

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
)
JUSTICE AKBARALI)
)
)

Wednesday, THE
28th DAY OF September, 2022

B E T W E E N :

CHARLES O'BRIEN and JAMES RAE

Plaintiffs

- and -

**MAXAR TECHNOLOGIES INC., HOWARD L. LANCE, ANIL WIRASEKARA, BIGGS
C. PORTER, NICK S. CYPRUS and KPMG LLP**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
(DISCONTINUANCE)**

THIS MOTION, made by the Plaintiffs, on consent, for an Order approving the discontinuance of the within action without costs and providing for notice of the discontinuance, was read this day at the Courthouse located at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

ON READING the materials filed, including the consent of the parties:

1. **THIS COURT ORDERS** that the within action be and is hereby discontinued.
2. **THIS COURT ORDERS** that the Notice of Discontinuance and Notice Plan, in the forms attached as Schedules "A" and "B" to the Affidavit of Albert Pelletier, sworn August 19, 2022 are approved pursuant to sections 19 and 29 of the *CPA*.

3. **THIS COURT ORDERS THAT** the Notice of Discontinuance shall be disseminated per the Notice Plan.

4. **THIS COURT ORDERS** that there be no costs of this motion; no further costs of this proceeding, and that the Plaintiffs will bear the costs of implementing the Notice Plan

The Honourable Justice Akbarali

**CERTIFICATE OF TRANSLATION
OF
JOSÉE DESMARAIS**

I, Josée Desmarais, of the City of Montreal, Province of Quebec, Canada, SOLEMNLY AFFIRM:

1. I am an English to French translator for Alexa Translations and I am fluent in the written and spoken languages of English and French;
2. I am certified to translate from English to French by OTTIAQ in the Province of Quebec;
3. Attached hereto and marked as Exhibit "A" to this, my Certificate, is a photocopy of the original Notice of Discontinuance of the proposed class action against MAXAR in English;
4. Attached hereto and marked as Exhibit "B" to this, my Certificate, is the true, correct and full translation into French to the best of my knowledge, skills and abilities of the above-mentioned English document, Notice of Discontinuance of the proposed class action against MAXAR, attached hereto as Exhibit "A."

I solemnly affirm this 19th day of the month of September, 2022 that the above content of this, my Certificate, is true.



Translator's Seal

Josée Desmarais
Certified Translator

EXHIBIT A

NOTICE OF DISCONTINUANCE – PROPOSED CLASS ACTION AGAINST MAXAR TECHNOLOGIES INC., HOWARD L. LANCE, ANIL WIRASEKARA, BIGGS C. PORTER, NICK S. CYPRUS and KPMG LLP

Read this notice carefully. It may affect your legal rights.

By Order of the Ontario Superior Court of Justice, all persons and entities who acquired Maxar's common shares between February 22, 2018 and February 28, 2019, and held them until the close of trading on August 6, 2018, October 30, 2018, January 6, 2019 and/or February 28, 2019 are advised that:

On September 13, 2022, the Court approved the discontinuance of the proposed class action against Maxar Technologies Inc. and certain of its officers and directors. KPMG was released from the claim in September 2021.

The proposed class action was commenced in November 2019 and alleged that Maxar violated securities laws by making misrepresentations in its financial disclosures. Maxar and the named officers and directors deny these allegations.

In March 2022, the Ontario Superior Court of Justice denied the plaintiffs' motions for leave to proceed with their claims under the *Securities Act* and dismissed the plaintiffs' motions to certify the action as a class proceeding. In the result, the lawyers for the class are of the opinion that the proposed proceeding is no longer viable. The Plaintiffs sought and obtained Court approval to discontinue it.

TAKE NOTICE that any applicable limitation periods in respect of these claims, which may have been suspended as a result of this action, began running again on the date of the discontinuance. You may lose the right to sue after the limitation period expires.

If you wish to pursue a court claim arising from Maxar's alleged misrepresentations made between February 22, 2018 and February 28, 2019, you should seek legal advice immediately. Limitations periods can vary between regions, so you should consult your own lawyer about this.

If you have any questions, you may contact Siskinds LLP or Morganti & Co. at:

Siskinds LLP
65 Queen St. W., Suite 1155
Toronto, Ontario M5H 2M5

Donna McEvoy
416-594-4793
donna.mcevoy@siskinds.com

Morganti & Co., P.C.
2300 Yonge Street, Suite 1600
Toronto, ON M4P 1E4

Albert Pelletier
647.344.1900, ext. 6
apelletier@morgantico.com

THIS NOTICE HAS BEEN APPROVED BY THE ONTARIO SUPERIOR COURT OF JUSTICE

**AVIS DE DÉSISTEMENT – RECOURS COLLECTIF PROJETÉ CONTRE MAXAR
TECHNOLOGIES INC., HOWARD L. LANCE, ANIL WIRASEKARA, BIGGS C.
PORTER, NICK S. CYPRUS ET
KPMG s.r.l./S.E.N.C.R.L.**

Veillez lire attentivement le présent avis, car il pourrait avoir une incidence sur vos droits juridiques.

Aux termes d'une ordonnance de la Cour supérieure de justice de l'Ontario, toute personne ou entité qui a acquis des actions ordinaires de Maxar entre le 22 février 2018 et le 28 février 2019 et les a détenues jusqu'à la fermeture des marchés le 6 août 2018, le 30 octobre 2018, le 6 janvier 2019 et/ou le 28 février 2019 est avisée de ce qui suit

Le 13 septembre 2022, la Cour a approuvé le désistement du recours collectif présenté contre Maxar Technologies Inc. et certains de ses dirigeants et administrateurs. KPMG a été libéré de sa responsabilité en septembre 2021.

Le recours collectif projeté qui avait été intenté en novembre 2019 alléguait que Maxar avait violé les lois sur les valeurs mobilières en faisant des déclarations trompeuses dans la divulgation de ses états financiers. Maxar ainsi que les dirigeants et administrateurs nommés nient ces allégations.

En mars 2022, la Cour supérieure de justice de l'Ontario a rejeté les motions des demandeurs en vue d'obtenir l'autorisation de déposer leurs demandes aux termes de la *Loi sur les valeurs mobilières*; elle a également rejeté les requêtes des demandeurs en vue de faire autoriser l'action à titre de recours collectif. Les avocats du groupe en ont maintenant conclu que les l'action projetée n'est plus viable. Les demandeurs ont demandé et obtenu l'approbation de la Cour pour le désistement de l'action.

VEUILLEZ PRENDRE NOTE que tout délai de prescription applicable aux présentes demandes qui aurait pu être suspendu à la suite de la présente action a recommencé à courir à la date du désistement. Vous pourriez perdre le droit d'intenter une action après l'expiration du délai de prescription.

Si vous souhaitez intenter une action en justice découlant des fausses déclarations présumées de Maxar faites entre le 22 février 2018 et le 28 février 2019, vous devriez consulter un conseiller juridique immédiatement. Comme les délais de prescription peuvent varier d'une région à l'autre, veuillez consulter votre avocat à ce sujet.

Si vous avez quelque question que ce soit, vous pouvez communiquer avec Siskinds LLP ou Morganti & Co. Aux adresses et numéros suivants:

Siskinds LLP
65 Queen St. W., Suite 1155
Toronto, Ontario M5H 2M5

Morganti & Co., P.C.
2300 Yonge Street, Suite 1600
Toronto, ON M4P 1E4

Donna McEvoy
(416) 594-4793
donna.mcevoy@siskinds.com

Albert Pelletier
647.344.1900, poste 6
apelletier@morgantico.com

CET AVIS A ETE APPROUVE PAR LA COUR SUPERIEURE DE JUSTICE DE L'ONTARIO

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OF
JOSÉE DESMARAIS**

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Josée Desmarais
Certified Translator

EXHIBIT A

Court File No.: CV-19-00631107-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) [day], THE
JUSTICE AKBARALI) [date] DAY OF [month], 2022
)
)

B E T W E E N :

CHARLES O'BRIEN and JAMES RAE

Plaintiffs

- and -

**MAXAR TECHNOLOGIES INC., HOWARD L. LANCE, ANIL WIRASEKARA, BIGGS
C. PORTER, NICK S. CYPRUS and KPMG LLP**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

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EXHIBIT A

- 2 -

3. **THIS COURT ORDERS THAT** the Notice of Discontinuance shall be disseminated per the Notice Plan.

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The Honourable Justice Akbarali

EXHIBIT B

N° de dossier de la Cour : CV-19-
00631107-00CP

**COUR SUPÉRIEURE DE JUSTICE
DE L'ONTARIO**

L'HONORABLE) [jour], LE
JUGE AKBARALI)
) [date] JOUR DE [mois] 2022
)

ENTRE :

CHARLES O'BRIEN et JAMES RAE

demandeurs

- et -

**MAXAR TECHNOLOGIES INC., HOWARD L. LANCE, ANIL WIRASEKARA, BIGGS
C. PORTER, NICK S. CYPRUS et KPMG LLP**

défendeurs

Action aux termes de la *Loi de 1992 sur les
recours collectifs*

**ORDONNANCE
(DÉSISTEMENT)**

LA PRÉSENTE MOTION, présentée par les demandeurs, sur consentement, en vue d'obtenir une ordonnance approuvant le désistement de la présente action sans frais et prévoyant un avis de désistement, a été lue en ce jour au palais de justice situé à Osgoode Hall, 130 Queen Street West, Toronto (Ontario).

APRÈS AVOIR LU les documents déposés, y compris le consentement des parties :

1. **CETTE COUR ORDONNE** que la présente action soit par la présente abandonnée.
2. **CETTE COUR ORDONNE** que l'avis de désistement et le plan d'avis, dans les formulaires joints à titre d'annexes « A » et « B » à l'affidavit d'Albert Pelletier, assermenté le 19 août 2022, soient approuvés conformément aux articles 19 et 29 de la *Loi de 1992 sur les recours collectifs*.

EXHIBIT B

- 2 -

3. **CETTE COUR ORDONNE** que l'avis de désistement soit diffusé conformément au plan d'avis.

4. **CETTE COUR ORDONNE** qu'il n'y ait pas de frais pour cette motion, pas d'autres frais dans cette instance et que les demandeurs assument les frais de mise en œuvre du plan d'avis.

L'honorable juge Akbarali

Notice Plan

Dissemination of Notice of Intent to Discontinue

- (1) The Notice of Intention to Discontinue will be sent by email by Plaintiffs' counsel within 1 week after the order approving the discontinuance is made, to any person who has contacted Siskinds LLP or Morganti & Co. P.C. about the proposed class action, or who has registered to receive updates on Class Counsels' websites. The Notice of Discontinuance will be provided in English and French.
- (2) The Notice of Discontinuance will be posted by Plaintiffs' counsel in English and French on their websites within 1 week after the order approving the discontinuance is made.
- (3) Plaintiffs' counsel will send the Notice of Discontinuance by email to any person who requests it.