

SCHEDULE “D” - CLAIMS PROCESS

1. Class Counsel has conducted a valuation of each Class Member’s claim (the “**Class Counsel Assessment**”) and will deliver to each Eligible Class Member a summary of their Class Counsel Assessment, together with a copy of this Claims Process document along with Schedule “D”, the Distribution Protocol.
2. Each Eligible Class Member will have the option of accepting the Class Counsel Assessment or requesting that the assessment be reviewed by an independent arbitrator (the “**Arbitrator**”). Eligible Class Members will have 20 days to make this election and shall do so by communicating their election in writing to Class Counsel. Failure to do so will be deemed an acceptance by the Eligible Class Member of the Class Counsel Assessment of their claim.
3. All Eligible Class Member review requests, together with any supporting material submitted by the Eligible Class Member, will be sent by Class Counsel to the Arbitrator. In particular, Class Counsel will provide to the Arbitrator a review record consisting of the damages file of the Eligible Class Member, the Class Counsel Assessment and any new information submitted by the Eligible Class Member requesting the review.
4. If the Eligible Class Member has submitted information for the review process which was not previously provided to Class Counsel, the new material will be reviewed by Class Counsel for re-consideration of the Class Counsel Assessment, and the review process will be temporarily stayed. In all other cases, the review record will be forwarded directly to the Arbitrator.
5. If, in the opinion of Class Counsel, an increase in the valuation of the claim is warranted, a new Class Counsel Assessment will be issued (the “**Class Counsel Reassessment**”) and the Eligible Class Member will be given the option of either accepting the revised assessment or proceeding with the review by the Arbitrator. The deadline for the Eligible Class Member’s re-election is an additional 20 days from the date they receive the Class Counsel Reassessment.
6. If, in the opinion of Class Counsel, no increase in the valuation of the claim is warranted, the review record will be forwarded to the Arbitrator for review.

7. The Parties have proposed that Justice Gloria Epstein, former judge of the Court of Appeal for Ontario, be appointed as Arbitrator, subject to the approval of the Court.
8. The Arbitrator will determine the nature and format of the review hearing. In reviewing and valuing the claims, they will have the discretion to increase or decrease an Eligible Class Member's Assessment or Reassessment by no more than 10%;
9. The Arbitrator will identify to Class Counsel any claims where she was of the view that the Class Counsel Assessment could result in serious injustice to the Eligible Class Member.
10. The claim valuations of the Arbitrator (the "**Review Assessments**") will be communicated in writing to Class Counsel who will forward same to the Eligible Class Members. All decisions of the Arbitrator are final and binding and not subject to any further review by the Court or otherwise.
11. Payment of all Eligible Class Members' claims will only be made after the review process is complete and the total final assessed value of all claims is known.