

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000435-087

DATE: November 4, 2014

IN THE PRESENCE OF THE HONOURABLE MARC DE WEVER, J.S.C.

SHEILA CALDER
Plaintiff/Respondent

v.

BANQUE ROYALE DU CANADA
and
RBC DOMINION SECURITIES LIMITED
and
RBC DOMINION SECURITIES INC.
and
RBC CAPITAL MARKETS CORPORATION
Defendants/Petitioners

RSM RICHTER INC.
and
RAYMOND MASSI, C.A. CIRP
Mis en cause

**REASONS FOR JUDGMENT ON THE AMENDED MOTION FOR PERMISSION
TO OBTAIN INFORMATION REGARDING CLASS MEMBERS**

[1] **CONSIDERING** Defendants Royal Bank of Canada and RBC Capital Markets Corporation's *Amended Motion for Permission to Obtain Information Regarding Class Members*;

[2] **CONSIDERING** the judgment of this Honourable Court dated October 30, 2013, authorizing the exercise of the present class action and granting Petitioner Sheila Calder the status of representative member in order to institute class action proceedings on behalf of those persons belonging to the following class:

“All Canadian retail investors who purchased one of the Olympus United Funds Corporation shares (formerly First Horizon Holdings Ltd.) from June 27, 1999 to June 29, 2005, and who had outstanding shares in said corporations as of June 29, 2005, but to the exclusion of any person who is or was in any way related to John Xanthoudakis or any former director, administrator, representative or employee of the *Norshield Financial Group*.”

[3] **CONSIDERING** the representations made by the attorneys for the parties;

[4] **CONSIDERING** the desire voiced by certain members of the class to counsel for Plaintiff and to RSM Richter Inc. to have their identity remain confidential;

FOR THESE REASONS, THE COURT :

[5] **GRANTS**, in part, the present Amended Motion for Permission to Obtain Information Regarding Class Members;

[6] **ORDERS** Plaintiff and RSM Richter Inc., to the extent they have this information in their possession, it being understood that no party shall be required to seek this information from third parties, to remit to Defendants the following information:

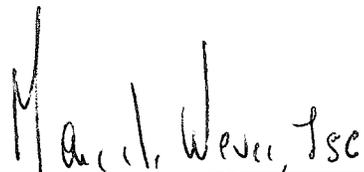
- a) An alphabetical list of all members of the class;
- b) A second list of the members of the class where the names of the members of the class will be replaced by numbers (the “**Numbered List**”) and where the class members will be grouped by Province of residence, then, within each group, will be listed in descending order of the net amount of their claim less the amounts received from any source indicating, for each such member, the following information:
 - i. The province where the class member is domiciled or resides;
 - ii. The number of unredeemed shares of Olympus United Funds Corporation or First Horizon Holdings Ltd held by each class member on June 29, 2005 (the “**Unredeemed Shares**”);
 - iii. The amount claimed by each class member in relation to the Unredeemed Shares;

- iv. All amounts received from any source by the class member from June 29, 2005 to date in relation to the Unredeemed Shares; and
 - v. The net amount claimed less any amounts received from any source in relation to the Unredeemed Shares;
- c) The name of any person who would otherwise be a member of the class but who is, in any way, either related to John Xanthoudakis or a former director, administrator, representative or employee of the *Norshield Financial Group*, the whole without prejudice for said person to contest his status with regards to John Xanthoudakis or the *Norshield Financial Group*;

[7] **ORDERS** RSM Richter Inc. to remit to Plaintiff's attorneys, in addition to the lists described at conclusion [6] above, an amalgamated, nominative list of the class members, including the full addresses of the members of the class and the number attributed to each class member in the Numbered List;

[8] **TAKES ACT** of Defendants' undertaking to pay the reasonable costs incurred by RSM Richter Inc. in putting together the information requested in the manner described at conclusions [6] and [7] above;

[9] **WITHOUT COSTS.**



MARC DE WEVER, J.S.C.

Me Carine Bouzaglou
Me Frédéric Plamondon
OSLER, HOSKIN & HARCOURT LLP
Attorneys for Petitioners Royal Bank of Canada *et al.*

Me Normand Painchaud
SYLVESTRE FAFARD PAINCHAUD
Attorneys for Respondent Sheila Calder

Me Avram Fishman
Attorneys for Mis en cause RSM Richter Inc.

Date of hearing: October 28, 2014