

## NOTIFICATION OF A CLASS ACTION

TAKE NOTICE that on March 19th 2007 Bernard Godbout J. of the Superior Court of Quebec authorized the bringing of a class action suit against the Attorney General of Canada on behalf of Her Majesty in Right of Canada and SNC Technologies Inc., in the judicial district of Quebec, on behalf of the following group:

- 1) Every physical person currently residing, or who resided after January 1<sup>st</sup>, 1953, in the territory of the municipality of Shannon, his(her) legal successors or heirs, affected personally or materially by groundwater contamination from trichloroethylene (TCE) and its degradation by-products originating on immovable properties owned by the Government of Canada at the Canadian Forces Base in Valcartier or by SNC Technologies Inc.
- 2) Every physical person who is a member of the Canadian Armed Forces and is currently residing, or who resided after January 1<sup>st</sup>, 1953, in the territory of the municipality of Shannon, his (her) legal successors or heirs, affected personally or materially by ground water contamination from trichloroethylene (TCE) and its degradation by-products originating on immovable properties owned by the Government of Canada at the Canadian Forces Base in Valcartier or by SNC Technologies Inc.

TAKE NOTICE ALSO that judge Godbout J.C.S. has attributed representative status to Mrs. **Marie-Paule Spieser** for the pursuit of the class action suit on behalf of the group of persons hereinabove described;

1- THE PRINCIPAL QUESTIONS OF FACT AND OF LAW TO BE DEALT WITH IN THIS CLASS ACTION SUIT ARE AS FOLLOWS:

- a) Were the respondents negligent in the use and disposal of products containing TCE or its degradation by-products and of various other contaminants on their properties?
- b) Did the respondents dispose of products containing TCE, or of other contaminating products, in the environment?
- c) Did the respondents take all appropriate and necessary steps to identify the contamination of their properties and assess its extent?
- d) Did the respondents take all the appropriate and necessary steps to prevent the migration of contaminants from their properties to the municipality of Shannon?
- e) Did the respondents fulfill their duty to inform the petitioner and the members of the group she represents when they discovered the contamination of their properties and the migration of this contamination?
- f) Did the respondents have the duty, in the circumstances, to apply the principle of precaution and its corollaries, the principles of anticipation and action, and if so, did they apply these principles?
- g) Do the contamination and its migration, due to the actions of the respondents, from their properties towards those of the petitioner and the members of the group, result from a fault on their part?
- h) Do the contamination and its migration, due to the actions of the respondents, from their properties towards those of the petitioner and the members of the group constitute an abnormal, excessive and unreasonable inconvenience, engaging the no-fault liability of the respondents for neighborhood disturbances?
- i) What is the nature of the damage sustained by the petitioner and the members of the group?
- j) Do the damages sustained by the petitioner and the members of the group result from the fault of the respondents?
- k) Did the respondents act or omit to act while they were aware or could not be unaware of the probable consequences of their actions or omission?
- l) Should the behavior of the respondents be sanctioned by punitive damages?
- m) Are the respondents solidarily liable?
- n) Do the respondents have an obligation, from the date of judgment in the present matter, to cease to emit, deposit, release or discharge any contaminating product whose presence in the environment is likely to have a negative impact on the life, health, safety, well-being or comfort of human beings, or to damage or otherwise harm the quality of land, vegetation, wildlife or property in the territory of the municipality of Shannon?
- o) Do the respondents have an obligation, from the date of judgment in the present matter, to carry out a full characterization of the whole area presently affected or likely to be affected by contamination from trichloroethylene, its degradation by-products such as vinyl chloride and cis- and trans- dichloroethylene, or any other contaminant likely to contaminate that area or the territory of the municipality of Shannon?

2- THE SPECIFIC QUESTIONS TO BE DEALT WITH IN THIS CLASS ACTION SUIT ARE AS FOLLOWS:

- a) What are the nature and extent of the health problems, past and present, suffered by the petitioner and the members of the group and caused by the fault of the respondents?
- b) What are the nature and extent of the loss of enjoyment of property sustained by the petitioner and the members of the group and caused by the fault of the respondents?
- c) What monetary value would compensate the petitioner and the members of the group for their health problems?
- d) What is the monetary value of the claims for loss of enjoyment of property, disturbance and inconvenience sustained by the petitioner and by the members of the group?
- e) What personal damages have been sustained by the successors or heirs of pre-deceased members of the group, and what is the monetary value of the compensation to which they are entitled?

3- THE RELIEF SOUGHT FOR THE GROUP IN THE CLASS ACTION IS AS FOLLOWS:

**RECEIVE** the claim of the petitioner in the class action suit for herself and for all the members of the group;

**DECLARE** the respondents solidarily liable for the damages sustained by the petitioner and the members of the group;

**DECLARE** that the respondent, the Government of Canada, has an obligation to take all required steps, from the date of judgment in the present matter, to prevent any migration of contaminants in the water and/or the ground, beyond the limits of its properties in Valcartier (USS VALCARTIER AND DRDC) towards the territory of the municipality of Shannon including the sector of family dwellings situated on the properties of the Government of Canada, whose presence in the environment is likely to have a negative impact on the life, health, safety, well-being or comfort of human beings, or to damage or otherwise harm the quality of land, vegetation, wildlife or property in the territory of the municipality of Shannon;

**ORDER** the Government of Canada to take all required steps from the date of judgment in this matter, to prevent any migration of contaminants in the water and/or the ground, beyond the limits of its properties in Valcartier (US VALCARTIER AND DRDC) towards the territory of the municipality of Shannon including the sector of family dwellings situated on the properties of the Government of Canada, whose presence in the environment is likely to have a negative impact on the life, health, safety, well-being or comfort of human beings;

**ORDER** the Government of Canada to carry out, from the date of judgment in this matter, a full characterization of the whole area presently affected or likely to be affected by contamination from trichloroethylene, its degradation by-products such as vinyl chloride of vinyl and cis- and trans- dichloroethylene cis and trans, or any other contaminant likely to contaminate that area or the territory of the municipality of Shannon.

**ORDER** the Government of Canada to carry out, from the date of judgment in this matter, after the completion of the characterization reports, all the environmental rehabilitation work (ground and water) required to ensure that no contaminant is likely to have a negative effect on the life, health, safety, well-being or comfort of human beings, or to damage or otherwise harm the quality of the land, vegetation, wildlife or property situated in the territory of the municipality of Shannon, all work to be carried out and attested by an expert in the field.

**ORDER** the respondent, SNC Technologies Inc., and its employees, mandataries and agents, to take all required steps from the date of judgment in this matter to prevent any migration of contaminants in the water and/or in the ground beyond the limits of its properties in Valcartier (Quebec and Shannon) towards the territory of the municipality of Shannon whose presence in the environment is likely to have a negative effect on the life, health, safety, well-being or comfort of human beings;

**ORDER** SNC Technologies Inc., and its employees, mandataries and agents, to carry out, from the date of judgment in this matter, a full characterization of the whole area presently affected or likely to be affected by contamination from trichloroethylene, its degradation by-products such as vinyl chloride and cis- and trans- dichloroethylene, or any other contaminant likely to contaminate that area or the territory of the municipality of Shannon.

**ORDER** SNC Technologies Inc., and its employees, mandataries and agents, to carry out, from the date of judgment in this matter, after the completion of the characterization reports, all the environmental rehabilitation work (ground and water) required to ensure that no contaminant is likely to have a negative effect on the life, health, safety, well-being or comfort of human beings, or to damage or otherwise harm the quality of the land vegetation, wildlife or property situated in the territory of the municipality of Shannon, all work to be carried out and attested by an expert in the field.

**CONDEMN** solidarily the co-respondents to pay to the applicant the following amount, as compensatory damages:

1- For the loss of her well	\$6 000
2- For forced dispossession of part of her property right and exercise of that right	\$20 000
3- For the additional expenses in the form of municipal taxes and user fees for the municipal water supply in excess of the amount normally paid for the operation and maintenance of her individual well which is now condemned	\$15 400
4- Damage to physical integrity	\$10 000
5- Damage to psychological integrity	\$20 000
6- Disturbance and inconvenience	\$10 000
<b>TOTAL</b>	<b>\$81 400</b>

The whole bearing interest at the legal rate from the date of the summons, the additional indemnity provided for in article 1619 of the Civil Code of Quebec as well as interest on the accrued interest on the principal, as stipulated in article 1620 of the Civil Code of Quebec;

**CONDEMN** solidarily the respondents to pay to the applicant punitive damages in the amount of \$100,000, with interest at the legal rate from the date of the summons, the additional indemnity provided for in article 1619 of the Civil Code of Quebec, and interest on the accrued interest on the principal, as stipulated in article 1620 of the Civil Code of Quebec;

**CONDEMN** the respondents solidarily to pay to each of the members of the group the amount of his/her claim as compensatory damages which will be proven during the hearing, and punitive damages in the amount of \$100 000, the whole with interest at the legal rate from the date of the summons, the additional indemnity provided for in article 1619 of the Civil Code of Quebec as well as interest on the accrued interest on the principal, as stipulated in article 1620 of the Civil Code of Quebec, the group being composed of approximately 2 000 members;

**ORDER** the payment of the individual claims of the members of the group in accordance with the provisions of articles 1037 to 1040 of the Code of Civil Procedure;

**RESERVE** the right of the petitioner and the members of the group to claim for damages which are not as yet manifest, by reason of the contamination caused by the respondents.

- 4- The members of the group are bound by any future judgment in this class action suit, unless they exclude themselves from it by informing the clerk of the Superior Court of Quebec, 300, Jean-Lesage Boulevard Quebec G1K 8K6), by registered mail no later than June 18<sup>th</sup> 2007. A member may make intervene before the Court if the intervention is considered useful for the group. No member of the group other than an intervener may be required to pay the costs of the class action suit.

- 5- The complete texts of the notices to the members are available at the Office of the Clerk of the Superior Court in the district of Quebec and on the websites of the representatives of the group:

**Regroupement des citoyens de Shannon**  
15, rue King, Shannon (Québec) G0A 4N0  
<http://shannoninfotce.tripod.com/index.html>

**In the event of a divergence between this notice and the complete texts, the latter will prevail.**

**FOR INFORMATION CONCERNING THE GROUP:**

**Me Charles-A. Veilleux**  
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Quebec City, April 17<sup>th</sup>, 2007  
MORENCY, SOCIÉTÉ D'AVOCATS S.E.N.C.  
Attorneys for the petitioner

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