



Court File No. CV-12-461605

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE LOW

} MONDAY THE 11<sup>th</sup>  
} DAY OF FEBRUARY, 2013  
}

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* and section 60 of the *Trustee Act***

**ORDER**

**THIS MOTION**, made by the Applicants for advice and directions of the Court regarding the Notice Program in respect of the application for approval of a proposed distribution of demutualization funds held by the Simcoe County District School Board Insurance Trust (the "Demutualization Funds") was heard this day in the presence of counsel for the Applicants and counsel for the Respondents, no-one opposing this motion.

**ON READING** the Notice of Motion, the Affidavit of John Goodwin, sworn November 14, 2012, and the exhibits thereto, and on hearing the submissions made by counsel for the Applicants,

1. **THIS COURT ORDERS** that the Applicants take the following steps, with such assistance from Eckler Ltd. as the Applicants deem advisable, to give notice to members and former members of the Insurance Trust of the wind up and proposed distribution of the Demutualization Funds (the "Notice Program"):

- (a) publish a proposed notice (together with the French translation, the "Notice") substantially in the form attached as Exhibit "H" to the Affidavit of John Goodwin, sworn November 14, 2012 ("Goodwin Affidavit") as follows:
  - (i) The Globe and Mail (three consecutive Saturdays);
  - (ii) The Barrie Examiner and The Orillia Packet and Times (three consecutive Thursdays and Saturdays);
  - (iii) the Collingwood Enterprise Bulletin (six consecutive Fridays)
  - (iv) the Alliston Herald (six consecutive Thursdays);
  - (v) the Midland Free Press (six consecutive Wednesdays)
  - (vi) publish the Notice in the March 2013 issue of "*Professionally Speaking*", the magazine published by the Ontario College of Teachers;
  - (vii) *The Renaissance*", published by the Retired Teachers of Ontario; and

- (viii) publish the Notice in one issue of “OTIP *Insight*”, a quarterly e-newsletter distributed by the Ontario Teachers Insurance Plan;
- (b) send a letter (the “Notice Letter”) substantially in the form attached as Exhibit “F” to the Goodwin Affidavit explaining the proposed distribution to all current and former employees of the Simcoe County District School Board who may at any time have been covered by group insurance provided by the Insurance Trust (“All Employees”) and for whom the Administrative Trustees have addresses, by first-class mail to the last known address of All Employees;
- (c) establish a toll-free hotline and website as described in the Goodwin Affidavit containing further information concerning the proposed distribution and copies of the court documents filed in the Application;
- (d) pay for the costs of the Notice Program, including reasonable costs incurred by the Administrative Trustees, their counsel and other advisors (including, in particular, Eckler Ltd.), out of Demutualization Funds;

2. **THIS COURT ORDERS** that the Unions and a group of non-unionized employees may share with the Administrative Trustees the names and addresses of all current and former Board employees in their possession, provided that these names and addresses shall be used for the purposes of carrying out the Notice Program and for no other purpose;

3. **THIS COURT ORDERS** that the Board may share with the Administrative Trustees the names and last known addresses for Board employees from 1988 forward who were

were not enrolled in qualifying benefits] provided that these names and addresses shall be used for the purposes of carrying out the Notice Program and for no other purpose;

4. **THIS COURT ORDERS** that the Administrative Trustees may provide the names and addresses collected for and during the Notice Program to the Unions and the group of non-unionized employees, upon request, so that the Demutualization Funds may be distributed to employees in accordance with s. 13 (b) of the 2006 Amendments (as defined in the Goodwin Affidavit);

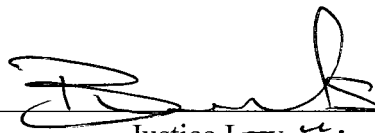
5. **THIS COURT ORDERS AND DIRECTS** in accordance with Rule 38.06(1) of the *Rules of Civil Procedure* that, upon carrying out the Notice Program, and provided that the Notice of Application and other materials filed in this proceeding are posted on the website established pursuant to the Notice Program throughout the duration of this proceeding, the Applicants shall not be required to serve of the Notice of Application or other application materials on the Covered Employees, excepting any such Covered Employees who deliver a Notice of Appearance; and

6. **THIS COURT ORDERS** that the Administrative Trustees pay for the costs of the Notice Program out of the Demutualization Funds, including reasonable costs incurred by the Administrative Trustees, their counsel and other advisors.

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

FEB 12 2013

AS DOCUMENT NO.:  
À TITRE DE DOCUMENT NO.:  
PER / PAR:

  
Justice Low

BOSCO MASCARENHAS

John Goodwin, James McMahon and James Spray

The Elementary Teachers'  
Federation of Ontario et al.

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Applicants

Respondents

*Ontario*  
**SUPERIOR COURT OF JUSTICE**

**ORDER**

**OSLER, HOSKIN & HARCOURT LLP**

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