



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

COUNSEL/ENDORSEMENT SLIP

COURT FILE NO.: CV-25-00745191-00CP

DATE READ: July 24, 2026

NO. ON LIST:

TITLE OF PROCEEDING: John Scott and James Common v. Telus Health (Canada) Ltd and RBC Investor Services Trust

BEFORE: JUSTICE KIMMEL

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

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For Defendant, Respondent, Responding Party:

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For Other, Self-Represented:

Name of Person Appearing	Name of Party	Contact Info
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ENDORSEMENT OF JUSTICE KIMMEL:

[1] This proposed endorsement language was provided by counsel to the court on the evening of July 22, 2026, at the court's request, arising out of the parties attendance before me on June 26, 2026 and in order to ensure that there is an endorsement in the court file of this class proceeding corresponding with the court's June 26, 2026 endorsement in the CCAA proceedings involving the former Hudson's Bay Company, ULC (described below).

[2] On June 26, 2026, at the hearing of the motion brought by 1242939 B.C. Unlimited Liability Company (formerly, Hudson's Bay Company ULC) and its affiliates in their capacity as the applicants (the "Applicants") in the ongoing proceedings under the Companies' Creditors Arrangement Act (the "CCAA", and those proceedings, the "CCAA Proceedings") of Re 1242939 B.C. Unlimited Liability Company et al (CV-25-00738613-00CL), I signed an order (the "Pension Plan Representative Counsel Order") for the appointment of two representative counsel for: (i) the members of the Hudson's Bay Company Pension Plan (the "Pension Plan") whose employment was terminated between March 7, 2025 and August 31, 2025; (ii) any person claiming (or who may hereafter claim or purport to claim) an interest under or on behalf of such person; and (iii) any individual who had been a member of the Pension Plan or predecessor plans, claiming an entitlement to the Pension Surplus, namely:

- i. appointing Koskie Minsky LLP as representative counsel on behalf of "Persons who, as of December 31, 2001, had an entitlement under the defined benefit provision of the Dumai Plan, and who may also have an entitlement to defined benefits determined in accordance with Part "E" of the Pension Plan (in their capacity as such, the "Dumai Group"); and
- ii. appointing Ursel Phillips Fellows Hopkinson LLP as representative counsel on behalf of "Persons with entitlements under either or both of the defined benefit provision and defined contribution provision under the Pension Plan (other than the Dumai Group).

[3] I further ordered that the issue of the pension surplus on the wind up of the Pension Plan proceed to Pre-Mediation Negotiations (as defined in the Pension Plan Representative Counsel Order) and, failing resolution, a mediation. That same day, I also signed a second order appointing the Hon. Geoffrey Morawetz of Morawetz Chambers Inc. as the mediator.

[4] Koskie Minsky LLP is also counsel to the plaintiffs in *John Scott and James Common v. Telus Health (Canada) Ltd. and RBC Investor Services Trust* (CV-25-00745191-00CP) (the "Proposed Class Proceeding"), which also deals with the surplus entitlements under the Pension Plan. The applicants in that matter have filed their certification motion record.

[5] Given the overlap between this proposed class proceeding and the ongoing insolvency proceedings involving the Applicants that I am case managing, Justice Glustein has assigned me as the supervising case management judge of this proceeding. In accordance with and as I ordered in the Pension Plan Representative Counsel Order, the Proposed Class Proceeding is adjourned, and no further steps shall be taken in the Proposed Class Proceeding pending further order of the Court.

[6] Certain counsel have been identified on this endorsement to receive it, but it shall be the responsibility of counsel for the Monitor to ensure that all interested parties receive a copy of this endorsement.

Date: July 27, 2026

A handwritten signature in dark ink, appearing to read "Kimmel J.", is positioned above a horizontal line.

KIMMEL J.