

NOTICE OF CERTIFICATION OF THE MUD LAKE FLOODING CLASS ACTION – JOHN CYRILLE CHIASSON V. NALCOR ENERGY

What is the class action about?

Class Members are advised of certification of a class action arising from flooding of the Churchill River between May 16-17, 2017. The Defendant is Nalcor Energy.

The class action seeks compensation for damage caused to Properties, including diminution of the value of Properties, and for any physical and/or psychological injuries suffered by Class Members. The claim alleges the causes of action of nuisance and negligence.

Who is included?

All persons who were Owner or Non-Owner Class Members as of May 17, 2017, such sub-classes defined as:

a. Owner Class Members: An individual (other than the Defendant and its parent companies, affiliates or subsidiaries) who owned or co-owned real property within any of the three areas identified in red on Schedule “A” to the Certification Order.

b. Non-Owner Class Members: An individual (other than the Defendant and its parent companies, affiliates or subsidiaries) who resided in any of the three areas identified in red on Schedule “A” to the Certification Order but who did not own real property located within any of the areas.

Representative Plaintiff:

John Cyrille Chiasson
c/o Wagners
1869 Upper Water St.
PH301, Pontac House
Halifax, NS B3J1S9

Class Counsel Compensation:

The Representative Plaintiff has entered into a Contingency Fee Agreement with Wagners. Wagners will apply to the Court at the conclusion of the case to have its legal fees approved. Wagners will pay for all case expenses incurred in advancing the case and if the case is successful, Wagners will apply to the court to be reimbursed for these case expenses. If the case is not successfully settled or tried, Wagners will not be paid or be reimbursed for any expenses.

Will it cost me anything to participate?

You do not have to pay anything out of pocket to participate in the class action, and you will not be liable for any legal costs of the Defendant should the trial be unsuccessful. Class Members are encouraged to contact Wagners for further explanation of costs.

What options do Class Members have?

If you are a Class Member and as of January 19, 2022 resided in Newfoundland and Labrador, you do not need to do anything at this point to get the benefit of any ruling on the common issues of whether the Defendant was negligent or committed the tort of nuisance. A judgment on the common issues, whether favourable or not, will bind all resident Class Members who do not opt-out.

If the common issues are resolved in favour of the Class, Class Members will need to advance an individual claim, and any remaining individual issues will need to be addressed in a manner to be determined by the Court.

If you are a resident of Newfoundland and Labrador and wish to be excluded from the Class you must opt-out of the class action by sending an Opt-Out Form to Wagners by mail or email on or before April 9, 2022. By opting out you will exclude yourself from the benefit of any settlement or trial.

If you are a Class Member and as of January 19, 2022 reside outside of Newfoundland and Labrador, and wish to participate in the class action, you must opt in to the class action by delivering a completed Opt-In Form to Wagners by mail or email on or before April 9, 2022.

To access an Opt-Out or Opt-In Form, or to obtain further information, visit www.wagners.co or contact Wagners at:

Wagners
1869 Upper Water St.
Suite PH 301, Pontac House
Historic Properties
Halifax NS B3J 1S9
Toll Free: 1-800-465-8794 / Email: classaction@wagners.co

This summary notice has been approved by The Supreme Court of Newfoundland and Labrador.

Do not Contact the Court about this Certification.