

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No. : 500-06-000076-980

(Class Action)
SUPERIOR COURT

CONSEIL QUÉBÉCOIS SUR LE TABAC ET
LA SANTÉ

Applicant

-and-
JEAN-YVES BLAIS

Designated member

v.

IMPERIAL TOBACCO LIMITED
-and-
ROTHMANS, BENSON & HEDGES INC.
-and-
JTI-MACDONALD CORP.

Respondents

NOTICE TO MEMBERS

1. **TAKE NOTICE** that the bringing of a class action has been authorized on February 21st 2004 by judgment of the Honourable Mr. Justice Pierre Jasmin of the Superior Court, for the benefit of the natural persons forming part of the group hereinafter described, namely :

« All persons residing in Quebec who, at the time of the service of the motion [November 19th 1998], suffered from lung cancer, larynx cancer, throat cancer or emphysema, or who, since the service of the motion, developed lung cancer, larynx cancer or throat cancer or have suffered from emphysema after having directly inhaled cigarette smoke, having smoked a minimum of 15 cigarettes per 24 hour period for a prolonged and uninterrupted period of at least 5 years, as well as the legal heirs of all persons who satisfy the above mentioned criteria but who died since the service of the motion. »

2. The Chief Justice has ordered that the class action authorized by the said judgment shall be brought in the district of Montreal;

3. For the purposes of the class action, the status of representative has been ascribed to **CONSEIL QUÉBÉCOIS SUR LE TABAC ET LA SANTÉ**, as the Applicant, and **JEAN-YVES BLAIS**, as the Designated member;

4. The addresses of the Respondents are as follows:

IMPERIAL TOBACCO LTD. 3711, St-Antoine W. Montreal (Quebec) H4C 1B5	ROTHMANS, BENSON & HEDGES INC. 8401, 19 th Avenue Montreal (Quebec) H1Z 4J2	JTI-MACDONALD CORP. 2455, Ontario E. Montreal (Quebec) H2K 1W3
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5. The principal questions of fact or law to be dealt with collectively are as follows:

- Did the Respondents manufacture, market, commercialize a product that was dangerous and harmful to consumers' health?
- Did the Respondents know and were they presumed to know the risks and dangers associated with the consumption of their products?
- Did the Respondents implement a systematic policy of non-disclosure of these risks and dangers?
- Did the Respondents trivialize or deny these risks and dangers?
- Did the Respondents set up marketing strategies conveying false information on the characteristics of the good sold?
- Did the Respondents knowingly place on the market an addictive product and did they purposely refuse to use parts of tobacco with nicotine levels low enough to end the addiction of a large number of smokers?
- Did the Respondents conspire between themselves to prevent the users of their products from being informed of the dangers inherent to the consumption of their products?
- Did the Respondents intentionally infringe upon the group members' right to life, safety and integrity?

6. The conclusions sought with relation to such questions are as follows:

- a) GRANT the action for damages of the Applicant and of each member of the group;

- b) DECLARE the Respondents jointly and solidarily liable for the damages suffered by M. BLAIS and each member of the group;
 - c) CONDEMN the Respondents to indemnify the members of the group for the damages suffered
 - d) CONDEMN the Respondents to pay punitive damages to each member of the group for the infringement of their right to life and safety;
 - e) RESERVE the right of each member to claim for future damages related to tobacco consumption;
 - f) ORDER the Respondents that there be paid, as a measure of reparation, from the indemnity granted to members and up to the proportion that the Tribunal will deem appropriate, the sums necessary to set up a fund the goals of which are to institute measures designed to limit cigarette consumption (notably, through information, education and treatment of people inclined to smoke or addicted to tobacco products) and contribute to medical research for diseases linked to tobacco;
 - g) CONDEMN the Respondents to pay to the Applicants and to each member of the group, interests at the legal rate from the date of the motion as well as the additional indemnity of article 1619 C.C.Q.
7. The class action to be brought by the representative for the benefit of the group will consist of an action in damages ;
 8. Any member of the group who has not requested his exclusion in the manner hereinafter indicated, will be bound by any judgment rendered on the class action;
 9. The date after which a member can no longer request his exclusion without special permission, has been set at 30 days after the publication of the last notice, July 13th 2005;
 10. A member who has not already brought a suit in his own name, may request his exclusion from the group by advising the clerk of the Superior Court of the district of Montréal by registered or certified mail, before the expiry of the delay for exclusion;
 11. Any member of the group who has brought a suit which the final judgment on the class action would decide, is deemed to have requested his exclusion

from the group if he does not, before the expiry of the delay for exclusion, discontinue such suit;

12. A member of the group other than a representative or an intervenant cannot be condemned to pay for the costs of the class action;
13. The Court may permit a member to intervene in the class action if it considers such intervention useful to the group. An intervening member may be bound to submit to examination on discovery or a medical examination, or both, at the request of the respondent. A member who does not intervene in the class action can only be required to submit to an examination on discovery or a medical examination if the Court considers it useful.

MONTREAL, May 30th 2005

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