

**By EMAIL**

Montreal, July, 13, 2017

**Mr.**

Objet : Request for document access  
**Rachel Engler Stringer**

CS : 500-06-000304-051

N/D : 2005-10-028

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Mr.

To complete your document access request, here is the answer to the two questions you sent us on July 10th.

- A) When negotiating with the defendant (out of court), was the applicant or her lawyers obligated by the financing agreement to ask for costs, before seeking compensation?*

When negotiating a settlement agreement out of court, counsel for the applicant has no obligations related to its funding agreement with the Fonds d'aide aux actions collectives « Le Fonds ». Indeed, counsel for the applicant is seeking an agreement that is in the best interests of the members of the class action group. The question of the reimbursement of financial assistance is only relevant after a settlement agreement.

- B) If there had been a settlement for compensation, would Le Fonds have been owed all of the compensation, up to the amount it had paid, or a percentage, whether more or less than the amount it had paid?*

When a settlement agreement including monetary compensation is concluded between the parties, the Code of Civil Procedure specifies in its article 598 the order of the claims to be paid before the distribution of the compensation to the members of the class action group.

Art. 598 C.p.c.

The liquidation, distribution or remittance of the amount recovered collectively is effected after payment, in the following order of

- (1) The legal costs, including the cost of notices and the remuneration of the person designated to carry out the liquidation or distribution;
- (2) The fee of the representative plaintiff's lawyer, to the extent determined by the court; and
- (3) The representative plaintiff's disbursements, to the extent determined by the court.

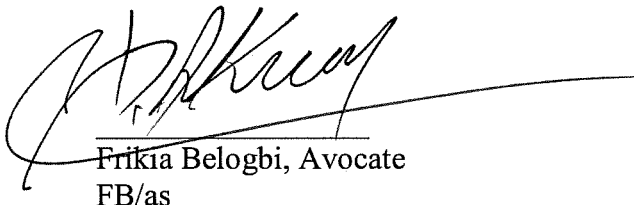
Paragraph 2 of that article states that the fees of counsel for the representative to the extent determined by the court must be paid out of the compensation fund before the members are paid the allowance. The reimbursement of the Le Fonds financial assistance is made with the fees of the applicant's lawyer. Therefore, reimbursement to the Le Fonds is not related to the amount available for the distribution of benefits to members of the class action group.

In the Stringer case, no financial compensation was included in the settlement agreement approved by the court. The respondent pledged \$ 10,000 to the Le Fonds, representing a portion of the lawyer's fees. Since this amount is much lower than the financial assistance granted by the Le Fonds, the total amount is remitted to the Le Fonds.

Hopefully, these answers will complete your document access request. Do not hesitate if you have other questions about this case.

Please accept                      our sincere greetings.

La secrétaire



Frikia Belogbi, Avocate  
FB/as