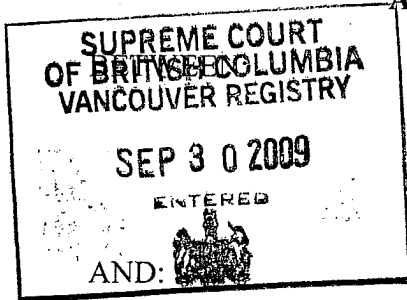


IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *JUDICIAL REVIEW PROCEDURE ACT*,
R.S.B.C. 1996, c. 241

AND IN THE MATTER OF THE *WORKERS COMPENSATION ACT*,
R.S.B.C. 1996, c. 492

AND IN THE MATTER OF A DECISION OF THE WORKERS' COMPENSATION
APPEAL TRIBUNAL WCAT-2005-03622-RB



GREGORY ALLAN JOHNSON

PETITIONER

WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA and
WORKERS' COMPENSATION APPEAL TRIBUNAL

RESPONDENTS

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*

ORDER

BEFORE THE HONOURABLE MADAM) WEDNESDAY, THE 9TH DAY OF
JUSTICE GRAY) SEPTEMBER, 2009.

ON THE APPLICATION of the Petitioner coming on for hearing at Vancouver, British Columbia, on September 9, 2009; AND ON HEARING F. Andrew Schroeder, counsel for the Petitioner, Sheila M. Tucker and Elin R.S. Sigurdson, counsel for the Respondent, Workers' Compensation Board and Vladimir A. Pylypchuk, counsel for the Respondent, Workers' Compensation Appeal Tribunal; and upon reading the materials filed;

THIS COURT ORDERS that:

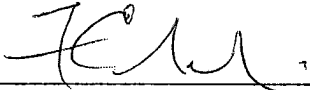
1. Item #2 of the New Interest Policy, the "blatant error" test for interest entitlement, is patently unreasonable and is set aside.

2. the New Interest Policy is, as a whole, remitted to the Workers' Compensation Board for reconsideration in light of the reasons for judgment in the action issued September 26, 2007 and September 9, 2009;
3. the question of remedy for any other class members may be the subject of further submissions by counsel to this Court; and
4. there will be no order as to costs.

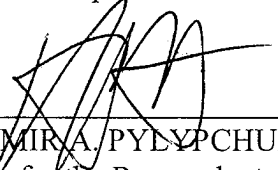
BY THE COURT:


DISTRICT REGISTRAR

Approved as to form:


F. ANDREW SCHROEDER
Solicitor for the Petitioner,
Gregory Allan Johnson


ELIN R.S. SIGURDSON
Solicitor for the Respondent,
Workers' Compensation Board


VLADIMIRA PYLYPCHUK
Solicitor for the Respondent,
Workers' Compensation Appeal Tribunal

No. L052157
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE JUDICIAL REVIEW PROCEDURE ACT,
R.S.B.C. 1996, c. 241
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COMPENSATION APPEAL TRIBUNAL WCAT-2005-03622-RB

BETWEEN:

GREGORY ALLAN JOHNSON

PETITIONER

AND:

WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA and
THE WORKERS' COMPENSATION APPEAL TRIBUNAL

RESPONDENTS

BROUGHT UNDER THE CLASS PROCEEDINGS ACT

ORDER

30/9

Prepared By:
F. Andrew Schroeder
SCHROEDER SPEIER
Barristers and Solicitors
Suite 500 - 525 Seymour Street
Vancouver, BC, V6B 3H7
Phone: 604-688-6737
Fax: 604-688-0271 / File No. 7182

RUSHI

BC West Coast