

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

In the matter of a Claim under the  
*Class Proceedings Act, 1992, S.O. 1992, c. 6*

B E T W E E N:

**GORDON EGAN, KEVIN KUNKA,  
SCOTT PETRIE and PAUL CROZIER**

Plaintiffs

- and -

**NATIONAL RESEARCH COUNCIL OF CANADA and  
CARLETON UNIVERSITY**

Defendants

***NOTICE UNDER THE CLASS PROCEEDINGS ACT, 1992***

**THE CLASS OF CLAIMANTS:**

To all persons owning real property at or after December 23, 2015 in the area within the Township of Mississippi Mills, Ontario, more particularly described as the 69 properties within the boundary demarcated by the orange in the drawing at Schedule "A" attached hereto, excluding the National Research Council of Canada and the Crown (the "Class Area").

The Class was also defined by the Court to include a subclass (Subclass A), being members of the above defined Class where PFAS compounds have never been detected in their drinking water, or only detected at levels below Health Canada's screening values.

**THE NATURE OF THE LAWSUIT:**

This lawsuit against the National Research Council of Canada was certified as a Class Proceeding by Order of the Court, dated July 7, 2021.

Members of the Class and Subclass A who do not opt out of the Class Proceeding shall be entitled to participate in an action that seeks to recover damages they allegedly sustained as a result of the alleged contamination of lands and groundwater by the activities carried on at the National Fire Laboratory located at 833 Ramsay Concession 8, Carleton Place, Ontario. The Class Proceeding will permit each of the Class Members (including members of Subclass A) to participate in the action seeking recovery of damages allegedly suffered by them as a result of the contamination or possible contamination of their lands and groundwater, including general damages, damages for remediation and damages for any loss in value of their property which may be sustained by them.

**RELIEF SOUGHT - FULL COMPENSATION FOR ALL DAMAGES SUSTAINED:**

The lawsuit claims general damages for any loss in value of their property, interest and legal costs.

**REPRESENTATIVE PLAINTIFFS:**

The lawsuit has been started by Gordon Egan, Kevin Kunka and Paul Crozier represented by their lawyer, Michael Hebert of the law firm Mann Lawyers LLP. Paul Crozier has been appointed as the Representative Plaintiff for the Class, and Gordon Egan and Kevin Kunka have been appointed as the Representative Plaintiffs for Subclass A.

**RIGHT TO OPT OUT OF THE LAWSUIT:**

Members of the Class (including members of Subclass A) who wish to participate in the Class Action need not do anything at this time. They are automatically included in the Class Proceeding.

Class Members (including members of Subclass A) who do not wish to participate in the Class Action must opt out.

If you do not want to be part of this lawsuit and want to be excluded from the Class of Claimants, you must complete and sign the Opt Out Election Form attached hereto and deliver it to the following by registered mail, facsimile transmission, e-mail or personal delivery:

**Michael S. Hebert, Mann Lawyers LLP,  
11 Holland Avenue, Suite 300, Ottawa, Ontario, K1Y 4S1,  
Facsimile: 613-722-7677, E-mail: NRCaction@mannlawyers.com**

IF YOU SHARE OWNERSHIP OF YOUR PROPERTY WITH ANY OTHER PERSON, THE OPT OUT ELECTION FORM MUST BE COMPLETED AND SIGNED BY ALL OWNERS OF THE PROPERTY.

The deadline for opting out is **JUNE 9, 2022**. No one will be permitted to opt out after the expiry of this deadline.

If you do not opt out you will remain a Class Member in the lawsuit and cooperate in the proceeding as required and comply with the terms of the retainer, which is subject to Court approval.

**FINANCIAL CONSEQUENCES OF THE CLASS PROCEEDINGS TO YOU:**

We are seeking, on your behalf, damages to compensate you for the alleged contamination of your lands and groundwater.

The Representative Plaintiffs have agreed with their lawyer that the legal costs in these proceedings will only be payable in the event of success in the Class Action. The firm of Mann Lawyers LLP will receive 30% of any damages recovered pursuant to a Retainer Agreement signed by the Representative Plaintiffs which will be subject to approval by the Court. No fees are payable by any Class Member unless a recovery is made from the Defendants.

Any Judgment, whether favourable or not, will bind all Class Members (including members of Subclass A) who do not opt out of this proceeding. This means that, unless you opt out, you cannot start your own action for the same claim.

Each Class Member (including members of Subclass A) who has not opted out will need to participate in the proceedings by providing information, documentation and other details of their losses as required by the Representative Plaintiffs or the Court. At this time, you will need to

provide us with your name, address of the property within the Class Area, your mailing address, your telephone number and your email address. You may provide this information to the contact information below.

If you choose not to participate in this proceeding and opt out as a member of the Class before **JUNE 9, 2022** you will have agreed that you are not part of this lawsuit and will receive absolutely no compensation for any damages that may be awarded in this lawsuit. You will, however, retain any right you may have to bring your own lawsuit.

**ADDITIONAL INFORMATION:**

If you want to find out more about this lawsuit, please contact:

Michael S. Hebert  
Mann Lawyers LLP  
11 Holland Avenue, Suite 300  
Ottawa, Ontario, K1Y 4S1  
Telephone: (613)722-1500, Ext. 272  
Facsimile: (613)722-7677  
E-mail: [NRCAction@mannlawyers.com](mailto:NRCAction@mannlawyers.com)

This notice is being provided pursuant to an Order of the Ontario Superior Court of Justice

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**NATIONAL RESEARCH COUNCIL OF CANADA and  
CARLETON UNIVERSITY**

Defendants

**OPT OUT ELECTION FORM**

By completing this Opt-Out Election Form, you are choosing to irrevocably opt out of this lawsuit and are confirming that you do not wish to participate in this class action and that you will be excluded from any settlement or any damages that may be awarded by the Court.

This form must be fully completed and must be received on or before **5:00 p.m. on JUNE 9, 2022**. Opt-Out Election Forms not fully completed and received by **5:00 p.m. on JUNE 9, 2022** will not be accepted.

Opt Out Election Forms must be completed and signed by **ALL** owners of a property where title is held by more than one person.

Your Name (required): \_\_\_\_\_

Address of your property within the Class Area (required): \_\_\_\_\_

Your Mailing Address (required): \_\_\_\_\_

\_\_\_\_\_

Your Telephone Number: (required): \_\_\_\_\_

Your email address (optional): \_\_\_\_\_

**DECLARATION**

I declare that I wish to opt out of this lawsuit.

I understand that by submitting this Opt-Out Election Form, I will be excluded from the class action and will not be bound by its outcome. As a result, I will not receive any portion of any damages that may be awarded by the Court, or any settlement that may be reached in the lawsuit, but I will retain any right I may have to bring my own lawsuit.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

SCHEDULE "A"



V:\c\1318\07\work\_group\2012\228\active\1221117\1\GIS\W\CD\H\B\H\A\_L\_Residence\Residential\_Sampling\_Update\_Jan2018\12217060\_1\1\_CrnlBoundary\_Residence\_Offered\_Sampling\_217.mxd  
 Author: 20170610 by: cbe



- Legend**
- Site Boundary
  - Study Area
  - Watercourse

**Notes**

1. Coordinate System: NAD 1983 MTM 9
2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2016.
3. Orthomagery © First Base Solutions, 2017. Imagery taken in 2008.

February 2018  
Project No. 12217060

Client/Project  
National Research Council  
National Fire Laboratory  
833 Ramsay Concession 8, Mississippi Mills, ON

Figure No.

**1**

Title

**Geographic Boundaries of the  
69 Residences Offered Sampling**