

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) WEDNESDAY, THE 22ND
JUSTICE HAINEY) DAY OF FEBRUARY, 2017



IN THE MATTER OF THE *INSURANCE COMPANIES ACT*, R.S.C. 1991, c. 47, AS
AMENDED, AND THE *MUTUAL PROPERTY AND CASUALTY INSURANCE COMPANY
WITH NON-MUTUAL POLICYHOLDERS CONVERSION REGULATIONS*, SOR/2015-168

AND IN THE MATTER OF A PLAN OF CONVERSION OF
ECONOMICAL MUTUAL INSURANCE COMPANY

ORDER
(to appoint members of the Mutual Policyholders' Committee)

THIS MOTION, made by McCarthy Tétrault LLP (“**McCarthy Tétrault**”) for an order pursuant to Section 9 and Section 11 of the *Mutual Property and Casualty Insurance Company with Non-mutual Policyholders Conversion Regulations*, SOR/2015-168 (the “**Conversion Regulations**”) appointing members of the eligible mutual policyholder committee in the matter of the conversion of Economical Mutual Insurance Company (the “**Company**”), was heard this day, at 330 University Avenue, Toronto, Ontario.

ON READING the Affidavits of Nancy J. Carroll sworn November 15, 2016, January 12, 2017, and February 13, 2017, and on hearing the submissions of McCarthy Tétrault in their capacity as counsel to the mutual policyholders of the Company appointed by Court (the “**Mutual Policyholders’ Representative Counsel**”), the submissions of counsel for the

Company, and the submissions of counsel for the non-mutual policyholders appointed by this Court:

1. **THIS COURT ORDERS** that Rick Charnuski, Patrick Collins, Gordon Dowsley, Craig Glynn, Brendon Hunt, Ralph Hunter, Rose Mailloux, William Wayne McKinnon, and William McCrea are appointed as members (the “**Mutual Policyholders’ Committee Members**”) of the eligible mutual policyholder committee (the “**Mutual Policyholders’ Committee**”) in the conversion of the Company to fulfill the mandate set out in Section 12 of the *Conversion Regulations*.

2. **THIS COURT ORDERS** that the Company shall reimburse the Mutual Policyholders’ Committee Members for their reasonable travel, accommodation and meal expenses in respect of attendance at meetings of the Mutual Policyholders’ Committee.

3. **THIS COURT ORDERS** that the Company shall pay each Mutual Policyholders’ Committee Member a monthly fee of \$2,500.00 for a maximum of ten (10) months from the date of this Order.

4. **THIS COURT ORDERS** that the Mutual Policyholders’ Committee Members shall not incur any liability as a result of their appointment or the carrying out of the provisions of the *Conversion Regulations*, this order, or any previous or subsequent orders in the conversion process, save and except for any gross negligence or willful misconduct on their part. Nothing in this order shall derogate from the protections afforded to the Mutual Policyholders’ Committee Members under the *Conversion Regulations*.

5. **THIS COURT ORDERS** that Mutual Policyholders’ Representative Counsel shall not incur any liability as a result of their appointment or the fulfillment of their duties in

carrying out the provisions of the *Conversion Regulations*, this order, and any previous or subsequent orders in the conversion process from and after September 22, 2016, save and except for any gross negligence or willful misconduct on their part.

6. **THIS COURT ORDERS** that any actuarial or other experts retained by the Mutual Policyholders' Representative Counsel shall not incur any liability as a result of their appointment or the fulfillment of their duties, save and except for any gross negligence or willful misconduct on their part.

7. **THIS COURT ORDERS** that the Mutual Policyholders' Representative Counsel is authorized to apply to the Court to seek advice and direction with respect of any of the Mutual Policyholders' Representative Counsel's powers or duties set out in the *Conversion Regulations*.



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ON / BOOK NO:
LE / DANS LE REGISTRE NO:

FEB 28 2017

PER / PAR: 

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at Toronto

ORDER

McCarthy Tétrault LLP
Suite 5300, Toronto Dominion Bank Tower
Toronto ON M5K 1E6

Geoff R. Hall LS#: 347010
Tel: 416-601-7856
Fax: 416-868-0673

Byron Shaw LS#: 57744V
Tel: 416-601-8256
Fax: 416-868-0673

Lawyers for the Eligible Mutual Policyholders

16386686