

IN THE MATTER OF DAVID BROWN V. B2B BANK (FORMERLY KNOWN AS
B2B TRUST, HEREIN AFTER “B2B TRUST”),
DESJARDINS FINANCIAL SECURITY INVESTISSEMENTS INC. (OPTIFONDS
INVESTMENTS INC.),
SAMSON AND ASSOCIATES,
WHITNEY CANADA INC.,
LLOYD’S UNDERWRITERS,
FRANÇOIS ROY AND MARC JÉMUS
(COURT NUMBER 550-06-000024-068 AND 550-06-000026-113).

CLAIMS ADMINISTRATION PROTOCOL – 2ND DISTRIBUTION

Transmission of the claims

1. The member **who did not** submit a claim for the purposes on the 1st distribution in 2019 must submit a claim to the Claims Administrator before **June 25, 2021**, for the purposes of the 2nd distribution, by certified or registered mail or by email, at the attention of the Claims Administrator:

Luc Marcil
Managing Director
Lepage Marcil David Forensic Accountants Inc.
4000 Claude-Henri-Grignon
Suite 303
Saint-Laurent (Québec) H4R 0B6

Email : luc.marcil@lmd-cpa.com

2. Members may submit their claim using the form provided for this purpose, available on the lawyers' website (<https://www.spavocats.ca/en.class-actions/brown>) or on the Claims Administrator’s website (<https://www.lmd-cpa.com/claim>).
3. The claim must be accompanied by documents in the possession of the claiming member that establish the amount of his loss, which may include:

- documents attesting the transfer of funds held in a Registered Retirement Savings Plan from a financial institution to B2B Trust;
 - statements of account received from B2B Trust over the years;
 - documents attesting to any other investment made at the instigation of Marc Jémus, François Roy and / or Robert Primeau, either in shares of companies related to them or in real estate projects;
 - documents attesting that the member has received a loan from B2B Trust and which indicate the repayments made by the member on this loan, if any;
 - documents attesting to any other amount of money sent by the member directly to B2B Trust, Marc Jémus, François Roy or Robert Primeau or to one or the other of the companies related to these last three persons;
4. The Claims Administrator takes note of the date of receipt of each claim received.

Late filings

5. In the event that the Claims Administrator receives a claim after the expiry of the time limit set by the Tribunal, he shall communicate in writing with the member concerned, in order to inform him:
- that his claim has been received after the deadline;
 - of his right to explain the reasons why it was impossible to submit his complaint in due time, stating that any written explanations must be sent to the Claims Administrator within 30 days and that they will be submitted to the Tribunal for decision;
 - and that if these reasons were not received within this period, his claim will be rejected.

Receipt of trust funds and security

6. Within fifteen (15) days of being appointed by the Tribunal, the Class Action lawyers shall transmit to the Claims Administrator the funds they hold in trust for the benefit of the members, less professional fees, disbursements and applicable taxes, as approved by the Tribunal.

7. Upon receipt of these funds, the Claims Administrator deposits them in a trust account, bearing interest, opened at a recognized financial institution and transmits the information to the Tribunal and to the Class Action lawyers.
8. The Claims Administrator must obtain sufficient security to secure the funds he holds and provide the Tribunal with evidence thereof, with a copy to the Class Action lawyers.
9. Before establishing the net amount to be distributed to the members, the Claims Admin shall submit to the Tribunal, with a copy to the Class Action lawyers, his professional fees and disbursements account, which shall be equal to the agreed unit price, multiplied by the number of claims received, plus applicable taxes.
10. The amount received in trust by the Claims Administrator, less his professional fees and disbursements and applicable taxes, is the net amount to be distributed to members.

Calculation of claims

11. Each of the members, whose claim is proven, is entitled to compensation out of the total sum paid to the benefit of the members, regardless of the defendants with whom it has done business.
12. In calculating a member's claim, the Claims Administrator does not consider the tax losses incurred by the claimant member, nor the loss of income and non-pecuniary damages that the member believes he has suffered.
13. The Claims Manager will review a member's claim and accompanying documents; he may also, to complete the claim, examine all the documents filed in the Court's file, all the documents used by the plaintiff's expert and all the documents sent by B2B Trust to the class action lawyers.
14. In the event that the Claims Administrator is of the opinion that a member's claim is insufficiently supported by supporting documentation, he must communicate in writing with the member concerned to request clarification and additional documentation, indicating to him that he must respond within 30 days to this request and, in the absence of a response, a decision will be taken on the claim as originally presented.
15. After considering a claim and the relevant documents, the Claims Administrator establishes the net capital amount of losses incurred by the member, which will take into account his lost investments, less balance written-off from any loan granted by the defendant B2B Trust, if any.

16. To this amount is added the additional indemnity and the interest calculated from May 16, 2006.
17. The Claims Administrator then transmits its decision in writing to each claimant member.
18. If the claim is accepted, this decision must indicate for what amount and how the calculation was made; it also mentions that in case of insufficient funds, the claims will be paid on a pro rata basis.
19. If the claim is rejected, the decision must give its reasons.

Right of review

20. A notice must be attached to any decision sent to a member informing him of his right to request a review.
21. Within 30 days of receiving such notice, a claimant may request the Claims Administrator to review his decision by sending a written notice to that effect by email or standard mail.
22. Within a reasonable time after receipt of a request for review, the Claims Administrator shall review the reasons given by the member and vary or not vary its original decision. His decision to review is final. It must be motivated and sent to the member in writing.

Payment of claims

23. Once the net amount to be distributed to the members is determined in pursuant to paragraph 10 herein above mentioned, the Claims Manager shall draw up a statement of each of the accepted claims, showing for each the net amount in capital as well as the legal and the additional indemnity added thereto, calculated as of May 16, 2006.
24. If the total amount to be distributed to the members is insufficient to pay each of the claims in full, in principal, interest and additional indemnity, the payment of each shall be prorated.

25. If, on the contrary, the net amount to be distributed exceeds the total amount of the claims accepted, the surplus constitutes a remaining balance within the meaning of article 596 of the *Code of civil procedure*, R.S.Q., c. C-25.01.

26. Once the amount owed to each member has been established, the Claims Administrator will make a payment by check sent to each member.

Final report to the Court

27. Six months after the mailing of the checks sent to the claimant members, the Claims Administrator shall prepare a final report of his administration and file it with at the Court with a copy to the class action lawyers.