

Turcot Project Class Action

Notice of Settlement Approval Hearing

**IN THE CASE OF *PAQUIN VS. THE ATTORNEY GENERAL OF QUEBEC*
QUEBEC SUPERIOR COURT NO: 500-06-000843-173**

PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS

Detailed information and updates will be available on the Settlement Website of the Claims Administrator at the following address:

www.velvetpayments.com/turcot

A proposed Settlement has been reached with respect to the class action commenced by Giovanni Paquin (“Plaintiff”) against the Attorney General of Quebec and authorized by the Superior Court of Quebec on August 21, 2018, in the judicial district of Montreal (the “Court”) under docket number 500-06-000843-173 (the “Class Action”).

WHO IS A CLASS MEMBER?

All residents, who at any time since March 21, 2015, resided within 350 meters of that section of the Saint-Jacques Street, (including the Saint-Jacques overpass), which runs West to East, intersecting the West perimeter of Girouard Avenue in the City of Montreal, Borough of Notre-Dame-de-Grâce, and the East perimeter of Decarie Boulevard in the same Borough. Please read this notice carefully as only Eligible Class Members may be entitled to financial compensation.

For the purpose of the Settlement, the settlement class is comprised of all residents, who at any time since March 21, 2015, have resided at one of the addresses listed hereafter:

- Even addresses from 906 to 1100 inclusively on Addington Avenue;
- Even addresses from 940 to 1106 inclusively and odd addresses from 901 to 1091 inclusively on Girouard Avenue;
- Even addresses from 922 to 1068 inclusively and odd addresses from 929 to 1087 inclusively on Old Orchard Avenue;
- Even addresses from 916 to 1012 inclusively on Oxford Avenue;
- Odd addresses from 933 à 967 inclusively on Harvard Avenue;
- Even address 5610 and odd addresses from 5451 to 5695 inclusively on St-Jacques Street;
- Even addresses from 5450 to 5570 inclusively and odd addresses from 5529 to 5567 inclusively on Upper Lachine Road;
- Odd addresses from 941 to 1943 inclusively on Prud’homme Avenue;

- Even addresses from 952 to 1082 inclusively on Decarie Boulevard;
- Even addresses from 5306 to 5314 inclusively on Crowley Avenue.

WHO IS AN ELIGIBLE CLASS MEMBER?

Eligible Class Members are all residents, who at any time in 2016 and 2017, have resided within the perimeter eligible for compensation (Appendix 1.3) at one of the addresses listed in Appendix 2.2 of the Settlement, and summarized as follows:

- Even addresses from 906 to 972 inclusively on Addington Avenue;
- Odd addresses from de 901 to 923 inclusively on Girouard Avenue;
- Odd addresses from 5451 to 5493 inclusively on St-Jacques Street.

If you would like to exclude yourself from the Class Action, then you must timely and validly request exclusion (i.e. “opt out”) as described in this Notice. In general, only those persons who wish to bring an individual action at their own expense have the interest to exclude themselves from a class action.

SUMMARY:

The lawsuit claims that the ministère des Transports du Québec acted negligently and in violation of the rights of Class Members to peaceful enjoyment of their property. It further alleges that the noise and pollution from the repairs to the Turcot Project have caused Class members abnormal inconveniences. The Defendant denies having any liability.

Eligible Class Members who do not opt out may qualify for compensation under the proposed Settlement.

Plaintiff and Class Counsel believe that the Settlement is in the best interest of the Class Members.

The Settlement is ultimately subject to the Court’s approval. Compensation will only be issued if the Court grants final approval to the Settlement and after the time for appeals has ended and any appeals are resolved.

WHAT THE SETTLEMENT PROVIDES:

Pursuant to the proposed Settlement, a settlement fund of \$168,000 will be used to compensate Eligible Class Members in the amount of \$85 per month per person before deductions for 2016 and \$55 per month per person before deductions for 2017. The fees of the plaintiff’s attorneys, up to a maximum of \$56,100 plus applicable taxes, and their costs and disbursements of up to \$3,500, including taxes, shall be paid from the settlement fund, subject to the Court’s approval. As well, the amount of compensation may increase or decrease depending on the number of claimants. Eligible Settlement Class Members who submit a valid and timely Claim Form may receive compensation (in the form of an Interac e-Transfer). The Claim Form will be available on the

Settlement Website www.velvetpayments.com/turcot.

Only Eligible Class Members may qualify to receive compensation under the proposed settlement as described in this Notice.

HOW TO QUALIFY FOR COMPENSATION:

Eligible Class Members will be able to submit claims for compensation for a period of sixty (60) days (the “Claims Period”) from the date of publication of the Notice of Approval of the Settlement in *The Suburban* newspaper. The Claim Form will be available on the Settlement Website www.velvetpayments.com/turcot.

To qualify for compensation, Eligible Class Members will be required to: (a) within the Claims Period, submit a valid and complete Claim Form, attesting under penalty of perjury where and when he/she lived from January 1st, 2016 to December 31st, 2017. Each Eligible Class Member may submit one (1) Claim Form. For each of these years, one of the following documents can be submitted as proof of residence located in the perimeter eligible for compensation: Lease of a dwelling , Hydro-Québec bills, invoices for telephone or Internet services, Notice of assessment from the tax authority, correspondence from a government agency or a letter from the Chief Electoral Officer of Québec confirming the place of residence.

A claimant who was a minor during the periods covered by the Class Action may prove his/her identity by means of a document issued by a governmental authority, and his/her residence in the perimeter eligible for compensation by showing the place of residence of his/her parents in a manner provided for in the paragraph above.

In order to receive compensation from the Settlement, Eligible Class Members must have a valid e-mail address and a bank account capable of receiving payments via Interac e-transfer. Payments by cheque may be requested if necessary. Compensation can only be collected for a period of thirty (30) days after the e-transfer is sent.

SETTLEMENT APPROVAL:

An application to approve the settlement will take place on **October 15, 2020 at 9:30 a.m. in room 2.08** (or any other room to be confirmed at a later date) at the Montreal Courthouse located at 1 Notre-Dame Street East, Montreal, Quebec.

If the proposed Settlement is approved, it will be binding on all Class Members, except those who timely and properly opt out. Unless you opt out from the Settlement, you will lose any right to sue in relation to the Released Claims. Class Members who do not opt out will be subject to the releases as provided in the Settlement regardless of whether or not they submit a Claim Form or ultimately receive any compensation.

Class Members have the right to seek intervenor status in the class action, and no class member other than the representative plaintiff or an intervenor may be required to pay

legal costs arising from the class action.

OPT OUTS AND OBJECTIONS:

Opt Out

If you do not wish to be part of the Class Action and bound by the Settlement, you may opt out of the Settlement **on or before October 12, 2020** (the “Opt Out Period”) by informing the clerk of the Court of your choice to opt out. Any attempt to opt out after this time will not be valid. If you opt out of the class action, you will not be eligible to receive any compensation from the Settlement but you will retain the right to sue on an individual basis in relation to the Released Claims. Your signed request of exclusion must contain all of the following information:

1. The name and Court docket number of this case, which is: *Paquin vs. Attorney General of Quebec* (500-06-000843-173);
2. Your name, address, phone number(s) and email address; and
3. Specific confirmation that you wish to exclude yourself (opt out) of the Class Action against the Attorney General of Quebec and the Settlement.

The request for exclusion (opt out) must be sent by mail to the Court at the following address **on or before October 12, 2020**:

TO: Greffe de la Cour supérieure du Québec
PALAIS DE JUSTICE DE MONTRÉAL
1 Notre-Dame Street East
Room 1.120
Montréal, (Québec), H2Y 1B5

If you do not timely and properly opt out of the Class Action within the Opt Out Period, you will irrevocably be bound by all the terms and conditions of the Settlement in the event it is approved by the Court.

Objections

So long as you do not opt out, you may object to the settlement by explaining to the Court that you think the proposed Settlement terms are unfair. Those who object to the Settlement will remain part of the Settlement Class and will lose any right to sue in relation to the Released Claims.

If you wish to object to the proposed Settlement, you must send a written notice of objection to the clerk of the Court at the same address as above by **October 12, 2020**. Any attempt to object after this time will not be valid. Your written objection should include: (a) your name, address, e-mail address and telephone number(s); (b) a brief statement of the reasons for your objection; and (c) whether you plan to attend the hearing in person or through a lawyer, and if by lawyer, the name, address, e-mail address and telephone number of the lawyer.

Class Members who do not oppose the proposed Settlement need not appear at the settlement approval hearing or take any other action at this time.

FURTHER INFORMATION:

A complete copy of the Settlement and detailed information on how to obtain or file a Claim Form are available on the following Settlement Web Site <https://www.velvetpayments.com/turcot> and Class counsel website: www.lpclex.com.

The law firms representing the Plaintiff and the Class Members are the following:

Me Daniel Brook Brook Legal Inc. 3285 Cavendish Boulevard, Suite 440 Montreal, (Québec), H4B 2L9 Tel.: (514) 488-0236 Fax: (514) 221-3502 Email: db@brooklegal.ca Website: www.brooklegal.ca	Me Joey Zukran LPC Avocat Inc. 276 Saint-Jacques Street, Suite 801 Montreal, (Québec), H2Y 1N3 Tel.: (514) 379-1572 Fax: (514) 221-4441 Email: jzukran@lpclex.com Website: www.lpclex.com
---	---

THE ATTORNEY GENERAL OF QUEBEC IS NOT RESPONSIBLE FOR THE ADMINISTRATION OF THE SETTLEMENT OR THE DISTRIBUTION OF THE SETTLEMENT FUND. PLEASE CONTACT CLASS COUNSEL OR THE CLAIMS ADMINISTRATOR – NOT THE COURT OR THE ATTORNEY GENERAL OF QUEBEC – FOR FURTHER INFORMATION.

If there is a conflict between the provisions of this Notice and the Settlement, the terms of the Settlement will prevail.

This notice has been approved by the Superior Court.