

Federal Court



Cour fédérale

Date: 20180207

Docket: T-1685-16

Ottawa, Ontario, February 7, 2018

PRESENT: The Honourable Madam Justice McDonald

BETWEEN:

**JANET MERLO AND LINDA GILLIS
DAVIDSON**

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

ORDER

UPON MOTION by the Plaintiffs under Rule 369 of the *Federal Courts Rules* for an Order pursuant to the Order of this Court dated May 30, 2017, whereby the Court retains continuing jurisdiction over the Settlement and its implementation;

AND UPON considering the Plaintiffs' request, as a result of extraordinary circumstances, for an extension of time beyond the February 8, 2018 claim deadline, to process claims for compensation by primary class members;

AND UPON considering the Motion materials filed on behalf of the Plaintiffs including an Affidavit of Whitney Santos sworn to on January 29, 2018 and an Affidavit of Yvette Gallo sworn to on January 29, 2018;

AND UPON noting that the Defendant consents in writing to the Plaintiffs' extension requested;

THIS COURT ORDERS that:

1. An "exceptional circumstance" under the Settlement Agreement is deemed for each Primary Class Member who has, on or before the Claim Deadline, being February 8, 2018, informed Class Counsel or the Assessor in the manner specified below that she intends to file a Claim for compensation under the Settlement Agreement ("Deemed Exceptional Circumstance");
2. On February 9, 2018, being the day after the Claim Deadline, Class Counsel shall provide the Assessor with a list of the names of all Primary Class Members who informed Class Counsel in writing or by email, on or before the Claim Deadline, that they intend to file a Claim for compensation under the Settlement Agreement;
3. Any Primary Class Member who has, on or before February 8, 2018, opened an online file with the Office of the Assessor but has not yet submitted her Claim Form will be deemed to have informed the Assessor that she intends to file a Claim under the Settlement Agreement;

4. Primary Class Members for whom the Deemed Exceptional Circumstance applies have until May 22, 2018 to submit their Claim Forms and all supporting documentation to the Assessor;
5. Primary Class Members for whom the Deemed Exceptional Circumstance applies are not required to individually file with the Assessor a Request for Deadline Extension Form;
6. Where the Deemed Exceptional Circumstance does not apply to a Primary Class Member because the Primary Class Member has not, on or before the Claim Deadline of February 8, 2018, informed Class Counsel or the Assessor, as specified above, that she intends to file a Claim for compensation under the Settlement Agreement, Article 7.05 (2) and Schedule B of the Settlement Agreement still apply;
7. The Assessor shall post this Order on the website maintained by the Office of the Assessor upon receipt of the Order; and
8. No costs are payable on this motion.

"Ann Marie McDonald"

Judge