

SCHEDULE "A"

LITIGATION PLAN

1. NOTICE OF CERTIFICATION

- (a) If certification is granted, notice shall be given to potential class members in accordance with section 19 of the *Class Proceedings Act* (the "**CPA**").
- (b) Within 15 days of a successful result in the certification application, counsel for the Plaintiffs shall provide counsel for the Defendants with a proposed form of Notice to the class members. In the event that the parties are able to agree on the form of the Notice, it will be provided to the Court for approval pursuant to section 22 of the *CPA*. In the event that the parties are unable to agree on the form of the Notice, counsel for the Plaintiffs will bring an application to have the Court settle the terms of the Notice pursuant to section 19(6) of the *CPA*.
- (c) Following agreement to, or settlement by the Court of, the form of the Notice to Class members, and assuming that the Court makes the orders sought in paragraphs 8 through 11 of Part 1 of the Plaintiffs' Notice of Application, publication of the Notice will be issued in the manner ordered by the Court, namely:
 - (i) by letter to those persons whose names and addresses are provided to Church & Company by the Defendants; and
 - (ii) by the posting of a copy of the certification notice on Church & Company's website.
- (d) In accordance with the certification order, class members will be entitled to opt out of the proceeding within 90 days of the last step in item 1(c) to occur by notice in writing, including by fax and email, to Church & Company at 900 - 1040 West Georgia Street, Vancouver, British Columbia.
- (e) In accordance with the certification order, class members who reside outside of British Columbia may opt into the proceeding within 90 days of the last step in item 1(c) to occur, by notice in writing, including by fax and email to Church & Company at 900 - 1040 West Georgia Street, Vancouver, British Columbia.

2. DOCUMENT PRODUCTION

- (a) Subject to point (b) below, document production will be undertaken in accordance with the provisions of Rule 7-1 of the *Supreme Court Civil Rules*, with the 35 day time limit for initial production under rule 7-1(1) commencing to run on the date of the entry of the certification order.

- (b) Rather than waiting for the delivery of the opposing parties' initial list of documents, counsel for each party will deliver a list of the categories of documents that they expect to see produced by the other side and such delivery shall constitute notice for the purposes of Rules 7-1(10) and 7-1(11).
- (c) It is anticipated that document production will be completed within three months of the entry of the certification order.

3. EXAMINATION FOR DISCOVERY

- (a) It is anticipated that initial examinations for discovery of the representative Plaintiffs and of the Defendants and their representatives will be completed within six months of the entry of the certification order.
- (b) An order waiving the 7 hour restriction under Rule 7-12(2) may be sought by the Plaintiffs.
- (c) Although counsel for the Plaintiffs does not anticipate it being required, to the extent that the Defendants seek examination of class members pursuant to section 17(2) of the *CPA*, such application would only be made after the examination for discovery of the representative Plaintiffs has been concluded.

4. POSSIBILITY OF MEDIATION

- (a) Following the completion of discovery procedures, counsel for the Plaintiffs will consider the possibility of mediation.

5. CASE MANAGEMENT

- (a) Active case management pursuant to section 12 of the *CPA*, to the extent required, will be used to complete the discovery (documentary and oral) process and to prepare the case for trial, including trial scheduling.

6. DETERMINATION / TRIAL OF COMMON ISSUES

- (a) To the extent possible, counsel for the Plaintiffs will attempt to determine if one or more of the common issues certified by the Court can be resolved by way of summary trial pursuant to Rule 9-7 of the *Supreme Court Civil Rules*. To the extent counsel for the Plaintiffs intend to proceed by this method, advance approval of the Court will be sought.

- (b) If resolution of all of the common issues is not possible by way of summary trial, a case management conference will be held at least 28 days before the trial date and the parties will file a trial certificate within 28 days of trial.
- (c) An aggregate award is likely to be sought for the punitive damages.
- (d) Following the outcome of the common issues trial, counsel for the Plaintiffs will prepare a proposed notice to class members of the outcome for approval by the Court. The notice will be published in the manner directed by the Court and in accordance with the provisions of section 20 of the *CPA*.
- (e) To the extent that the Plaintiffs are successful on one or more of the common issues, it is anticipated that further proceedings may be required in respect of individual damage assessments. Court assistance and direction will be sought in that regard.

7. MEDIATION OF INDIVIDUAL ISSUES

- (a) It is expected that the damages of individual class members will be relatively simple for the parties to compute. Mediation will likely be sought in that regard.

8. DETERMINATION OF INDIVIDUAL ISSUES

- (a) To the extent that mediation is not successful in respect of individual damage assessments, it is proposed that the Defendants will produce a statement of the benefits received by each class member, both before and after the effective date of the Resolutions.
- (b) A determination of the individual damage assessments will likely be sought by way of summary trial, or as ordered by the Court.