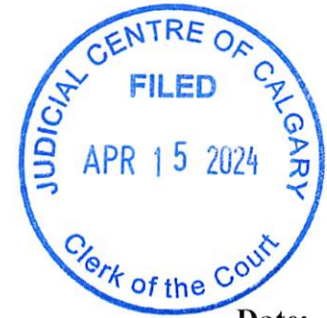


Court of King's Bench of Alberta



Citation: Walter v WHL, 2024 ABKB 218

Date:
Docket: 1401 11912
Registry: Calgary

Between:

Lukas Walter, Travis McEvoy, and Kyle O'Connor as Representative Plaintiffs

Plaintiffs

- and -

Western Hockey League, McCrimmon Holdings Ltd. and 32155 Manitoba Ltd., a Partnership c.o.b. as Brandon Wheat Kings, Brandon Wheat Kings Limited Partnership, 1056648 Ontario Inc., Calgary Flames Limited Partnership, Calgary Sports and Entertainment Corporation, Rexall Sports Corp., Edmonton Major Junior Hockey Corporation, Edmonton Oilers Hockey Corp., EHT, Inc., Kamloops Blazers Hockey Club, Inc., Kamloops Blazers Holdings Ltd., Kelowna Rockets Hockey Enterprises Ltd., Hurricanes Hockey Limited Partnership, Prince Alberta Raiders Hockey Club Inc., Brodsky West Holdings Ltd., EdgePro Sports & Entertainment Ltd., Rebels Sports Ltd., Queen City Sports & Entertainment Group Ltd., Braken Holdings Ltd., Saskatoon Blades Hockey Club Ltd., Vancouver Junior Hockey Limited Partnership Ltd., Vancouver Junior Hockey Partnership Ltd., Vancouver West Coast Hockey Enterprises Ltd., West Coast Hockey LLP, Medicine Hat Tigers Hockey Club Ltd., 1091956 Alta Ltd., Portland Winter Hawks Inc., Brett Sports & Entertainment Inc., Hat Trick Inc., d.b.a. Spokane Chiefs Hockey Club, Thunderbird Hockey Enterprises, LLC, Top Shelf Entertainment Inc., Swift Current Tier 1 Franchise Inc., Swift Current Bronco Hockey Club Inc., Kootenay Ice Hockey Club Ltd., Moose Jaw Tier 1 Hockey Inc., d.b.a. Moose Jaw Warriors, Moose Jaw Warriors Tier 1 Hockey Inc., d.b.a. Lethbridge Hurricanes Hockey Club, and Canadian Hockey League

Defendants

**Reasons for Decision
of the
Honourable Mr. Justice R.J. Hall**

[1] Counsel for the Plaintiffs and counsel for the Defendants jointly apply for an Order approving the Settlement of the within action, approval of the fees to be paid to Plaintiffs' counsel, approval of the honoraria to be paid to the three named Plaintiffs; and approval of the proposed distribution protocol.

[2] This court preapproved counsel fees at 30% of the settlement, and preapproved the requested honoraria.

[3] In 2020 a joint application was made by counsel for both Plaintiffs and Defendants for approval of settlement. I concluded then that the settlement amount was fair, the counsel fee was fair and appropriate, the distribution protocol was fair and appropriate; the honoraria for the named plaintiffs was fair and appropriate.

[4] However, I held that the proposed release was too broad and therefore I declined to approve the settlement.

[5] An amended Settlement Agreement is now placed before me. It mirrors the previous agreement, except that interest has accumulated and been added to the Settlement Amount, and the Release has been amended to a new definition of the "Released Matters", restricting them to the common issues as certified, and the matters raised or advanced in the Class Action.

[6] I am satisfied with the newly amended release terms. I remain satisfied with the settlement terms, counsel fees, honoraria, and distribution protocol.

[7] Accordingly, I am issuing the Order drafted by Counsel.

Dated at the City of Calgary, Alberta this 15th day of April, 2024.



R.J. Hall
J.C.K.B.A.

Appearances:

Theodore P. Charney, Caleb Edwards, Charney Lawyers P.C.
Steven Barrett, Joshua Mandryk, Goldblatt Partners LLP
for the Plaintiffs

Sarah Whitmore, Torys LLP
for the Defendants