

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

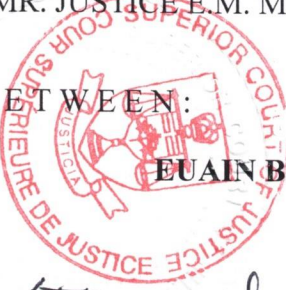
)
)
)
)

TUESDAY, THE 11th

MR. JUSTICE E.M. MORGAN

DAY OF APRIL, 2023

BETWEEN:



EUAIN BROWNE, BENJAMIN NEITSCH and FAISAL YASIN

Plaintiffs

- and -

APR 26 2023

**HORIZONS ETF CORP., HORIZONS ETFs MANAGEMENT (CANADA) INC.,
STEVEN J. HAWKINS, JULIE STAJAN, KEVIN S. BEATSON, MCGREGOR
SAINSBURY, GEOFF SALMON, WARREN LAW, WAN YOUN CHO
and THOMAS PARKER**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER


THIS MOTION, made by the Plaintiffs for an order discontinuing the within action, was heard April 6, 2023, at 11:00 a.m. by video conference,

ON READING the Motion Record and Factum of the Plaintiffs and on hearing the submissions of the lawyers for the Plaintiffs and Defendants,

1. **THIS COURT DECLARES** that the Defendants' payment to Class Counsel on account of Class Counsel's disbursements is fair and reasonable.

2. **THIS COURT ORDERS** that the Notice Plan, attached as **Schedule "A"**, is hereby approved.

3. **THIS COURT ORDERS** that the within action is hereby discontinued without costs.

A handwritten signature in black ink, appearing to read "Morgan J.", is written over a light gray rectangular background.

Morgan J.

SCHEDULE A
NOTICE PLAN re DISCONTINUANCE

1. Forthwith upon the Court granting leave to discontinue this proceeding, Koskie Minsky LLP and Sotos LLP shall post the Notice of Discontinuance copied below on their respective websites for this proceeding.
2. Forthwith upon the Court granting leave to discontinue this proceeding, Koskie Minsky LLP and Sotos LLP shall send the Notice of Discontinuance copied below to all persons who have contacted them regarding this proceeding.
3. Forthwith upon the Court granting leave to discontinue this proceeding, Koskie Minsky LLP and Sotos LLP shall send the Notice of Discontinuance copied below to all persons who have registered for updates regarding this proceeding.

NOTICE OF DISCONTINUANCE: HORIZONS HOU ETF CLASS ACTION

PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.

By Order of the Ontario Superior Court of Justice, all persons and entities, wherever they may reside or be domiciled, who owned units of HOU at the close of trading on the TSX on April 21, 2020,¹ are advised that:

In August 2020, a proposed class proceeding was commenced against Horizons ETF Corp., Horizons ETFS Management (Canada) Inc., and their directors and officers, for changes made to the BetaPro Crude Oil 2x Bull ETF (HOU) on and around April 22, 2020.

This notice is to advise you that the proposed class proceeding has been discontinued. The Ontario Superior Court of Justice has approved the discontinuance of this class proceeding and the discontinuance will take effect on XXXX.

PLEASE TAKE NOTICE THAT the limitation period for bringing a claim will begin to run again as of XXXX, which is the date the Order granting leave to discontinue takes effect. You may lose the right to sue after your limitation period expires.

If you wish to pursue a court claim arising from the changes to the HOU ETF on and around April 22, 2020, you should seek legal advice immediately. Limitation periods may vary between jurisdictions. You should consult your own lawyer about the limitation period that applies to any claim(s) you may have.

If you have any questions, you may contact Koskie Minsky LLP or Sotos LLP at:

Koskie Minsky LLP 900-20 Queen Street West Toronto, ON M5H 3R3 1-833-786-0015 houclassaction@kmlaw.ca	Sotos LLP 1200-180 Dundas Street West Toronto, ON M5G 1Z8 [Sotos to add contact details]
--	--

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

¹ Excluding (i) the Defendants; (ii) each of Horizons' and Horizons Corp.'s past and present subsidiaries, affiliates, officers, directors, senior employees, partners, legal representatives, heirs, predecessors, successors and assigns; and (iii) any member of the Individual Defendants' respective families

EUAIN BROWNE, et al.
Plaintiffs

HORIZONS ETF CORP., et al.
and
Defendants

Court File No.: CV-20-00646401-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at TORONTO

Proceeding under the *Class Proceedings Act*, 1992

ORDER

SOTOS LLP

1200-180 Dundas St. West
Toronto, ON M5G 1Z8

David Sterns LSO #36274J

dsterns@sotosllp.com

Adil Abdulla LSO #82095E

aabdulla@sotos.ca

Tel: 416-977-0007 / Fax: 416-977-0717

Koskie Minsky LLP

900-20 Queen Street West
Toronto, ON M5H 3R3

David Rosenfeld LSO #51143A

drosenfeld@kmlaw.ca

Tel: 416-595-2700 / Fax: 416-204-2894

Jamie Shilton LSO #80270R

jshilton@kmlaw.ca

Tel: 416-595-2065 / Fax: 416-204-2907

Lawyers for the Plaintiffs