit’) with Cash Store Financial (defined as The Cash Store Financial Services Inc., The Cash Store Inc., and Instalozans Inc.) in Ontario between September 1, 2011 and the date of judgment in the Class Action” (the “Class”);
- 3) **THIS COURT ORDERS** Harrison Pensa LLP and Koskie Minsky LLP be respectively appointed as Representative Counsel to the Class and as Agent to Representative Counsel;

- 4) **THIS COURT ORDERS** that Representative Counsel shall represent the interests of the Class in all aspects of the claim and the *Companies' Creditors Arrangement Act* proceedings of The Cash Store Financial Services Inc., et al. (Court File No. CV-14-10518-00CL, the "CCAA Proceedings"), without any obligation to consult or seek instructions from the Class, unless otherwise ordered by the court;
- 5) **THIS COURT ORDERS** that the Class Representative and Representative Counsel shall not be liable for any act or omission as a result of their appointment or the fulfillment of their duties in carrying out the provisions of this order, save and except for claims based on gross negligence or wilful misconduct on their part, and that no action, application, or other proceedings shall be taken, made, or continued against the Class Representative or Representative Counsel without leave of this court first being obtained; and
- 6) **THIS COURT ORDERS** that Class Representative and Representative Counsel shall be given notice of all motions in the Proceedings and that they shall be entitled to represent the Class in all such Proceedings without impairing the right of any individual Class member to retain and instruct counsel in the Proceedings on his or her own behalf and without impairing the ability of Representative Counsel to represent the Class.

Date:

The Hon. Justice Geoffrey B. Morawetz

RONALD PAYNE and TIMOTHY YEOMAN

v. TRIMOR ANNUITY FOCUS LIMITED PARTNERSHIP et al.

Court File No. 4172/14

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

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

Plaintiffs

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT LONDON

ORDER

**(Representation Order for *Timothy Yeoman AND
Ronald Payne v Trimor Annuity Focus Limited
Partnership et al.*)**

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