

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE PENNY

} [DAY] THE ●  
} DAY OF AUGUST, 2011  
}

B E T W E E N:

JOHN GOODWIN, JAMES McMAHON and JAMES SPRAY

Applicants

– and –

THE ELEMENTARY TEACHERS’ FEDERATION OF ONTARIO, THE ONTARIO  
SECONDARY SCHOOL TEACHERS’ FEDERATION DISTRICT 17, THE EXECUTIVE OF  
LOCAL 1310 OF THE CANADIAN UNION OF PUBLIC EMPLOYEES, THE ONTARIO  
PUBLIC SERVICE EMPLOYEES UNION and THE SIMCOE COUNTY DISTRICT SCHOOL  
BOARD

Respondents

**APPLICATION UNDER Rules 14.05(3)(a), (d) and (g) of the  
*Rules of Civil Procedure***

**ORDER**

**THIS MOTION**, made by the Respondents for advice and directions of the Court regarding the distribution of the Simcoe County District School Board Insurance Trust was heard this day in the presence of counsel for the Respondents, no-one opposing this motion.

**ON READING** the Notice of Motion, the Affidavits of Anne Stevenson-Schramm, Amanda Darrach and David Weir, sworn on the fifth, thirteenth and sixth days of July, 2011, respectively, and on hearing the submissions made by counsel for the Respondents,

1. **THIS COURT ORDERS** that defined terms used in this Order shall have the meaning ascribed to them in the Anne Stevenson-Schramm Affidavit sworn on the sixth day of July, 2011 unless otherwise indicated;

2. **THIS COURT ORDERS** that the Respondents shall distribute the surplus of the Insurance Trust according to the distribution formula as set out in the Affidavit of Anne Stevenson-Schramm;

3. **THIS COURT ORDERS** that the surplus distribution may not take place unless and until, any and all conditions precedent, as deemed appropriate by this Court, have been fulfilled, including but not limited to until RicePoint has provided the services they have undertaken to provide prior to the distribution of the surplus, in the David Weir Affidavit, sworn the fifth day of July, 2011;

4. **THIS COURT ORDERS** that any act or omission of the Respondents undertaken pursuant to the opinion, advice or direction of this Court as set out in this Order shall be deemed to have been a proper discharge of their duties in respect of the Insurance Trust Assets, unless the Respondents are guilty of some fraud, wilful concealment or misrepresentation in obtaining the Court's opinion, advice or direction;

5. **THIS COURT ORDERS** that, without limiting the generality of paragraph 4, upon carrying out the distribution of the surplus in accordance with this order, the Respondents and their advisors Morneau Shepell and NPT RicePoint, shall be released and discharged from any and all liability in respect of any act or omission with respect to the carrying out of the distribution of the surplus.

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Justice Penny