



Ontario Court File No: CV-15-532625-00CP
Ontario Court File No: CV-17-570771-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR. JUSTICE) FRI DAY, THE 5th
GLUSTEIN)
DAY OF JUNE, 2026

BETWEEN:

CHRISTOPHER BRAZEAU and DAVID KIFT

Plaintiffs

– and –

ATTORNEY GENERAL OF CANADA

Defendant

Proceeding under the Class Proceedings Act, 1992

AND BETWEEN:

JULLIAN JORDEA REDDOCK

Plaintiff

– and –

ATTORNEY GENERAL OF CANADA

Defendant

Proceeding under the Class Proceedings Act, 1992

ORDER

THIS MOTION, made by the Plaintiffs, to amend Annex 2 of the Distribution and Individual Issues Protocol, was read this day at the Courthouse, 330 University Avenue, Toronto.

ON READING the Notice of Motion and the Consent of the parties, filed,

1. **THIS COURT ORDERS** that Annex 2 of the Distribution and Individual Issues Protocol ("Protocol"), is hereby amended in accordance with Schedule "A" of this Order.
2. **THIS COURT ORDERS** that there shall be no costs of this Motion.



Justice Glustein

Schedule "A"

ANNEX 2 - PAYMENTS FOR DECEASED CLAIMANTS AND PERSONS UNDER DISABILITY

1. Payment if Deceased: Grant of Authority or the Like

- a. If a Claimant has died after filing a Claim Form or a Claim Form is submitted to the Administrator on behalf of a deceased Claimant (in either case a “Deceased Claimant”) and the executor, administrator, trustee or liquidator of such Deceased Claimant’s estate (the “Estate Executor”) has submitted the evidence required by Section 0b to the Administrator, the Estate Executor shall have authority to provide instructions on behalf of the Deceased Claimant, and the Administrator shall pay the Estate Executor any amounts to which the Deceased Claimant was entitled under this Distribution and Individual Issues and Distribution Protocol, with such payment made payable to “the estate of” such Deceased Claimant.
- b. In support of a Claim made pursuant to Section 0a, the Estate Executor for the Deceased Claimant shall submit to the Administrator, in each case in a form acceptable to the Administrator:
 - (i) Claims Form (if a Claims Form was not submitted by such Deceased Claimant or their Personal Representative prior to the death of the Deceased Claimant;
 - (ii) evidence that such Deceased Claimant is deceased and of the date on which such Deceased Claimant died; and
 - (iii) evidence in the following form identifying the Estate Executor as having the legal authority to receive compensation on behalf of the estate of the Deceased Claimant:
 - A) if the claim is based on a will or other testamentary instrument or on intestacy, a copy of a grant of probate or a grant and letters testamentary or other document of like import or a grant of letters of administration or other document of like import, purporting to be issued by any court or authority in Canada; or

B) if the claim is based on a Quebec notarial will, an authenticated copy thereof.

2. Payment if Deceased: No Grant of Authority or the Like

- a) If a Claim Form has been submitted to the Administrator by, or on behalf of a Deceased Claimant, but the estate of such Deceased Claimant has not submitted all of the evidence required by Section b, the Estate Executor, Personal Representative, as defined below, or another representative of such Deceased Claimant shall be an “Estate Claimant” for the Deceased Claimant, and the Estate Claimant must comply with Sections (i) and (ii), and submit to the Administrator evidence that the Estate Claimant represents the estate of such Deceased Claimant in accordance with Section 2e) (in totality, an “Estate Representation Claim”), within one hundred and eighty (180) days of the Claims Filing Deadline (the “Estate Claims Deadline”);
- b) If only one Estate Representation Claim has been submitted to the Administrator in respect of such Deceased Claimant on or prior to the Estate Claims Deadline, the Estate Claimant shall have authority to provide instructions on behalf of the Deceased Claimant, and the Administrator shall pay the Claimant any amounts to which the Deceased Claimant was entitled under this Distribution and Individual Issues and Distribution Protocol, and such payment shall be made payable to the Estate Claimant on behalf of the estate of the Deceased Claimant;
- c) If more than one Estate Representation Claim has been submitted in respect of such Deceased Claimant on or prior to the Estate Claims Deadline, the Administrator shall:
 - i) if the Estate Claimants identified in all such Estate Representation Claims submit to the Administrator a signed agreement directing the payment of the amounts to which such Deceased Claimant Class Member is entitled under this Individual Issues and Distribution Protocol and provide a release in a form acceptable to the Administrator, pay such amounts to the estate of the Deceased Claimant in accordance with such agreement; or
 - ii) if the Estate Claimants identified in all such Estate Representation Claims do not submit to the Administrator an agreement in accordance with Section

2b)i), require one of the Estate Claimants identified in one of the Estate Representation Claims to submit to the Administrator the evidence set out in Section (ii) and pay such person on behalf of the estate of the Deceased Claimant any amounts to which the Deceased Claimant was entitled under this Individual Issues and Distribution Protocol;

iii)Notwithstanding Section 2b)i), if no person submits the evidence set out in Section (ii) to the Administrator within two (2) years of the Estate Claims Deadline, the Administrator will pay the Deceased Claimant's counsel, if any, their fees and disbursements, as approved by the Court, and pay any applicable levy to the Class Proceedings Fund or the Fonds d'aide aux actions collectives. Thereafter, the Administrator shall pay balance of any amounts to which the Deceased Claimant was entitled under this Individual Issues and Distribution Protocol *cy-près* as directed by the Court with the recommendation of Class Counsel.

d)If a Claims Form is submitted to the Administrator by, or on behalf of, a Deceased Claimant no Estate Representation Claim is submitted to the Administrator in respect of such Deceased Claimant in accordance with Section 2a) within ninety (90) days of the Estate Claims Deadline, the Administrator shall make reasonable efforts to send a notice to the last known addresses of the Deceased Claimant Member and any Estate Claimant of such Deceased Claimant, as applicable, requiring the submission of an Estate Representation Claim. If no person submits an Estate Representation Claim to the Administrator in respect of a given Deceased Claimant within two (2) years of the Estate Claims Deadline, the Administrator will pay the Deceased Claimant's counsel, if any, their fees and disbursements, as approved by the Court, and pay any applicable levy to the Class Proceedings Fund or the Fonds d'aide aux actions collectives. Thereafter, the Administrator shall pay balance of any amounts to which the Deceased Claimant was entitled under this Individual Issues and Distribution Protocol *cy-près* as directed by the Court with the recommendation of Class Counsel.

e)In support of an Estate Representation Claim made pursuant to Section 2a), the Estate Claimant for the Deceased Claimant shall submit to the Administrator the

following evidence that they represent the estate of such Deceased Claimant, in each case in a form acceptable to the Administrator:

- i) if the Deceased Claimant had a will:
 - A) a copy of the will appointing the Estate Claimant, as applicable, to represent the estate of such Deceased Claimant; and
 - B) except in respect of Deceased Claimants who were ordinarily resident in Quebec, an attestation or declaration signed by the Estate Claimant, together with one other person who knew the Deceased Claimant personally, confirming that they believe the will to be valid, do not know the will to have been revoked, know of no later will of the Deceased Claimant, and know of no executor, administrator, trustee, or liquidator that has been appointed by a court; or
- ii) if the Deceased Claimant did not have a will:
 - A) an attestation or declaration signed by the Estate Claimant, together with one other person who knew the Deceased Claimant personally, confirming that they do not know such Deceased Claimant to have had a will and that no executor, administrator, trustee, or liquidator has been appointed by a court;
 - B) proof of the relationship of such Estate Claimant to the Deceased Claimant in a form reasonably acceptable to the Administrator;
 - C) an attestation or declaration signed by the Estate Claimant, together with one other person who knew the Deceased Claimant personally:
 - a) confirming that they know of no higher priority heir of such Deceased Claimant in accordance with Section 2f); and
 - b) either:
 - i) confirming that they know of no equal priority heir of such Deceased Claimant in accordance with Section 2f); or
 - ii) if there is any equal priority heir of such Deceased Claimant in accordance with Section 2f), listing the persons at the same priority level; and

D) if there are heirs of such Deceased Claimant of equal or higher priority to the Estate Claimant in accordance with Section 2f), all such persons' signed consent for such Estate Claimant to act for the estate of such Deceased Claimant.

E) Where the highest heir or priority is a minor, the Estate Claimant, must comply with A-D above, and may be either:

- (i) the parent with whom the child resides; or
- (ii) a person who has lawful custody of the child.

F) Where the highest heir or priority is a minor, and the Estate Claimant has complied with A-D above, and the Estate Claimant is entitled to receive payment in accordance with section 3.14 of the Protocol, the following rules apply:

- (i) where the final quantum is \$35,000 or less, and the minor does not have a Property Guardian, any money payable to the Estate Claimant shall be paid to either
 - a. a parent, if the minor child resides with the parent;
 - b. a person who has lawful custody of the child; or
 - c. the child, if the child has a legal obligation to support another person;
- (ii) where the final quantum is greater than \$35,000, and the minor does not have a Property Guardian, the money shall be paid into Court by Epiq, by depositing the money with the Accountant of the Superior Court of Justice
 - a. where the final quantum is being paid into Court, the Estate Claimant shall swear an affidavit that will be filed with the Motion for Confirmation:
 - i. explains the relationship between the Estate Representative and the Deceased;
 - ii. Provides the date of death of the deceased;
 - iii. Provides an explanation of who is highest in priority to receive the proceeds, and, where there are multiple individuals who are highest in priority, who are equal in priority; and
 - iv. the name, date of birth, and contact information (if any) for any minor who will share in the final quantum.

- b. Where the final quantum is being paid into Court, the Estate Claimant shall served the Order approving the payment on the Office of the Children's Lawyer.
- (iii) if the minor has a Property Guardian, the full final quantum shall be paid to them on the minor's behalf.
- f) For purposes of Section 2e)B), the priority level of heirs from highest to lowest priority is
 - i) for Deceased Claimants who were ordinarily resident in Quebec as set out in the *Civil Code of Quebec* (RLRQ, c. CCQ-1991) is as follows and the simplified Chart attached in "Chart 1":
 - A) surviving spouse¹²;
 - B) children, or their own children if the case may be¹³;
 - C) parents;
 - D) siblings, or their own children if the case may be;¹⁴ and
 - ii) for all other Deceased Claimants, as follows, with each term defined in the *Succession Law Reform Act*, R.S.O. 1990, c. S.26:
 - A) surviving spouse or common-law partner;
 - B) children;
 - C) grandchildren;
 - D) parents;
 - E) siblings; and
 - F) children of siblings.

CHRISTOPHER BRAZEAU et al. v. ATTORNEY GENERAL OF CANADA;
JULLIAN JORDEA REDDOCK v. ATTORNEY GENERAL OF CANADA;

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

ORDER

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