

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

MAR 15 2019

ENTERED



No.VLC-S-S-157170
Vancouver Registry

In the Supreme Court of British Columbia

BETWEEN:

THERESA KOZMA, KEVIN GILCHRIST,
LAUREEN FREAYH, and ALLAN HUSTAD

Plaintiffs

And:

NONG SHIM CO., LTD., NONGSHIM AMERICA, INC., OTTOGI CORPORATION,
OTTOGI AMERICA, INC., SAMYANG FOODS CO., LTD., SAM YANG U.S.A., INC.,
KOREA YAKULT CO., LTD. AND PALDO CO., LTD.

Defendants

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE
MR. JUSTICE FUNT

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March 15, 2019

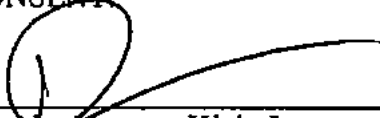
ON THE APPLICATION of the Plaintiffs coming on for hearing on March 15, 2019 at the Courthouse 800 Smithe Street, Vancouver, British Columbia and on hearing, Douglas Lennox, counsel for the Plaintiffs, Joanne Kuroyama, counsel for the Defendants, Samyang Foods Co., Ltd., David Neave, Counsel for the Defendants, Nongshim Co., Ltd. and Nongshim America, Inc., David Kent, Counsel for the Defendants Ottogi Corporation and Ottogi America, Inc., Eric Block, Counsel for the Defendants, Korea Yakult Co., Ltd. and Paldo Co. Ltd., and the Defendants taking no position, and the action having already been discontinued against Sam Yang U.S.A. Inc.,

THIS COURT ORDERS THAT:


1. In addition to the definitions used elsewhere in this Order, for the purposes of this Order, the definitions set out in the settlement agreement reached between the plaintiffs and Samyang Foods Co., Ltd. dated November 25, 2017, apply to and are incorporated into this Order.

2. Class Counsel's Contingency Fee and Retainer Agreements with the representative plaintiffs are approved and Class Counsel may, from the settlement proceeds received from Samyang Foods Co. Ltd., pay its legal fees and disbursements from the Settlement Fund;
3. Class Counsel may recover any additional disbursements reasonably incurred in bringing the application for settlement approval as well as the costs associated with implementing the second phase of the Notice Plan from the Settlement Fund;
4. an honorarium in the amount of \$500 be awarded to each of the representative plaintiffs, Theresa Kozma, Kevin Gilchrist, Lauren Freayh, and Allan Hustad, and shall be paid as a disbursement out of the Settlement Fund; and
5. any balance of the funds remaining in the Settlement Fund after items 2-4 have been distributed shall be divided in equal parts to the Law Foundation of British Columbia and the Law Foundation of Ontario.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:




 Douglas Lennox, Klein Lawyers LLP
 Counsel for The Plaintiffs




 David Neave, DLA Piper (Canada) LLP
 Counsel for Nongshim Co. Ltd. and
 Nongshim America, Inc.




 David Kent, McMillan LLP
 Counsel for Ottogi Corporation and Ottogi
 America, Inc.



 Joanne Kuroyama, Gowling WLG
 Counsel for Samyang Foods Co., Ltd.



 Eric Block, McCarthy Tetrault LLP
 Counsel for Korea Yakult Co. Ltd. and
 Paldo Co. Ltd.

By the Court. 

 Registrar



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