

**SUPERIOR COURT
(CLASS ACTION)**

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° : 500-06-000215-034

DATE : DECEMBER 17th, 2007

PRESIDING MR. JUSTICE

PIERRE JOURNET, J.S.C.

MARK RABINOVITCH
Plaintiff

CIBC ASSET MANAGEMENT INC.
Defendant

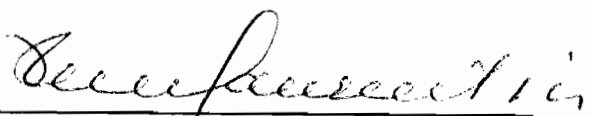
JUDGMENT

[1] The Court having examined the Motion to Approve a Class Action Settlement Agreement and Transaction and Exhibits in support thereof, produced in the present court record (the "Settlement Agreement") and after having heard counsel for the parties, renders the following judgment:

[2] **GRANTS** the present Motion;

- [3] **APPROVES** the Settlement Agreement produced as Exhibit R-1, and orders the parties to comply with the terms thereof;
- [4] **DECLARES** that the Settlement Agreement is fair and reasonable;
- [5] **APPROVES** the form and content of the Notices of Final Judgment to be communicated to the members according to the terms set forth in the Settlement Agreement (Exhibit R-5 *en liasse*);
- [6] **DECLARES** that the deadline for members of the Class to file a Proof of Claim is 150 days from the latter of (a) date of last publication of the Notices of Final Judgment (Exhibit R-5), (b) the date of the establishment of the Class Member's Determined Damages, as defined in the Settlement Agreement, and (c) the date the Defendant sends the letter to unitholders (Exhibit R-3);
- [7] **AUTHORIZES** the Plaintiff to enter into and grant the release set forth in the Settlement Agreement to the Defendant in his quality as designated representative of the members of the Class who have not opted out of the class action;
- [8] **DECLARES** that the Defendant is released in accordance with the terms of the Settlement Agreement;
- [9] **APPROVES** the form and content of the letter to members of the Class advising of the Final Judgment (Exhibit R-3);
- [10] **APPROVES** the form and content of the Proof of Claim to be filed by members of the Class to benefit from the Settlement Agreement (Exhibit R-4);
- [11] **APPROVES** the payment to Class Counsel of fees and disbursements from the \$20 million settlement amount in accordance with their statement of account (Exhibit R-6);
- [12] **DESIGNATES** Crawford Expertises Canada (Crawford Class Action Services division) as the Claims Administrator, and **ORDERS** the Claims Administrator to comply with the terms of the Settlement Agreement;
- [13] **APPROVES** the procedure stipulated in the Settlement Agreement for the payment of the Settlement Proceeds;
- [14] **REMAINS** seized with issues that may arise within the present class action;
- [15] **THE WHOLE** without costs.

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Date d'audience : December 17th , 2007

M. Coulombe