

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

LA CIE MCCORMICK CANADA CO.

Plaintiff

- and -

STONE CONTAINER CORP., JEFFERSON SMURFIT CORP., SMURFIT-STONE CONTAINER CORP., SMURFIT-MBI, formerly known as MACMILLAN BATHURST, ROGER STONE, UNION CAMP CORP., INTERNATIONAL PAPER CO., INTERNATIONAL PAPER CANADA, INC., also known as INTERNATIONAL PAPER LTD – CANADA, GEORGIA PACIFIC CORP., GEORGIA-PACIFIC CANADA, INC., WEYERHAEUSER PAPER CO., WEYERHAEUSER COMPANY, WEYERHAEUSER COMPANY LIMITED, formerly known as WEYERHAEUSER CANADA LTD., TEMPLE-INLAND INC., INLAND PAPERBOARD AND PACKAGING, INC, GAYLORD CONTAINER CORP., TENNECO, INC., TENNECO PACKAGING, and PACKAGING CORPORATION OF AMERICA

Defendants

Proceeding under the *Class Proceedings Act, 1992*

NOTICE OF MOTION

The plaintiff will make a motion to the court on Tuesday August 15, 2006 at 10:00 a.m. or as soon after as the motion can be heard, before Madam Justice Hoy at the Court House, 361 University Avenue, Toronto, Ontario, M5G 1T3.

PROPOSED METHOD OF HEARING: This Motion is to be heard

in writing under subrule 37.12(1);

in writing as an opposed motion under subrule 37.12.1(4);

orally

THE MOTION IS FOR:

1. An Order approving the retainer agreement entered into with the Representative Plaintiff, La Cie McCormick Canada Co., pursuant to Section 32(2) of the *Class Proceedings Act, 1992*;
2. An Order approving Class Counsel legal fees plus applicable taxes;
3. An Order approving Class Counsel disbursements plus applicable taxes;
4. An Order that Class Counsel legal fees, disbursements, and taxes be paid from the Settlement Amount; and
5. Such further and other relief as counsel may request and as this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. The *Class Proceeding Act, 1992* S.O. 1992, sections 6, 32, and 33;
2. La Cie McCormick Canada Co. retained Siskind, Cromarty, Ivey & Dowler ^{LLP} to pursue an action in relation to an alleged conspiracy to artificially and illegally increase the price for linerboard, corrugated sheets, and corrugated boxes;
3. Three separate Settlement Agreements in the amount of CDN\$935,528.00, US\$20,000.00, and US\$830,000.00 respectively, plus accrued interest, inclusive of all costs, expenses, notice and administration were reached;
4. Class Counsel invested significant resources in the litigation over a period of approximately two and a half years;
5. Class Counsel undertook a significant risk in pursuing the litigation. The litigation was undertaken on a contingency basis and all of the disbursements were funded by Class Counsel; and

6. Such further and other grounds as counsel may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE MOTION:

1. The Affidavit of Michael G. Robb, sworn August 4, 2006;
2. The Affidavit of Keith Gibbons, sworn August 4, 2006;
3. The Settlement Agreements, filed;
4. The pleadings and proceedings herein; and
5. Such further and other material as counsel may advise and the Honourable Court may permit.

Date: August 4, 2006

Siskind, Cromarty, Ivey and Dowler^{LLP}
Barristers & Solicitors
680 Waterloo Street
London, ON N6A 3V8

Charles M. Wright LSUC # 36599Q
Tel: (519) 672-2121
Fax: (519) 672-6065

Solicitors for the Plaintiff