

Federal Court



Cour fédérale

Date: 20200508

Docket: T-1499-16

Citation: 2020 FC 589

Ottawa, Ontario, May 8, 2020

PRESENT: The Honourable Mr. Justice Phelan

CLASS PROCEEDING

BETWEEN:

BRUCE WENHAM

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

ORDER
(Fee Approval)

UPON MOTION for approval of Class Counsel's fees, disbursements and taxes;

UPON CONSIDERING the submissions of Class Counsel and of the Attorney General
of Canada;

AND FOR the Reasons issued with this Order;

THIS COURT ORDERS that:

1. Class Counsel fees and disbursements are approved and are to be paid by Class Members to Class Counsel from counsel's trust account on the basis of a maximum of 15% of the amounts paid under the Canadian Thalidomide Survivors Support Program [CTSSP] to Class Members who are determined eligible pursuant to the CTSSP up to a maximum of \$2,131,297.05 (consisting of \$1,850,000 for Class Counsel fees, plus HST in the amount of \$240,500, plus disbursements of \$40,797.05) referred to as the Maximum Fee and Disbursements.
2. Payments on account of the Maximum Fee and Disbursements are to be made as follows:
 - (i) 15% of each lump sum payment awarded to such Class Members entitled thereto pursuant to the CTSSP;
 - (ii) any amounts owing for the Maximum Fee and Disbursements shall be satisfied by a deduction of 15% of annual payments payable pursuant to the CTSSP for a maximum of 10 annual payments or until the amount remaining for the Maximum Fee and Disbursements is satisfied after which no further Maximum Fee and Disbursements payments shall be made.
 - (iii) any further payments to such eligible Class Members under the CTSSP shall be paid from trust without deduction for Maximum Fee and Disbursements.

3. The Respondent shall cause the Administrator of the CTSSP to make any payments to Class Members under the CTSSP for each such Class Member in trust to Class Counsel for the account of such Class Member.
4. The Court maintains jurisdiction and supervision over this Order until otherwise ordered. This Order may, upon motion or on the Court's own motion, be amended as may become necessary.

“Michael L. Phelan”

Judge