

**SUPERIOR COURT
(Class Action Division)**

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N° : 500-06-000076-980
500-06-000070-983

DATE : July 20, 2011

PRESIDING: THE HONORABLE BRIAN RIORDAN, J.S.C.

N° 500-06-000076-980

CONSEIL QUÉBÉCOIS SUR LE TABAC ET LA SANTÉ

and

JEAN-YVES BLAIS

Plaintiffs

v.

JTI-MACDONALD CORP. ("JTI")

and

IMPERIAL TOBACCO CANADA LTÉE ("ITL")

and

ROTHMANS, BENSON & HEDGES INC. ("RBH")

Defendants / Plaintiffs in Warranty (collectively: the "**Companies**")

v.

PROCUREUR GÉNÉRAL DU CANADA (the "AG")

Defendant in Warranty

**JUDGMENT ON PLAINTIFFS' MOTION
FOR APPROVAL OF A NOTICE TO CLASS MEMBERS**

AND

N° 500-06-000070-983

CÉCILIA LÉTOURNEAU

Plaintiff

c.

JTI-MACDONALD CORP.

and

IMPERIAL TOBACCO CANADA LTÉE

and

ROTHMANS, BENSON & HEDGES INC.

Défenderesses / Demanderesses en garantie

v.

PROCUREUR GÉNÉRAL DU CANADA

Defendant in Warranty

**JUDGMENT ON PLAINTIFFS' MOTION
FOR APPROVAL OF A NOTICE TO CLASS MEMBERS**

[1] Plaintiffs seek approval of a form of notice to be published to the attention of class members announcing the hearing on their motion to approve a transaction between them and the Government of Canada. That hearing is scheduled for two days: August 31 and September 1, 2011.

[2] During the present hearing, in spite of Plaintiffs' argument that the Companies have no standing in the matter, the Court heard the Companies on the question of the form and content of the notice and the proper publication requirements. Much of what they said appealed to us and, so it would seem, to the Plaintiffs, since they consented to many of the suggested changes to the initial draft notice.

[3] As to the form and content, the Court annexes to this judgment the full text of the notice to be published. It adopts the great majority of the Companies' suggestions, along with a certain amount of editing undertaken by the Court. We are sensitive to the concern that any such notice must be as readable as possible for the average person and this was the major objective sought in the editing process.

[4] On a side point, the agreement signed between the Plaintiffs and the Government of Canada is in French. The Court hereby orders that it be translated and posted on Plaintiffs' attorneys' website by August 1, 2011 in order to permit non-French-speaking class members to take cognizance of it.

[5] As well, the Court notes that, at our request, Plaintiffs' attorneys have undertaken to publish a copy of the actions in warranty on their websites.

[6] As for the publication requirements, after hearing the parties and noting the unanimity on a great number of the points in issue, the Court orders that the final form of notice be published in accordance with the following:

- a. The notice must be published in the following newspapers, in the language of that newspaper:
 - La Presse
 - Le Devoir
 - The Gazette
 - The Globe and Mail
 - Le Journal de Montréal
 - Le Journal de Québec
 - Le Soleil
 - La Tribune
 - Le Droit
 - Le 24 Heures
 - Le Métro
- b. The notice must be published in the indicated newspapers on two dates, one between July 21, 2011 and July 30, 2011 and one between August 8 and August 30, 2011;
- c. The notice must be sent in both languages by e-mail to all class members registered with Plaintiffs' attorneys by July 30, 2011;
- d. The notice must be posted in both languages on the following websites by July 30, 2011:
 - Plaintiffs' attorneys'
 - Conseil québécois sur le tabac et la santé
 - Health Canada
 - The Quebec Class Actions Registry

Hearing Date: July 20, 2011

BRIAN RIORDAN, J.S.C.