

July 21, 2020

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**VIA EMAIL**

The Honourable Justice Taylor  
Ontario Superior Court of Justice  
85 Frederick Street  
Kitchener, ON N2H 0A7

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Dear Justice Taylor:

**Re: Lisa Ram v. The Toronto Dominion Bank, Court File No.: C-680-16  
Update on Amended Distribution Protocol**

We write further to your Honour's order of May 25, 2020, which granted the plaintiff's motion for leave to amend the distribution protocol. A copy of the letter is attached.

The motion materials associated with the May 25<sup>th</sup> order requested changes to the distribution protocol on the basis that only a modest number of claims had been received, resulting in a total distribution to the class of \$121,209, with the balance of \$208,000 to be distributed cy-pres to Pro Bono Ontario.

After the order was granted, counsel learned that the \$121,209 figure in the motion materials was in error because this calculation did not include a category of class member claims that were validly filed, but not yet approved under the Distribution Protocol, because they required additional proof to be submitted. Additional proof was submitted and those claims were subsequently approved, but they were not included or described in counsel's analysis in the motion materials.

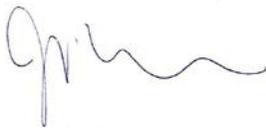
When the additional group of claims are included, the net result is that all of the settlement funds will now be distributed to class members, with no residual settlement funds to be paid by way of cy-pres payment.

Although this error does not require changes to the Court's order, we wanted to bring these errors to Your Honour's attention prior to distribution of the settlement proceeds. We propose to proceed

on the basis of the May 25<sup>th</sup> order, but we are available to discuss these matters with Your Honour by teleconference if there are any questions or concerns.

A draft of this letter was provided to counsel for TD, who had no comments.

Yours very truly,  
**SOTOS LLP**

A handwritten signature in black ink, appearing to read 'J. Leclerc', written over a large, faint circular watermark.

Jean-Marc Leclerc  
JL/geMc  
Encl.

cc. Adam Ship, Christine Lonsdale (via email)