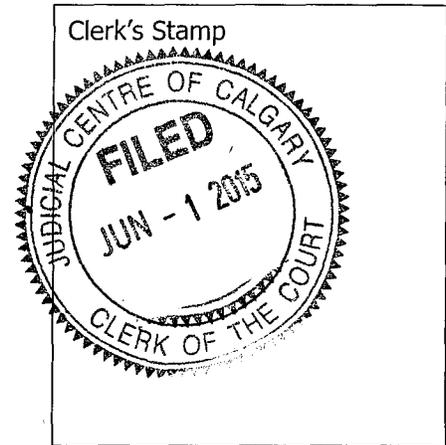


COURT FILE NO. 0501 08152
 COURT COURT OF QUEEN'S BENCH OF ALBERTA
 JUDICIAL CENTRE CALGARY



PLAINTIFFS DOUGLAS ALEXANDER and WILLIAM BARRETT, as Representative Plaintiffs

DEFENDANTS HMS FINANCIAL INC., et al

I hereby certify this to be a true copy of
 the original Order
 dated this 1 day of June 2015

 for Clerk of the Court

DOCUMENT **ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
 McLENNAN ROSS LLP
 1000 First Canadian Centre
 350 - 7th Avenue SW
 Calgary, AB T2P 3N9

Lawyer: Graham McLennan, Q.C.
 Telephone: (780) 482-9200
 Fax: (780) 482-9100
 Email: gmclennan@mross.com
 File: 251207

DATE ON WHICH ORDER WAS PRONOUNCED: MAY 21, 2015
LOCATION WHERE ORDER WAS PRONOUNCED: EDMONTON, ALBERTA
NAME OF JUDGE WHO MADE THIS ORDER: ASSOCIATE CHIEF JUSTICE JOHN D. ROOKE

UPON THE APPLICATION of the Plaintiff Class; AND UPON having read Affidavits No. 9 and No. 10 of Michelle Borysiuk, to be filed; AND UPON this Order incorporating by reference the defined terms contained in Affidavits No. 9 and No. 10 of Michelle Borysiuk, IT IS HEREBY ORDERED THAT:

Second Payout

- Any cheques issued pursuant to paragraphs 7 to 9 of Affidavit No. 9 of Michelle Borysiuk that have not been cashed within 6 months of the date that they were issued pursuant to the Second Payout will be classified as stale dated. If such a cheque is classified as stale dated, or is returned to the office of Plaintiff Class Counsel as undeliverable, prior to the date of this Order, the funds reflected in that cheque shall be included in the Third Payout on a standard pro rata basis distribution to the remaining eligible Class Members. If such a cheque is classified as stale dated, or returned as undeliverable, after the date of this Order, the funds reflected in that cheque shall either be held in trust by Plaintiff Class Counsel until the close of business on December 1, 2015, or included in a fourth distribution of funds on a standard pro rata basis distribution to the remaining eligible Class Members, provided that the application for approval of such a fourth distribution is submitted by Plaintiff Class Counsel to the Court prior to the close of business on December 1, 2015. If no application for approval of a fourth distribution of funds

Class Members would otherwise be entitled, shall be included in that donation without any further notice to the Undeliverable Cheque Class Members.

5. Any cheques that have not been cashed within 6 months of the date that they are issued (the "**Stale Date Period**") pursuant to the Third Payout, and any subsequent distributions, will be classified as stale dated. To the extent that the Stale Date Period for any cheque is prior to the close of business on December 1, 2015, the funds reflected in that cheque shall either be held in trust by Plaintiff Class Counsel until the close of business on December 1, 2015, or included in a fourth distribution of funds on a standard pro rata basis distribution to the remaining eligible Class Members, provided that the application for approval of such a fourth distribution is submitted by Plaintiff Class Counsel to the Court prior to the close of business on December 1, 2015. If no application for approval of a fourth distribution of funds has been submitted to the Court for approval by the close of business on December 1, 2015, the funds reflected in those cheques will be donated to the Canadian Red Cross without further notice to the relevant individuals or entities associated with those cheques, and without any requirement for Plaintiff Class Counsel to engage in any effort to obtain updated addresses or contact information.
6. No additional cheques will be issued to the corporate Class Member referred to in Affidavit No. 9 of Michelle Borysiuk, with any amounts to which that Class Member would otherwise be entitled being donated to the Canadian Red Cross.
7. No additional cheques will be issued to the individual Class Members referred to in Affidavit No. 9 of Michelle Borysiuk unless the amount to which that Class Member is entitled is in excess of \$100.00 USD, and if the amount is less than \$100.00 USD, then the amount will be donated to the Canadian Red Cross without any further notice to that Class Member.

Fourth Distribution

8. Plaintiff Class Counsel shall not be required to seek approval for a fourth distribution of funds prior to the close of business on December 1, 2015 unless the total amount for distribution is or would be greater than \$1000 after the deduction for administration.

Future Distributions

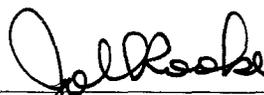
9. After December 1, 2015, any additional funds received by Plaintiff Class Counsel will be assessed on a case-by-case basis, meaning that any funds received subsequent to that date will be donated on a case-by-case basis to the Canadian Red Cross without further notice to, or any attempt to contact, the Class Members, if the total amount for distribution is or would be equal to or less than \$1000 after the deduction for administration.
10. No further attempts to locate current addresses of any Class Members shall be required of Plaintiff Class Counsel, in connection with the Third Payout or any subsequent distributions of funds to Class Members or to the Canadian Red Cross.
11. For clarity, the "total amount for distribution" reflects the total aggregate of any given amount of funds collected by Plaintiff Class Counsel less Plaintiff Class Counsel's fee for legal services, which fee was previously approved by this Honourable Court at paragraph 3 of its July 26, 2011 Order.
12. Notice of this Application to the Defendants and to Class Members is waived.
13. In all other respects, the pending and any future, distributions shall be carried out on the same basis as the initial distribution of funds, pursuant to the Administration Plan and in accordance with the July 26, 2011 and September 12, 2013 Orders of this Honourable Court.

has been submitted to the Court for approval by the close of business on December 1, 2015, the funds reflected in those cheques that have been classified as stale dated or that have been returned as undeliverable will be donated to the Canadian Red Cross. Once any cheque has been classified as stale dated, or returned as undeliverable, Plaintiff Class Counsel shall have no further obligation to attempt to give notice to, or to contact, the relevant individuals or parties associated with that cheque.

Third Payout

2. Plaintiff Class Counsel is permitted to make adjustments to the schedule "Calculation of Total Funds for Third Payout" attached as Exhibit "A" to the Affidavit No. 9 of Michelle Borysiuk to reflect any returned or stale dated cheques pursuant to paragraph 1 of this Order. Plaintiff Class Counsel is authorized to make those adjustments, and issue cheques to Class Members pursuant to the Third Payout, without further Order or approval of the revised calculation schedule, provided that an affidavit is filed exhibiting the final schedule of calculations after the Third Payout is complete.
3. The Class Members for whom Plaintiff Class Counsel has been unable to locate current mailing addresses pursuant to paragraph 7 of Affidavit No. 9 of Michelle Borysiuk (the "**Unknown Address Class Members**"), are to be removed from the Third Payout and any additional or future distributions, with the amounts to which they would otherwise be entitled on the Third Payout being distributed to the remaining eligible Class Members on the Third Payout on a standard pro rata basis without any further notice to the Unknown Address Class Members. To the extent that any future or subsequent distributions to the Class occur, the amounts to which the Unknown Address Class Members would otherwise be entitled, shall be distributed to the remaining eligible Class Members on a standard pro rata basis without any further notice to the Unknown Address Class Members. To the extent that any future or subsequent funds are donated by Plaintiff Class Counsel to the Canadian Red Cross pursuant to this or any other Order of this Honourable Court, the amounts to which the Unknown Address Class Members would otherwise be entitled, shall be included in that donation without any further notice to the Unknown Address Class Members.
4. Any Class Members whose cheques are returned to the office of Plaintiff Class Counsel undeliverable in connection with the Third Payout or any subsequent distributions (the "**Undeliverable Cheque Class Members**"), will be removed from any subsequent distributions without further notice to, and without any obligation on Plaintiff Class Counsel to seek updated contact information for, those Class Members. If received prior to December 1, 2015, the funds reflected in these cheques will either be held by Plaintiff Class Counsel until the close of business on December 1, 2015, or included in a fourth distribution of funds on a standard pro rata basis distribution to the remaining eligible Class Members, provided that the application for approval of such a fourth distribution is submitted by Plaintiff Class Counsel to the Court prior to the close of business on December 1, 2015. If no application for approval of a fourth distribution of funds has been submitted to the Court for approval by the close of business on December 1, 2015, the funds reflected in those cheques that have been returned to the office of Plaintiff Class Counsel as undeliverable will be donated to the Canadian Red Cross without further notice to, or any attempt to contact, the Undeliverable Cheque Class Members. If received after December 1, 2015, then to the extent that any future or subsequent distributions to the Class occur, the amounts to which the Undeliverable Cheque Class Members would otherwise be entitled, shall be distributed to the remaining eligible Class Members on a standard pro rata basis without any further notice to the Undeliverable Cheque Class Members. To the extent that any future or subsequent funds are donated by Plaintiff Class Counsel to the Canadian Red Cross pursuant to this or any other Order of this Honourable Court, the amounts to which the Undeliverable Cheque

14. Costs of this Application shall be in the cause.



ASSOCIATE CHIEF JUSTICE OF THE COURT OF QUEEN'S
BENCH OF ALBERTA