

# **WEST SAINT JOHN SAFE CLEAN DRINKING WATER PROJECT CLASS ACTION**

**Do you reside or own property in West Saint John?  
If YES, A Class Action May Affect Your Rights. Read This  
Notice Carefully.**

*A court authorized this notice. You are not being sued.*

This class action covers all persons, including individuals, partnerships and corporations, who were the owner or occupant of an Affected Property from September 2017 to August 31, 2018.

"Affected Property" is defined as those commercial, residential, and other properties in West Saint John subject to a change in water source from the Spruce Lake Reservoir to a new well source under the Safe Clean Drinking Water Project.

- You could be affected by a class action lawsuit.
- A Court has allowed a lawsuit to proceed as a class action for owners and occupants of property in West Saint John who were subject to a change in water source from the Spruce Lake Reservoir to a new well source under the Safe Clean Drinking Water Project.
- The Court has not decided whether the City of Saint John did anything wrong, and there still has to be a court case about whether the City of Saint John did anything wrong. The City denies any liability. There is no money available now and no guarantee there will ever be any money. However, your rights are affected, and you have a choice to make now. This notice is to help you make that choice.

**QUESTIONS? CALL (506) 634-3600 (TOLL FREE 1-833-630-1777) (TTY: 711) OR  
VISIT [WWW.WESTSIDEWATER.CA](http://WWW.WESTSIDEWATER.CA)**

<b>YOUR LEGAL RIGHTS AND OPTIONS AT THIS STAGE</b>	
<b>IF YOU RESIDE IN NEW BRUNSWICK:</b>	
<b>Do Nothing</b>	<p><b>Stay in this class action and wait for the outcome. Share in possible benefits from the outcome but give up certain individual rights.</b></p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlement from this class action. But, you give up any rights to sue the City of Saint John on your own about the same legal claims in this lawsuit.</p>
<b>Remove Yourself (Opt Out)</b>	<p><b>Get out of this class action and get no benefits from it. Keep rights.</b></p> <p>If you ask to be removed (opt out) and money or benefits are later awarded, you won't share in those. But, you keep any rights to sue the City of Saint John on your own about the same legal claims in this lawsuit.</p>
<b>IF YOU RESIDE OUTSIDE OF NEW BRUNSWICK:</b>	
<b>Include Yourself (Opt In)</b>	<p><b>Stay in this class action and wait for the outcome. Share in possible benefits from the outcome but give up certain individual right</b></p> <p>By filing an opt in form, you keep the possibility of getting money or other benefits that may come from a trial or settlement from this class action. But, you give up any rights to sue the City of Saint John on your own about the same legal claims in this lawsuit.</p>
<b>Do Nothing</b>	<p><b>Get out of this class action and get no benefits from it. Keep rights.</b></p> <p>If you want to be removed and money or benefits are later awarded, you won't share in those. But, you keep any rights to sue the City of Saint John on your own about the same legal claims in this lawsuit.</p>

- Lawyers must prove the claims against the City of Saint John at trial or a settlement must be agreed upon. If money or benefits are obtained you will be notified about how to ask for your share.
- Your options are explained in this notice. To be removed from the lawsuit, you must ask to be removed by [September 25, 2019](#).

**QUESTIONS? CALL (506) 634-3600 (TOLL FREE 1-833-630-1777) (TTY: 711) OR VISIT [www.westsidewater.ca](http://www.westsidewater.ca)**

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## BASIC INFORMATION

### 1. Why is there a notice?

This lawsuit has been "certified" as a class action. This means that the lawsuit meets the requirements for class actions and may proceed to trial. If you are included, you may have legal rights and options before the Court decides whether the claims being made against the City of Saint John on your behalf are correct. This notice explains all of these things.

A judge of the Court of Queen's Bench of New Brunswick is currently overseeing this case. The case is known as *Brownell and Steadman v. City of Saint John*, Court File No. [SCJ-82-2018](#). The persons who sued are called the Plaintiffs. The City of Saint John is the Defendant.

### 2. What is this lawsuit about?

The lawsuit says the City of Saint John is responsible for damages caused by the operation of the Safe Clean Drinking Project. The Plaintiffs allege that the City of Saint John's change in water supply to properties in West Saint John caused private water distribution pipes to be damaged and/or fail.

The City of Saint John denies these claims. The Court has not decided whether the Plaintiffs or the City of Saint John is right. The lawyers for the Plaintiffs will have to prove their claims in Court. If you are having a difficult time dealing with these issues you can call (506) 634-3600 (Toll Free 1-833-630-1777) (TTY: 771) for assistance.

### 3. Why is this a class action?

In a class action one or more persons called the "representative plaintiffs" (in this case, Frances Brownell and Cheryl Steadman) sued on behalf of a group of people who have similar claims. All of these people are a "class" or "class members." The court resolves the issues for all class members in one case, except for those who remove themselves from the class.

### 4. Who is a member of the Class?

The Class includes:

All persons, including individuals, partnerships and corporations, who were the owner or occupant of an Affected Property from September 2017 to August 31, 2018.

"**Affected Property**" is defined as those commercial, residential, and other properties in West Saint John subject to a change in water source from the Spruce Lake Reservoir to a new well source under the Safe Clean Drinking Water Project.

### 5. What are the Plaintiffs asking for?

The Plaintiffs are asking for money for the Class. They are also asking for lawyers' fees and expenses, plus interest.

**6. Is there any money available now?**

No money or benefits are available now because the Court has not yet decided whether the City of Saint John did anything wrong. There is no guarantee that money will ever be obtained. If they are, you will be notified about how to ask for your share.

**YOUR RIGHTS AND OPTIONS**

You must decide whether to stay in the Class or whether to remove yourself before a possible trial, and you have to decide this by September 25, 2019.

**7. What happens if I do nothing at all?**

If you reside in New Brunswick and do nothing, you will automatically remain in the lawsuit. You will be bound by all Court orders, good or bad. If any benefit is awarded, you may need to take action in order to receive any benefits.

If you reside outside of New Brunswick and do nothing, you will not receive any benefit that may be obtained from the lawsuit. You will not be bound by any Court orders and you keep your right to sue the City of Saint John as an individual regarding the issues in this case.

**8. What if I don't want to be in the lawsuit?**

If you reside in New Brunswick and do not want to be in the lawsuit, you must remove yourself. This is sometimes called "opting out." If you remove yourself, you will not receive any benefit that may be obtained from the lawsuit. You will not be bound by any Court orders and you keep your right to sue the City of Saint John as an individual regarding the issues in this case.

To remove yourself, send an Opt Out Form available at website [www.westsidewater.ca](http://www.westsidewater.ca) or a legible written request to opt out of the class action *Brownell and Steadman v. City of Saint John* by mail to City of Saint John Water Class Action, Suite 3-505, 133 Weber St N, Waterloo, ON N2J 3G9, email to [westsidewater@gmglaw.com](mailto:westsidewater@gmglaw.com). Include your name, address, telephone number, and signature.

Call (506) 634-3600 (Toll Free 1-833-630-1777) (TTY: 711) if you have any questions about how to opt out of the Class.

**9. Will staying in the class action impact my current supports or services?**

No. Staying in this class action will not impact the current supports or services received from the City of Saint John.

**THE LAWYERS REPRESENTING YOU**

**10. Do I have a lawyer in the case?**

Yes. The Court has appointed Koskie Minsky LLP from Toronto and Gilbert McGloan Gillis from Saint John to represent you and other Class Members as "Class Counsel." You will not be charged for these lawyers. They may only be paid if the class action is successful. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

**11. How will the lawyers be paid?**

Class Counsel will only be paid if they win at trial or if there is a settlement. The Court has to also approve their request to be paid. The fees and expenses could be deducted from any money obtained for the Class, or paid separately by the City of Saint John.

**AT TRIAL**

**12. How and when will the Court decide who is right?**

If the lawsuit is not dismissed or settled, the Plaintiffs will have to prove their claims at trial that will take place in Saint John. During the trial, a court will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or the City of Saint John is right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

**13. Will I get money after the trial?**

If the Plaintiffs obtain money as a result of a trial or settlement, class members will be notified about how to ask for a share or what your other options are at that time. These things are not known right now. Important information about the case will be posted on the website, [www.westsidewater.ca](http://www.westsidewater.ca), as it becomes available.

**GETTING MORE INFORMATION**

**14. How do I get more information?**

You can get more information at [www.westsidewater.ca](http://www.westsidewater.ca), by calling (506) 634-3600 (Toll Free 1-833-630-1777) (TTY: 711), or writing to: City of Saint John Water Class Action, Suite 3-505, 133 Weber St N, Waterloo, ON N2J 3G9, or by email at: [westsidewater@gmglaw.com](mailto:westsidewater@gmglaw.com).

If you wish to provide it, it is useful for class counsel to have further information about your experiences in advancing the class action, and to be able to provide you with updates about the case in the future.