



Court File No.: 17-CV-55-CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE

\_\_\_\_\_FriDAY THE 17<sup>TH</sup>

DAVID BROAD

DAY OF September, 2021

B E T W E E N:

**JOHN MASK**

Plaintiff

- and -

**GOLDCORP, INC.**

Defendant

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

**THESE MOTIONS**, made by counsel for the Plaintiff, seeking an order removing Kim Spencer McPhee Barristers P.C. as counsel of record for the Plaintiff, and granting leave to discontinue this action, approving the discontinuance of this action on those terms pursuant to section 29(1) of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6 (the “CPA”), and providing for notice of the discontinuance pursuant to section 29(4) of the CPA and without prejudice to any other person’s right to bring a similar action, were heard this day at the Courthouse located at 70 Wellington St., Brantford, Ontario, via videoconference.

**ON READING** the Motion Record of counsel for the Plaintiff, including the affidavit of Andrew Morganti sworn July 13, 2021 and corresponding exhibits, and the Consent to Order executed by the parties’ counsel;

**THIS COURT ORDERS THAT:**

1. Kim Spencer McPhee Barristers P.C. is removed from the record as counsel for the Plaintiff in this action, pursuant to Rule 15.04 of the Ontario *Rules of Civil Procedure*;
2. The action is hereby discontinued pursuant to section 29(1) of the *CPA* without prejudice to any other person's right to bring a similar action, subject to any applicable limitation period;
3. The Notice of Discontinuance attached hereto as Schedule A is approved pursuant to section 29(4) of the *CPA*, and it shall be disseminated by Kim Spencer McPhee Barristers P.C. by:
  - a. posting the Notice of Discontinuance together with a copy of this Order on its website at [www.investorcomplexlaw.com](http://www.investorcomplexlaw.com); and,
  - b. by emailing the Notice of Discontinuance and a copy of this Order to every investor who has provided Kim Spencer McPhee Barristers P.C. with their contact information.
4. The time to serve and file the motion record associated with this motion is abridged and extended, as necessary.
5. There shall be no costs of these motions.



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THE HONOURABLE JUSTICE DAVID BROAD

Entered at Brantford, Ontario  
on September 20, 2021  
MLD - Registrar

# **SCHEDULE “A”**

**ATTENTION SHAREHOLDERS OF  
GOLDCORP INC.**

**NOTICE OF DISCONTINUANCE  
OF THE  
PROPOSED CLASS ACTION AGAINST  
GOLDCORP INC.**

**OVERVIEW OF THE LAWSUIT**

On February 14, 2017, John Mask, as Representative Plaintiff, commenced an action in the Ontario Superior Court of Justice against the Defendant Goldcorp, Inc. (“Goldcorp”) alleging that the Defendant is liable for certain misrepresentations. Specifically, Goldcorp is alleged to have: (i) released core documents that omitted to disclose it had informed the Mexican government in October of 2014 that it was observing rising selenium and sulphate levels in two groundwater wells at its flagship Peñasquito Mine; and (ii) omitted to disclose that the tailings pond at its Peñasquito Mine had been leaking and selenium levels were rising when it was aware of the fact for years (the “Action”).

The Action was commenced in February 2017 as a proposed class action pursuant to the *Class Proceedings Act, 1992*, S.O. 1992, c. 6. and has not been certified.

The proposed Class is defined as all persons, other than Excluded Persons, who acquired Goldcorp’s common stock from October 30, 2014 up to and including August 23, 2016 and who held some or all of those securities at the close of trading on August 23, 2016.

“Excluded Persons” are defined in the Action as Goldcorp’s subsidiaries, affiliates, officers, directors, senior employees, legal representatives, heirs, predecessors, successors and assigns, and any member of the individual defendants’ immediate families and any entity in which any of the foregoing has or had an interest from October 30, 2014 up to and including August 23, 2016.

## **DISCONTINUANCE OF THE LAWSUIT**

On [MONTH DAY], 2021, the Ontario Superior Court of Justice granted Class Counsel's motions to be removed as counsel of record and to discontinue the Action (the "Order").

Discontinuance of the Action means that it is no longer going forward or being pursued. However, other than the possible application of a limitation period to the claims no longer asserted in the Action, the Order does not affect any other shareholder's right to advance another same or similar claim(s), although the Defendant reserved the right to seek costs of its defense of the Action from any new Plaintiff.

## **HOW DOES THIS AFFECT YOU?**

**YOU SHOULD TAKE NOTICE THAT THE applicable limitation periods for bringing the claims previously asserted in the Action will no longer be suspended. They recommenced as of the effective date of the aforementioned Order.**

**TAKE NOTICE THAT**, should you wish to pursue a claim against Goldcorp in relation to the matters previously alleged in the Action, you should seek legal advice immediately.

If you are/were relying on this Action to protect your rights, you should seek legal advice immediately.

**IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT FORMER CLASS COUNSEL:**

Andrew Morganti  
**Kim Spencer McPhee Barristers, P.C.**  
1200 Bay Street, Suite 1203  
Toronto, ON M5R 2A5

Email: [info@investorcomplexlaw.com](mailto:info@investorcomplexlaw.com)

## **INTERPRETATION:**

**If there is a conflict between the provisions of this Notice and the Order, the terms of the Order will prevail.**

**This Notice has been approved by the Court. Questions about this Notice should NOT be directed to the Court.**