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COURT FILE NUMBER

1901-04984 (JDR)

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*G. Poelman*  
Justice G. Poelman - Dec 18, 2025

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

PLAINTIFFS (APPLICANTS)

Wiley Hertlein and Glen Mitchell

DEFENDANTS  
(RESPONDENTS)

Lutheran Church-Canada, Lutheran Church –  
Canada Financial Ministries, Francis Taman,  
Bishop & McKenzie LLP, a Partnership,  
Ronald Chowne, Prowse Chowne LLP, a  
Partnership



DOCUMENT

THIRD NOTICE APPROVAL ORDER

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT

Napoli Shkolnik Canada  
Attention: Clint Docken, KC  
Suite 400, 1000 – 7 Avenue S.W.  
Calgary, Alberta T2P 5L5  
T: (403) 403-619-3612  
E: [cdocken@napolilaw.ca](mailto:cdocken@napolilaw.ca)  
F: 587-419-5446

-and-

James & McCall Barristers  
Attention: Kyle Shewchuk  
Suite 405, 500 4<sup>th</sup> Avenue SW  
Calgary, AB T2P 2V6  
T: 403-536-5465  
E: [kshewchuk@jmbarristers.com](mailto:kshewchuk@jmbarristers.com)  
F: 403-221-8339

DATE ON WHICH ORDER WAS PRONOUNCED: May 7, 2025

NAME OF JUSTICE WHO MADE THIS ORDER: Justice G.H. Poelman

LOCATION OF HEARING: Calgary Courts Centre

**UPON THE APPLICATION** of the Applicant/Plaintiffs; **AND UPON HAVING REVIEWED** the Notice of Application and all written materials provided by the parties; **AND UPON HEARING** that the Plaintiffs and the Defendants, Francis Taman, Bishop & McKenzie LLP, a Partnership, Ronald Chowne, and Prowse Chowne LLP, a Partnership (the “**Third Settling Parties**”), have reached a settlement as documented by an agreement made between them dated March 25, 2025 (the “**Third Settlement Agreement**”), **AND UPON HEARING** the representations of counsel for the parties;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

1. An Application to approve the settlement of part of this Action, and for partial certification of this Action as a class proceeding for the purpose of approval of such settlement only, will be heard on January 23, 2026 at 1:00 PM at the Calgary Courts Centre. The Plaintiffs and any other parties wishing to do so will file and serve their written brief by January 16, 2026.
2. The Hearing Notice substantially in the same form and content as attached in Exhibit "A" in this Order (the "**Hearing Notice**"), is approved.
3. The opt-out process whereby certain depositors with the Direct Depositors ("**CEF**") have opted out and are excluded from the Representative Action Class pursuant to Article 5 of the Amended Amended Plan of Arrangement of Lutheran Church – Canada, the Alberta British Columbia District Investments Ltd. approved and sanctioned by this Court in Action No. 1501-00955 (the "**CCAA Proceedings**") on August 5, 2016 and further sanctioned by this Court pursuant to an Order made on December 16, 2021, will suffice as the opt-out process in this Action without any further opt-out process herein.
4. Counsel for the Plaintiffs shall promptly post the Hearing Notice and this Order on its website.
5. By December 23, 2025, the Plaintiffs will issue the Hearing Notice substantially in the same manner set out in the Notice Plan which shall form and constitute part of this Order and which is attached as Exhibit "B" to this Order (the "**Notice Plan**").
6. Each member of the Representative Action Class will keep all of the information shared with them by the Settlement Administrator, MNP Ltd., through the Portal confidential and shall not divulge that information other than to anyone assisting he/she/them with computer access and/or his/her/their professional advisors on a confidential basis. This obligation is individual to each Class member, and is not held jointly with any other Class members.
7. The CEF Creditors' Subcommittee / Plaintiffs shall bear the cost of issuing the Hearing Notice in accordance with the Notice Plan.
8. All capitalized groups of words in this Order which are defined in the Settlement Agreement, which is the subject of this Application, have the same definition in this Order.
9. This Order may be endorsed by Counsel electronically and in counterpart.
10. This Order is granted without costs to any party.

  
\_\_\_\_\_  
Justice G.H. Poelman

APPROVED as to Order granted this \_\_ day of  
\_\_\_\_, 2025

Emery Jamieson LLP

\_\_\_\_\_  
Laura Feehan, counsel for Prowse Chowne LLP, and  
Ronald Chowne

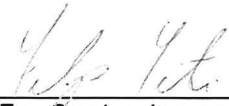
APPROVED as to Order granted this \_\_ day of  
\_\_\_\_, 2025

Gowling WLG (Canada) LLP

\_\_\_\_\_  
David Bishop, counsel for Lutheran Church Canada  
and Lutheran Church Canada – Financial Ministries

APPROVED as to Order granted this 10th day of  
\_\_\_\_December, 2025

Jensen Shawa Solomon Duguid Hawkes LLP

  
\_\_\_\_\_  
For: Carsten Jensen K.C. counsel for Francis  
Taman and Bishop & McKenzie LLP, a partnership

APPROVED as to Order granted this 10 day of  
December, 2025

Emery Jamieson LLP

  
\_\_\_\_\_  
Laura Feehan, counsel for Prowse Chowne LLP, and  
Ronald Chowne

APPROVED as to Order granted this \_\_\_ day of  
\_\_\_\_\_, 2025

Gowling WLG (Canada) LLP

\_\_\_\_\_  
David Bishop, counsel for Lutheran Church Canada  
and Lutheran Church Canada – Financial Ministries

APPROVED as to Order granted this \_\_\_ day of  
\_\_\_\_\_, 2025

JSS LLP

\_\_\_\_\_  
Carsten Jensen K.C. counsel for Francis Taman and  
Bishop & McKenzie LLP, a partnership

APPROVED as to Order granted this \_\_ day of  
\_\_\_\_, 2025

Emery Jamieson LLP

APPROVED as to Order granted this \_\_ day of  
\_\_\_\_, 2025


JSS LLP

\_\_\_\_\_  
Laura Feehan, counsel for Prowse Chowne LLP, and  
Ronald Chowne

\_\_\_\_\_  
Carsten Jensen K.C. counsel for Francis Taman and  
Bishop & McKenzie LLP, a partnership

APPROVED as to Order granted this <sup>10</sup> day of  
*December*, 2025

Gowling WLG (Canada) LLP

*for*   
\_\_\_\_\_  
David Bishop, counsel for Lutheran Church Canada  
and Lutheran Church Canada – Financial Ministries  
*R-T Johnston*

**HEARING NOTICE**

Dear (merge filed, insert name),

Court of King's Bench of Alberta Court File Number 1901-04984  
(the "CEF Representative Action")

**Were you a CEF Depositor in the Lutheran Church – Canada,  
Church Extension Fund ("CEF")  
who suffered a loss on your investment and did not opt-out of the  
Representative Action sanctioned by the Court of King's Bench of  
Alberta in Action No. ABQB No. 1501-00955  
(the "CCAA Proceedings")?**

*This notice may affect your legal rights. Please read it carefully.*

A class action has been commenced against various Defendants on behalf of the following proposed Class (the "CEF Representative Action Class"):

- a. A class of people resident in Alberta, including persons, estates of depositors, corporations and societies, sole proprietorships and partnerships and congregations affiliated with the Lutheran-Church Canada ( the "Alberta Lutheran Sub-Class"); and
- b. An extra-provincial class of people outside of Alberta, including persons, estates of depositors, corporations and societies, sole proprietorships and partnerships and congregations affiliated with the Lutheran-Church Canada (the "Extra-Provincial Lutheran Sub-Class"); and
- c. A class of people resident in Alberta who were resident in Alberta, and the estates of such persons, who were not members of the Lutheran-Church congregation, including corporations and societies, sole proprietorships and partnerships and any other depositors (the "Alberta Non-Lutheran Sub-Class"); and
- d. An extra-provincial class of people resident outside of Alberta, and the estates of such persons, who were not members of a Lutheran-Church congregation, including corporations and societies, sole proprietorships and partnerships any other depositors (the "Extra-Provincial Non-Lutheran Sub-Class"); AND WHO
- e. Invested in the Lutheran-Church-Canada Alberta and British Columbia District's Church Extension Fund (the "CEF") as depositors toward the fund

Except for "Excluded Persons" which shall be defined as follows:

- (i) A Defendant in this class action; or

## Exhibit A

- (ii) Any past and present subsidiaries, affiliates, officers, directors, senior employees, partners, legal representatives, heirs, successors, predecessors, and assigns of the Defendants; or
- (iii) All members of the putative Classes or Sub-Classes who submitted no later than December 15, 2016 an opt-out form in the manner prescribed by the District Sanction Order filed August 5, 2016 in Alberta Court of King's Bench of Alberta Action No. 1501-00955

A partial settlement has been reached with the Defendants Francis Taman, Bishop & McKenzie LLP, a Partnership, Ronald Chowne and Prowse Chowne LLP, a Partnership (the "Third Settling Parties"). The Third Settling Defendants, while not admitting liability, have agreed to a settlement of their portion of this lawsuit subject to court approval and partial certification of the CEF Representative Action for the purpose of approval of such settlement only, on terms as set out in a settlement agreement dated March 25, 2025, a copy of which is available for viewing on [www.mnp.ca/ceflccsettlement](http://www.mnp.ca/ceflccsettlement) (the "Third Settlement Agreement"). All capitalized groups of words in this Hearing Notice which are defined in the Third Settlement Agreement have the same definition in this Hearing Notice.

If you are a member of the CEF Representative Action Class, **you will automatically be included** in the CEF Representative Action and are not required to take any further steps at this stage.

### **The Terms of the Proposed Settlement**

The Settlement Funds paid by the Settling Defendants are to be allocated to augment the existing litigation holdback fund to cover costs associated with the approval process, potential future costs and disbursements in the Representative Action, and to cover ("self insure") the Representative Plaintiffs in this Action against potential adverse court costs, or in such other amount as the court may direct. The settlement funds to be paid are not substantial enough to warrant a feasible cash distribution amongst the large number of Class Members.

**Accordingly, if the settlement is approved, and subject to court approval, members of the Representative Action Class will not be paid a proportionate share of the Settlement Funds at this stage in the litigation. The Subcommittee's intention is that any unexpended holdback funds at the conclusion of this Class Action would be subject to a final distribution amongst the Direct Depositors.**

A copy of the Settlement Agreement, redacted for the Consideration [total settlement amount], can be found on the Administrators Website: <https://ceflccsettlement@mnp.ca>

### **No Further Opt-Out**

The Representative Plaintiffs in the CEF Representative Action will be asking the Court to direct that no further opt-out process be required as an opt-out process has already been completed in the CCAA Proceedings and further sanctioned and approved by the Honourable Associate Chief



## Exhibit A

Justice J.D. Rooke in the CEF Representative Action pursuant to an Order pronounced November 25, 2021 and filed with the Court on December 16, 2021 (the “2021 Order”).

IF NO FURTHER OPT-OUT PROCESS IS ORDERED, ANY JUDGMENT OBTAINED ON THE COMMON ISSUES FOR THE PROPOSED CLASS, WHETHER REACHED BY SETTLEMENT OR NOT, WHETHER FAVOURABLE OR NOT, WILL BIND ALL CLASS MEMBERS WHO HAVE NOT ALREADY OPTED OUT OF THIS ACTION.

### **The Partial Settlement Approval and Partial Certification Hearing and Your Right to Observe or Participate**

An Application to approve the partial settlement of the CEF Representative Action and to partially certify the CEF Representative Action as a class proceeding for the purpose of approving such partial settlement only, is scheduled to be heard on January 23, 2026 at 1:00 pm at the Court of King’s Bench of Alberta in Calgary, Alberta at 601 5 St SW. Class Counsel will also seek to confirm their appointment as Class Counsel and ask the Court to approve an award of fees and disbursements for their work in achieving the settlement.

If you agree with the proposed settlement and wish to participate in it, you do not have to do anything at this time.

The Application will proceed before the Court by videoconference. If you wish to attend the Application as an observer, you may do so by using the videoconference link and password found on Class Counsel’s website.

If you disagree with the proposed settlement, you have the right to object. To object, you must provide a letter to Class Counsel and to Gowling WLG, Attn: Mr. David Bishop, Counsel for the Non-Settling Defendants, using their respective contact information below. Your letter must include your name, contact information, and a brief statement of the nature and reasons for your objection, and be received no later than January 16, 2026. If you wish to attend the Application to speak about your objection, you must also provide a further letter in the same fashion to Class Counsel and to Gowling WLG, Attn: Mr. David Bishop requesting to do so by no later than January 16, 2026. Upon such request, you will be provided with a separate password which, when used in conjunction with the videoconference link on Class Counsel’s website, will enable the Court to hear you. The Court will decide during the hearing of the Application whether you will be permitted to speak about your objection.

### **What are the Financial Consequences?**

No member of the CEF Representative Action Class, other than the Representative Plaintiffs, will be liable for costs.



## Exhibit A

Class Counsel has entered into an agreement with the Representative Plaintiffs and the CEF Subcommittee, which was established in the CCAA Proceedings, with respect to legal fees and disbursements. This agreement provides that counsel will not receive payment for their work unless and until the CEF Representative Action is successful or monies are recovered from the Defendants. This agreement was approved by the Court pursuant to the 2021 Order.

All capitalized groups of words in this Notice which are defined in the Third Settlement Agreement have the same definition in this Notice.

**FOR MORE INFORMATION, OR TO MAKE INQUIRIES ABOUT THIS ACTION, PLEASE CONTACT CLASS COUNSEL AT:**

**Napoli Shkolnik Canada**

Attention: Clint Docken, KC  
Suite 400, 1000 – 7 Avenue S.W.  
Calgary, Alberta T2P 5L5  
T: (403) 403-619-3612  
E: [cdocken@napolilaw.ca](mailto:cdocken@napolilaw.ca)  
F: 587-419-5446

**James & McCall Barristers**

Attention: Kyle Shewchuk  
Suite 405, 500—4 Avenue SW  
Calgary, Alberta T2P 2V6  
T: 403-221-8333  
E: [kshewchuk@jmbarristers.com](mailto:kshewchuk@jmbarristers.com)  
F: 403-221-8339

**Gowling WLG (Counsel for Non-Settling Defendants)**

#1600 – 421 7th Avenue SW,  
Calgary, Alberta  
T2P 4K9  
Tel: (403) 298-1000 Fax: (403) 263-9193  
Email: [david.bishop@gowlingwlg.com](mailto:david.bishop@gowlingwlg.com)

**MNP Ltd. (Putative Claims Administrator)**

Attention: Rick Anderson  
2000, 112 – 4<sup>th</sup> Avenue SW,  
Calgary, AB T2P 0H3  
Tel: 1.877.500.0792  
Email: [ceflccsettlement@mnp.ca](mailto:ceflccsettlement@mnp.ca)  
For further information: <https://ceflccsettlement@mnp.ca>

Exhibit B

*Wiley Hertlein and Glen Mitchell v. Lutheran Church-Canada, Lutheran Church – Canada  
Financial Ministries et al, ABKB 1901-04984*

(the “CEF Representative Action”)

**THIRD NOTICE PLAN PURSUANT TO THE THIRD NOTICE APPROVAL ORDER  
PRONOUNCED ON APRIL 28, 2025 (the “Third Notice Approval Order”)**

This Third Notice Plan will apply to the following notices provided for in the Third Settlement Agreement, namely: the Third Hearing Notice; and, if that relief is granted, the Third Approval Notice (collectively the “Notices”).

1. The Plaintiffs will provide the Notices to all members of the CEF Representative Action Class either by: (a) e-mail for whom e-mail addresses are known; or (b) by mail at their respective last mailing addresses known to the Plaintiffs.
2. The Notices in generic form (not completed for addressee, share distribution amount or portal access code) will be promptly published on the class counsel’s website at (insert Napoli website)
3. Any other methods and the timing for issuance of the Notices shall be as stipulated by order(s) of the Court.
4. Subject to Court approval, the cost of issuing the Notices shall be paid by the CEF Creditors’ Subcommittee.
5. All capitalized groups of words in this Plan which are defined in the Third Settlement Agreement or in the Third Notice Approval Order have the same definition in this Plan.