

## SULPHUR TRIOXIDE RELEASE

A **settlement agreement** has been reached between Canadian Electrolytic Zinc Ltd. and class representative Jean-Luc Génier in the class action bearing file number 500-06-000489-092. If you were affected by the sulphur trioxide release that occurred on August 9, 2004 in Salaberry-de-Valleyfield, you could receive compensation.

### TERMS OF THE SETTLEMENT

The agreement calls for Electrolytic Zinc to pay **\$1.6 million**. This amount will be disbursed without admission of liability and will be used to pay members' claims, class action lawyers' fees and costs incurred.

The agreement provides for three categories of compensation:

**Category A** : a maximum compensation of **\$1,000** for each member who had to be **hospitalized or to consult a physician** in connection with the sulphur trioxide release of August 9, 2004, within 7 days of the event

**Category B** : a maximum compensation of **\$200** for each member who had an **asthma attack** on the evening of August 9, 2004

**Category C** : a maximum compensation of **\$100** for each member who was in the **Salaberry-de-Valleyfield, Saint-Timothée, Melocheville or Pointe-des-Cascades** areas (as defined in the judgment authorizing the class action) on the evening of August 9, 2004 and who suffered symptoms other than an asthma attack

The other members will not receive individual compensation, but the parties have agreed that **\$500,000** will be used to implement an **environmental remedial measure**, the details of which will be approved by the court at a later date.

The class action lawyers are claiming fees of 25% plus tax. However, the agreement stipulates that the total of these fees and various expenses cannot exceed \$600,000.

### COURT HEARING AND YOUR RIGHT TO PARTICIPATE IN IT

The agreement **must be approved by the Superior Court** before it can come into effect. The Application for approval of the agreement will be heard by the Honourable Justice Chantal Masse on **August 18, 2020 at 9:30 a.m. by virtual hearing**. All class members have **the right to make submissions** to the Court with respect to the settlement or to object to it. To do so, **you must submit your arguments in writing** to class counsel no later than August 11, 2020. A class member who wishes to contest the settlement must submit in his or her challenge :

1. His/her full name, mailing address, telephone number and current e-mail address
2. A declaration that he or she believes he or she is a member of the class action and his or her address in the area if he or she has since moved
3. A brief account of his recollection of the August 9, 2004 release and the harm he suffered as a result
4. A brief statement of the nature of and reasons for the challenge
5. A declaration under penalty of perjury that the above information is true and correct.

Due to the pandemic, **the hearing will be held virtually** through the platform used by the Superior Court. Therefore, **it is mandatory that you specify in your written challenge whether you wish to make oral representations to the Court at the settlement approval hearing.** The **Court will decide whether it is appropriate** to hear the members who have made representations and, if so, will take the appropriate steps to allow them to present their arguments orally.

Class members who do not oppose the agreement do not have to take any steps to make themselves known at this stage. Further notices will be published to explain the claims process if the agreement is approved by the Court.

#### **TO OBTAIN ADDITIONAL INFORMATION OR A COPY OF THE AGREEMENT**

The proposed agreement is available on the website of class counsel : <https://tjl.quebec/en/class-actions/sulphur-trioxide-cloudderaspe-v-zinc-electrolytique/>. If you believe that you are a member of the class action and wish to receive additional information about the agreement, you may **contact** class counsel at the following coordinates :



**Trudel Johnston & Lespérance**  
750, Côte de la Place d'Armes, suite 90  
Montréal (Québec) H2Y 2X8  
Toll-free : 1 844 588-8385  
[info@tjl.quebec](mailto:info@tjl.quebec)

#### **JUDGMENTS DECLARING ABUSE**

The Superior Court invites the members to exercise the utmost **vigilance** because of the many abuses of process that took place in this case.

In this regard, on May 15, 2020, the Superior Court declared NGO Environment and Justice and Maria A. Correnti and/or Alejandra Correnti **vexatious litigants**. The Court found that the behaviour adopted by NGO Environment and Justice and Ms. Correnti reproduced the behaviour of Chantal Desjardins, the lawyer who first represented the group. However, in September 2015, the Superior Court had declared Chantal Desjardins a vexatious litigant and concluded that she was incapable of pursuing the class action. The Court of Appeal upheld that decision.