

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

NICOLE LACROIX and ROSIE LADOUCEUR

Plaintiffs/Appellants

-and-

CANADA MORTGAGE AND HOUSING CORPORATION and MARC ROCHON, CLAUDE
POIRIER-DEFOY, JIM MILLAR, KAREN KINSLEY, GERALD NORBRATEN, JEAN-GUY
TANGUAY, DAVID METZAK and BRIAN KNIGHT being the Trustees of the CANADA
MORTGAGE AND HOUSING CORPORATION PENSION FUND

Defendants

Proceedings under the **Class Proceedings Act, 1992**

AFFIDAVIT

I, Rosie Ladouceur, of the Town of Osgoode, in the Province of Ontario, make oath and say as follows:

1. I am one of the representative plaintiffs herein and as such have personal knowledge of the matters deposed to. Where I do not have personal knowledge, I state the source of my information and belief and verily believe same to be true.
2. I am currently 59 years old and had worked for CMHC from 1978 through to July 1997, with my final position being a "Systems Analyst".
3. I am advised by Nicole Lacroix and very believe that she is currently 61 years of age and had worked for CMHC from 1981 to 1998 with her final position being "Supervisor Accounts Payable". Both of us took a WFA package and left CMHC prior to the 28th October 1998 and neither of us shared in the distribution of surplus that occurred on the 1 January 1999 and 1 January 2001.
4. We retained the law firm of Barnes, Sammon to commence a class action on our behalf and on behalf of all other former employees of CMHC who were similarly situated. For this purpose we entered into a Contingency Fee Agreement (CFA) with that firm where counsel would only get paid if the action was successfully resolved. Given our financial circumstances at the time of entering the CFA we could not have pursued the action otherwise. The CFA is attached to the affidavit of our counsel, William J. Sammon, as Exhibit "A".
5. As noted in Mr. Sammon's affidavit the proceedings have lasted for 18 years with Nicole and I being examined a number of times and where we have attended numerous court

proceedings over the years including appeals heard in Ottawa and Toronto. We also travelled to Toronto for an in-person hearing with the Law Foundation on our application for funding, which as noted by our counsel, would have immunized us from any adverse cost award if the matter had proceeded to a common issue trial. Our application was turned down.

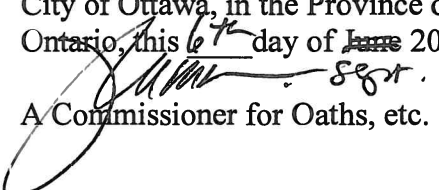
6. After the application was refused and after our counsel indemnified us with respect to any adverse cost award we proceeded with our motion to add the conflict common issues. I agree with our counsel that it was the success of this motion that ultimately lead to a successful resolution of the class action.

7. We attended with counsel over the 6-day mediation and were directly involved in the negotiations leading to a settlement. We were fully aware of the risks associated with the litigation and as set out in Mr. Sammon’s affidavit and as articulated by Mr. Kaplan in his report to the Court and as he shared with us during the course of the mediation. After intense negotiations a settlement was achieved which were set out in a “Term Sheet” attached hereto and marked as Exhibit “A” to this my affidavit. Given the risks involved the settlement achieved is in my view fair and reasonable. I am advised by Nicole Lacroix and do verily believe that she agrees that the settlement is fair and reasonable. We have instructed counsel to bring the within motion to have settlement implemented.

8. Over the course of the litigation our counsel, William J. Sammon, has kept us fully informed on the conduct of the litigation and has provided copies of all relevant and important documents usually being the factums associated with the various hearings which we had reviewed. Counsel also maintained a website in order to keep the class members informed of developments in the case.

9. I have reviewed Mr. Sammon’s affidavit with respect to counsel fees and agree that the fee requested is entirely in accord with the CFA we executed on 22nd July 1999 and for the reasons set out at paragraph 27 of Mr. Sammon’s affidavit are fair and reasonable. I am advised by Nicole Lacroix and do verily believe that she is in agreement.

10. I make this affidavit in support of the within motion and for no other or improper purpose.

SWORN BEFORE ME at the)
City of Ottawa, in the Province of)
Ontario, this 6th day of June 2017.)
)
A Commissioner for Oaths, etc.


ROSIE LADOUCEUR