

2004

Hfx. No. 218010

SUPREME COURT OF NOVA SCOTIA

BETWEEN:



NEILA CATHERINE MACQUEEN, JOSEPH M. PETITPAS,
ANN MARIE ROSS, and KATHLEEN IRIS CRAWFORD

Court Administration

MAY 01 2012

Plaintiffs

Halifax, N.S.

- and -

SYDNEY STEEL CORPORATION, a body corporate; THE ATTORNEY GENERAL OF
NOVA SCOTIA representing Her Majesty the Queen in right of the Province of Nova Scotia;
~~CANADIAN NATIONAL RAILWAY COMPANY, a body corporate;~~ and
THE ATTORNEY GENERAL OF CANADA representing Her Majesty the Queen in right of
Canada.

Defendants

Proposed Class Proceeding, under the
Class Proceedings Act, S.N.S. Acts of 2007, c. 28

ORDER

BEFORE THE HONOURABLE JUSTICE J.D. MURPHY

UPON a motion for certification having been filed with this Court by the
Plaintiffs on Friday, the 21st day of May, 2010 and Wednesday, the 15th day of
December, 2010, for an Order that the within class proceeding be certified;

AND WHEREAS the Motion for Certification was heard on December 7, 8, 9;
15, 16, 17, 18, 2009; January 20, 21; April 22, 23; June 21, 22, 23, 24; September
21; October 18; 27; December 15; July 6, 2011.

AND UPON hearing the submissions of Raymond F. Wagner, C. Scott Ritchie,
Q.C., Michael G. Robb and Michael Dull, solicitors for the Plaintiffs;

AND UPON hearing the submissions of Agnes MacNeil and Alison Campbell,
solicitors for the Defendant Attorney General of Nova Scotia, and Michael Donovan,

Q.C., Angela Green, Melissa Chan and Paul Evraire, Q.C., solicitors for the Defendant Attorney General of Canada;

AND UPON REVIEW of the materials filed herein;

AND UPON hearing the evidence of the affiants cross examined before the Court;

IT IS HEREBY ORDERED that:

1. For the purposes of this Order the definitions found at paragraph 1 of the Consolidated Statement of Claim Amended March 11, 2010, apply.
2. This action be and is hereby certified as a class proceeding, pursuant to s.7 of the *Class Proceedings Act*, S.N.S. 2007, c. 28.
3. The Class Boundary is defined as set out in Schedules A and B to this Order;
4. The Classes are defined as:
 - (a) The Property Owner Class: Persons other than the defendants and their parent companies, affiliates or subsidiaries who are the beneficial owners of real property within the Class Boundaries as of the date that notice of the order Certifying this proceeding as a class proceeding is given.
 - (b) The Residential Class: Living Persons who have lived within the Class Boundaries for a minimum of seven (7) continuous years from January 5, 1968 to the date of this Order certifying the proceeding.
5. Neila Catherine MacQueen, Ann Marie Ross, and Kathleen Iris Crawford are hereby appointed as the representative plaintiffs of the Property Owner Class.
6. Neila Catherine MacQueen, Ann Marie Ross, Kathleen Iris Crawford and Joseph Petitpas are hereby appointed as the representative plaintiffs for the Residential Class.

7. The claims asserted on behalf of the Classes are:
 - (a) Breach of fiduciary duty (for both the Property Owner Class and the Residential Class);
 - (b) Negligence (for the Property Owner Class);
 - (c) Trespass (for the Property Owner Class);
 - (d) Battery (for the Residential Class);
 - (e) Negligent Battery (for the Residential Class);
 - (f) Nuisance (for both the Property Owner Class and the Residential Class); and
 - (g) Strict liability (for both the Property Owner Class and the Residential Class).
8. The relief sought for the Residential Class is:
 - (a) damages for nuisance, battery or negligent battery for exposure to the contaminants produced by the defendants;
 - (b) the funding of a "Medical Monitoring Program", supervised by the Court, for the purpose of educating and informing the public and medical community; and
 - (c) punitive and exemplary damages.
9. The relief sought for the Property Owner Class is:
 - (a) general and special damages for the cost of remediation of their property to an acceptable level, or for the cost of replacing property where it cannot be remediated;
 - (b) a declaration that the Defendants have caused the contamination of the Property Owner Class Members' real property by the Contaminants to levels beyond legally permissible, in breach of their common law and equitable duties to Property Owner Class Members; and

- (c) punitive and exemplary damages.

10. The common issues are:

- (a) did the Defendants cause or permit the emission or escape of the Contaminants onto the properties and persons living within the Class Boundaries during the Class Period?
- (b) if the answer to (a) is yes, do the Contaminants emitted pose a risk to the use, and enjoyment of properties contaminated by them?
- (c) are the defendants or any of them strictly liable to Class Members for damages in tort pursuant to the principle in *Rylands v. Fletcher* for the emission or escape of the Contaminants from the properties of the defendants?
- (d) did the Defendants know, should they have known, or were they reckless or wilfully blind when they were causing or permitting the emission or escape of the Contaminants that they created a risk to the use and enjoyment of properties contaminated by them? If so, when did they have or should they have had such knowledge?
- (e) did the discharge of the Contaminants onto the properties and persons, and the presence of the Contaminants on the lands and in the homes of persons living within the Class Boundaries during the Class Period constitute a nuisance?
- (f) did the Defendants owe the Class Members a duty of care to take steps to contain, reduce, minimize or eliminate the emission or escape of the Contaminants?
- (g) did the Defendants breach the duty of care owed to Class Members by failing to take available steps to contain, reduce, minimize or eliminate the emission or escape of Contaminants including but not limited to the implementation of emissions controls, the introduction of cleaner processes, and the use of cleaner raw materials?
- (h) did the Defendants or any of them intentionally cause the Contaminants to come into contact with Class Members so as to constitute a battery at law?
- (i) did the Defendants or any of them carelessly emit or permit the escape of the Contaminants when they knew or ought to have known that they would come into contact with the Class Members so as to constitute a negligent battery at law?

- (j) does the deposition of the Contaminants by the defendants on the properties within the Class Boundaries constitute a trespass at law?
- (k) did Canada and/or Nova Scotia either or both defendants owe the Class Members a fiduciary duty to act in the best interests of Class Members in dealing with the dissemination of information concerning the existence of contamination within the Class Boundaries and the remediation of the contamination within the Class Boundaries? If so, did they breach that duty by:
 - (i) concealing the known nature and effects of the Contaminants;
 - (ii) concealing the health risks associated with exposure to the Contaminants from the Plaintiffs and Class Members by, among other things, advising them that the Contaminants did not represent a risk to property and persons;
 - (iii) continuing to spread the Contaminants within the Class Boundaries in spite of that knowledge; and
 - (iv) declining to remediate the contamination now present on the lands ~~in the~~ within the Class Boundaries?
- (l) is the definitive epidemiological study, proposed by the plaintiffs, an appropriate remedy?
- (m) are the Defendants required to ameliorate the ongoing exposure of Property Owner Class Members to Contaminants they emitted or permitted to escape onto the properties of Class Members within the Class Boundaries either by remediating those properties, or where not possible to effectively do so, by bearing the cost of relocating such Class Members to reasonably equivalent property that does not present such a risk?
- (n) are the defendants liable to compensate members of the Residential Class for their exposure to the Contaminants on the basis of location and duration of residence?
- (o) are the Defendants jointly and severally liable for the remedies set out in issues (n) and (o) or otherwise for the conduct set out in the Statement of Claim?
- (p) is this an appropriate case for assessing some or all damages in the aggregate, pursuant to ss. 32-33 of the *Class Proceedings Act*, S.N.S. 2007, c. 28 ?

- (q) should one or both of Canada and Nova Scotia be liable to pay punitive damages in the aggregate and, if so, what is an appropriate amount of such aggregate damages?

11. The Plaintiffs are to amend their Litigation Plan to address the need for expert evidence to establish that a substance is harmful before its emission is deemed to cause damage and warrant remedy. Subject to this amendment, the Litigation Plan as before the Court is hereby approved.

12. The form of the notice of certification of this action (the "Notice") is as agreed to by the parties and attached hereto as Schedule "C".

13. The Notice shall be:

- (a) posted during regular business hours and available for public viewing at Melnick Hall, 88 Laurier Street Sydney Nova Scotia;
- (b) posted by Class Counsel on its websites;
- (c) appended to a press release circulated by wire service;
- (d) delivered door-to-door to residential properties within the Class Boundaries;
- (e) provided by Class Counsel to any person who requests it;
- (f) published on three consecutive days in the Cape Breton Post;
- (g) published once in The Chronicle Herald;
- (h) published once in the national edition of The Globe and Mail; and
- (i) available orally by recorded message at Class Counsel's toll-free line.

14. The defendants shall bear half the costs of the dissemination of the Notice.

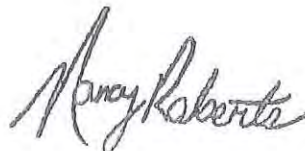
15. The Notice Program shall be implemented on a date to be fixed by the Court upon the approval of the Notice.

16. A Class Member may only opt out of this class action, by submitting a written election to opt-out containing the person's name, address, and a statement of intention to opt out of the Class(es) postmarked, faxed or emailed by the date specified in the Notice (which date shall be 90 days after the date of publication of the Notice), to Wagners Law Firm by mail to P.O. Box 756 Central RPO, 3d Floor, Pontiac House Historic Properties, 1869 Upper Water Street, Halifax, N.S. B3J 1S9, fax # (902) 422-1233, or by email to mike@wagnerslawfirm.com.

17. Within thirty (30) days after the expiration of the opt-out period, Wagners Law Firm shall report to the Court and the parties by affidavit and advise as to the names and addresses of those persons, if any, who have opted out of this class action.

18. The costs of this motion shall be fixed by separate order of this Court following written submissions to be provided to the Court.

May 1, 2012.



Prothonotary

NANCY ROBERTS
Deputy Prothonotary

Consented to as to form:



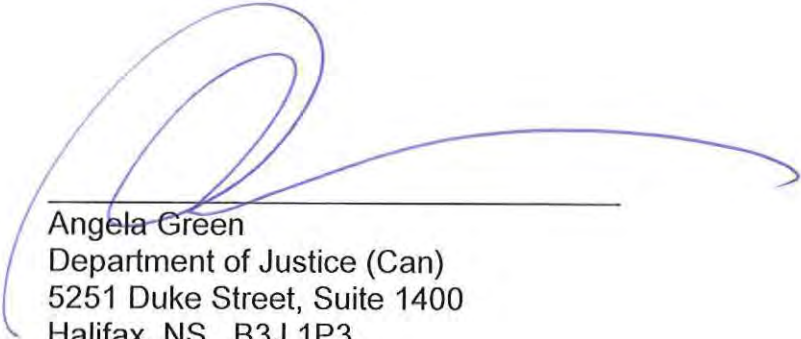
Raymond F. Wagner
Wagners
1869 Upper Water Street
Suite PH 301, Historic Properties
Halifax, NS B3J 1S9
Solicitor for the Plaintiffs

IN THE SUPREME COURT OF NOVA SCOTIA
I hereby certify that the foregoing document,
identified by the Seal of the Court, is a true
copy of the original document on file herein.


Dated the 1 day of May A.D., 2012


Deputy Prothonotary

NANCY ROBERTS
Deputy Prothonotary



Angela Green
Department of Justice (Can)
5251 Duke Street, Suite 1400
Halifax, NS B3J 1P3
Solicitor for the Defendant,
The Attorney General of Canada



Agnes MacNeil
Department of Justice (NS)
5151 Terminal Road, 4th Floor
Halifax, NS B3J 2L6
Solicitor for the Defendant,
The Attorney General of Nova Scotia

SCHEDULE “A”

Sydney Class Action

Class Boundaries Definition

Northern Zone

COMMENCING at a point at Sydney Harbour at the high water mark where it intersects the North Western corner of the property known as PID 15522659 (Civic 1861 Highway 28).

THEN travelling in an Easterly direction along the Northern property line of PID 15522659 (Civic 1861 Highway 28) to where it intersects with the centre line of Highway 28.

THEN travelling in a South Easterly direction along the centre line of Highway 28 direction to where it intersects with the prolongation of the Northern property line of the property known as PID 15626534 (Civic 1696 Victoria Road).

THEN travelling in an Easterly direction along the Northern property line of the property known as PID 15626534 (Civic 1696 Victoria Road), then in a Southerly direction along the Eastern property line of the property known as PID 15626534 (Civic 1696 Victoria Road) and then in a Westerly direction along the Southern property line of the property known as PID 15626534 (Civic 1696 Victoria Road) to where it intersects with the North Western corner of the property line of the property known as PID 15626559 (No Civic).

THEN travelling in a Southerly direction along the Western property line of the property known as PID 15626559 (No Civic) to the South Eastern corner of the property line of the property known as PID 15626542 (Civic 50 Grants Lane), then in a Westerly direction along the Southern property line of the property known as PID 15626542 (Civic 50 Grants Lane) to the South Western corner of the property line of the property known as PID 15626542 (Civic 50 Grants Lane).

THEN travelling in a South Easterly direction along the Western property line of the property known as PID 15626559 (No Civic) to where it intersects with the prolongation of the Northern property line of the property known as PID 15155146 (No Civic).

THEN travelling in a Westerly direction along the prolongation of the Northern property line of the property known as PID 15155146 (No Civic) to the North Eastern corner of the property line of the property known as PID 15155146 (No Civic).

THEN travelling in a Southerly direction along the Eastern property line of the properties known as PID 15155146 (No Civic), PID 15155153 (No Civic), PID 15155161 (No Civic), PID 15155179 (No Civic), PID 15155187 (No Civic), PID 15155195 (No Civic), PID 15155203 (No Civic), PID 15154990 (No Civic), PID 15155005 (No Civic), PID 15155013 (No Civic), PID 15155021 (No Civic), PID 15155039 (No Civic), PID 15155047 (No Civic), PID 15155054 (No

Civic), PID 15154958 (No Civic), PID 15154909 (Civic 78 Dalton Lane) and PID 15154909 (Civic 80 Dalton Lane) to where it intersects with the centre line of Dalton Lane.

THEN travelling in an Easterly direction along the centre line of Dalton Lane to where it intersects with the prolongation of the Northern property line of the property known as PID 15630890 (Civic 48 Dalton Lane).

THEN travelling in an Easterly direction along the Northern property line of the property known as PID 15630890 (Civic 48 Dalton Lane) to the North Eastern corner of the property line of the property known as PID 15630890 (Civic 48 Dalton Lane).

THEN travelling in a Southerly direction along the Eastern property line of the properties known as PID 15630890 (Civic 48 Dalton Lane), PID 15154701 (Civic 32 Dalton Lane), PID 15154693 (Civic 28 Dalton Lane) to the South Eastern corner of the property line of the property known as PID 15154693 (Civic 28 Dalton Lane).

THEN travelling in a Westerly direction along the Southern property line of the property known as PID 15154693 (Civic 28 Dalton Lane) to the South Western corner of the property line of the property known as PID 15154693 (Civic 28 Dalton Lane).

THEN travelling in a Southerly direction along the prolongation of the Western property line of the property known as PID 15154693 (Civic 28 Dalton Lane) to where it intersects with the South Western corner of the property known as PID 15154719 (No Civic).

THEN travelling in an Easterly direction along the Southern property line of the property known as PID 15154719 (No Civic) to where it intersects with the centre line of Gill Street.

THEN travelling in a Southerly direction along the centre line of Gill Street to where it intersects with the centre line of East Broadway.

THEN travelling in an Easterly direction along the centre line of East Broadway to where it intersects with the prolongation of the Eastern property line of the property known as PID 15153059 (Civic 254 East Broadway).

THEN travelling in a Westerly direction along the Southern property line of the property known as PID 15153059 (Civic 254 East Broadway) to where it intersects with the North Western corner of the property line of the property known as PID 15507064 (No Civic).

THEN travelling in a Southerly direction along the Western property line of the property known as PID 15507064 (No Civic) and then in an Easterly direction along the Southern property line of the property known as PID 15507064 (No Civic), to where the prolongation of the line intersects with the centre line of Gibbons Street.

THEN travelling in a Southerly direction along the centre line of Gibbons Street to where it intersects with the centre line of Columbus Avenue.

THEN travelling in an Easterly direction along the centre line of Columbus Avenue to where it intersects with the prolongation of the Western property line of the property known as PID 15149313 (Civic 173 Columbus Avenue).

THEN travelling in a Northerly direction along the Western property line of the property known as PID 15149313 (Civic 173 Columbus Avenue), then in an Easterly direction along the Northern property lines of the properties known as PID 15149313 (Civic 173 Columbus Avenue), PID 15149321 (No Civic) and PID 15149305 (Civic 201 Columbus Avenue) and then in a Southerly direction along the Eastern property line of the property known as PID 15149305 (Civic 201 Columbus Avenue) to where the prolongation of the line intersects with the centre line of Columbus Avenue.

THEN travelling in an Easterly direction along the centre line of Columbus Avenue & Linview Drive to where it intersects with the prolongation of the Eastern property line of the property known as PID 15154321 (Civic 20 Linview Drive).

THEN travelling in a Southerly direction along the Eastern property line of the property known as PID 15154321 (Civic 20 Linview Drive), then in a Southerly direction in a straight line along the prolongation of the line through the properties known as PID 15154198 (412 & 414 Lingan Road) and PID 15154172 (No Civic) to where it intersects with the Northern property line of the property known as PID 15153968 (No Civic).

THEN travelling in an Easterly direction along the Northern property line of the property known as PID 15153968 (No Civic).

THEN travelling in a Southerly direction along the Western property line of the properties known as PID 15153968 (No Civic), PID 15153976 (No Civic), PID 15153984 (No Civic) & PID 15153992 (No Civic) to the South Eastern corner of the property line of the property known as PID 15153992 (No Civic).

THEN travelling in a Southerly direction along the prolongation of the Eastern property line of the property known as PID 15153992 (No Civic) to where it intersects with the centre line of Gatacre Street.

THEN travelling in a South Easterly direction along the centre line of Gatacre Street to where it intersects with the prolongation of the Northern property line of the property known as PID 15143902 (Civic 7 & 9 MacDonald Crescent).

THEN travelling in a North Easterly direction along the Northern property line of the properties known as PID 15143902 (Civic 7 & 9 MacDonald Crescent), PID 15143894 (Civic 13 & 15 MacDonald Crescent), PID 15143886 (Civic 19 & 21 MacDonald Crescent) and PID 15143878 (Civic 25 & 27 MacDonald Crescent) to the North Eastern corner of the property known as PID 15143878 (Civic 25 & 27 MacDonald Crescent).

THEN travelling in a South Easterly direction along the Eastern property line of the properties known as PID 15143878 (Civic 25 & 27 MacDonald Crescent), PID 15143860 (Civic 37 & 39 MacDonald Crescent), PID 15143852 (Civic 45 MacDonald Crescent), PID 15143845 (Civic 49 MacDonald Crescent), PID 15143837 (Civic 53 MacDonald Crescent) and PID 15143829 (Civic 111 MacDonald Court) to the South Eastern corner of the property line of the property known as PID 15143829 (Civic 111 MacDonald Court).

THEN travelling in a North Easterly direction along the Northern property line of the property known as PID 15697600 (Civic 115 MacDonald Court) to the North Eastern corner of the property line of the property known as PID 15697600 (Civic 115 MacDonald Court).

THEN travelling in a South Easterly direction along the Eastern property line of the property known as PID 15697600 (Civic 115 MacDonald Court) to the South Eastern corner of the property line of the property known as PID 15697600 (Civic 115 MacDonald Court).

THEN travelling in a Westerly direction along the Southern property line of the property known as PID 15697600 (Civic 115 MacDonald Court) to the North Eastern corner of the property line of the property known as PID 15143795 (Civic 119 MacDonald Court).

THEN travelling in a Southerly direction along the Eastern property line of the properties known as PID 15143795 (Civic 119 MacDonald Court), PID 15143787 (Civic 123 MacDonald Court), PID 15143779 (Civic 127 MacDonald Court), PID 15143761 (Civic 131 MacDonald Court), PID 15143753 (Civic 135 MacDonald Court) and PID 15143746 (Civic 145 MacDonald Court) to the South Eastern corner of the property line of the property known as PID 15143746 (Civic 145 MacDonald Court).

THEN travelling in a Westerly direction along the Southern property line of the property known as PID 15143746 (Civic 145 MacDonald Court) to the North Eastern corner of the property line of the property known as PID 15143563 (Civic 71 Gunn Street).

THEN travelling in a South Easterly direction along the Eastern property line of the property known as PID 15143563 (Civic 71 Gunn Street) to the prolongation of the Eastern property line of the property known as PID 15143563 (Civic 71 Gunn Street) where it intersects the centre line of Gunn Street.

THEN travelling in a North Easterly direction along the centre line of Gunn Street to where it intersects with the prolongation of the Eastern property line of the property known as PID 15144801(Civic 172 Gunn Street).

THEN travelling in a South Easterly direction along the Eastern property line of the property known as PID 15144801(Civic 172 Gunn Street) to the South Eastern corner of the property line of the property known as PID 15144801(Civic 172 Gunn Street).

THEN travelling in a Westerly direction along the Southern property line of the property known as PID 15144801 (Civic 172 Gunn Street) to where it intersects with the Eastern property line of the property known as PID 15143027 (Civic 75 & 77 Carroll Crescent).

THEN travelling in a South Easterly direction along the Eastern property line of the properties known as PID 15143027 (Civic 75 & 77 Carroll Crescent), PID 15143480 (Civic 81 Carroll Crescent), PID 15143498 (Civic 83 Carroll Crescent), PID 15143506 (Civic 87 Carroll Crescent), PID 15143514 (Civic 91 Carroll Crescent), PID 15624398 (No Civic), PID 15143282 (Civic 95 Carroll Crescent), PID 15143290 (Civic 99 Carroll Crescent) and PID 15143308 (Civic 103 Carroll Crescent) crossing Austin Place and continuing in a South Easterly direction along the Eastern property line of the properties known as PID 15143365 (Civic 107 Carroll Crescent), PID 15143373 (Civic 111 Carroll Crescent), PID 15143381 (Civic 115 Carroll Crescent) and PID 15143399 (Civic 119 Carroll Crescent) to the South Eastern corner of the property line of the property known as PID 15143415 (Civic 123 Carroll Crescent).

THEN travelling in a Westerly direction along the Southern property line of the property known as PID 15143415 (Civic 123 Carroll Crescent) to the North Eastern corner of the property line of the property known as PID 15143423 (Civic 199 Maloney Street).

THEN travelling in a South Easterly direction along the Eastern property line of the property known as PID 15143423 (Civic 199 Maloney Street) to where the prolongation of the line to where it intersects with the centre line of Maloney Street.

THEN travelling in a North Easterly direction along the centre line of Maloney Street to where it intersects with the prolongation of the Eastern property line of the property known as PID 15356298 (Civic 220 Maloney Street).

THEN travelling in a South Easterly direction along the Eastern property line of the property known as PID 15356298 (Civic 220 Maloney Street) to the South Eastern corner of the property line of the property known as PID 15356298 (Civic 220 Maloney Street).

THEN travelling in a Westerly direction along the Southern property line of the properties known as PID 15356298 (Civic 220 Maloney Street), PID 15186786 (Civic 214 Maloney Street), PID 15141104 (Civic 210 Maloney Street), PID 15626286 (Civic 192 Maloney Street), PID 15141088 (Civic 186 Maloney Street), PID 15134638 (No Civic), PID 15141062 (Civic 180 Maloney Street), PID 15141054 (Civic 178 Maloney Street), PID 15141047 (Civic 176 Maloney Street), PID 15141039 (No Civic), PID 15141021 (Civic 168 Maloney Street), PID 15141013 (Civic 164 Maloney Street), PID 15141005 (Civic 162 Maloney Street), PID 15140999 (Civic 158 Maloney Street), PID 15140973 (No Civic), PID 15547227 (No Civic), PID 15140965 (Civic 152 Maloney Street) and PID 15140957 (Civic 148 Maloney Street) to the North Western corner of the property line of the property known as PID 15140981 (No Civic).

THEN travelling in a South Easterly direction along the Western property line of the properties known as PID 15140981 (No Civic), PID 15140980 (No Civic), PID 15547367 (No Civic), PID 15547201 (No Civic) and PID 15140049 (No Civic) to where the prolongation of the Western

property line of the property known as PID 15140049 (No Civic) intersects with the centre line of Frederick Street.

THEN travelling in a Westerly direction along the centre line of Frederick Street to where it intersects with the centre line of Lingan Road.

THEN travelling in a Southerly direction along the centre line of Lingan Road to where it intersects with the centre line of Sydney Port Access Road.

THEN travelling in a Westerly direction along the centre line of Sydney Port Access Road to where it intersects with the centre line of Victoria Road.

THEN travelling in a Northerly direction along the centre line of Victoria Road to where it intersects with the prolongation of the Southern property line of the property known as PID 15146251 (Civic 11 and 15 Railroad Street).

THEN travelling in a Westerly direction along the Southern property line of the properties known as PID 15146251 (Civic 11 and 15 Railroad Street), PID 15146269 (Civic 17 and 19 Railroad Street), PID 15146277 (Civic 21 and 23 Railroad Street), PID 15146285 (Civic 25 and 27 Railroad Street), PID 15146293 (Civic 29 Railroad Street), PID 15146301 (Civic 31 Railroad Street), PID 15146319 (Civic 35 Railroad Street), PID 15146327 (Civic 39 Railroad Street), PID 15146335 (Civic 41 Railroad Street), PID 15146343 (Civic 43 Railroad Street) and PID 15146350 (Civic 45 Railroad Street) to the South Western corner of the property line of the property known as PID 15146350 (Civic 45 Railroad Street).

THEN travelling in a Northerly direction along the Western property line of the property known as PID 15146350 (Civic 45 Railroad Street) to where the prolongation of the line intersects with the centre line of Railroad Street.

THEN travelling in a North Westerly direction along the centre line of Railroad Street to where it intersects with the prolongation of the Southern property line of the property known as PID 15138977 (No Civic).

THEN travelling in a Westerly direction along the Southern property line of the properties known as PID 15138977 (No Civic), PID 15138969 (Civic 30 Henry Street) and PID 15138951 (Civic 26 Henry Street) to the South Western corner of the property line of the property known as PID 15138951 (Civic 26 Henry Street).

THEN travelling in a Northerly direction along the Western property line of the property known as PID 15138951 (Civic 26 Henry Street) to the North Eastern corner of the property line of the property known as PID 15625478 (No Civic).

THEN travelling in a Westerly direction along the Northern property line of the property known as PID 15625478 (No Civic) to the North Western corner of the property line of the property known as PID 15625478 (No Civic).

THEN travelling in a Northerly direction along the Eastern property line of the property known as PID 15625429 (No Civic) to the North Eastern corner of the property line of the property known as PID 15625429 (No Civic).

THEN travelling in a North Westerly direction along the Western property line of the properties known as PID 15137797 (No Civic) and PID 15696586 (Civic 1 Henry Street) to the North Western corner of the property line of the property known as PID 15137797 (No Civic).

THEN travelling in a Northerly direction along the Eastern property line of the property known as PID 15625346 (No Civic) to the South Eastern corner of the property line of the property known as PID 15625353 (No Civic).

THEN travelling in a North Westerly direction along the Eastern property line of the property known as PID 15625353 (No Civic) to the Northern corner of the property known as PID 15625353 (No Civic).

THEN travelling in a Northerly direction along the Eastern property line of the properties known as PID 15625338 (No Civic) and PID 15625320 (No Civic) to the Southern property line of the property known as PID 15160849 (Civic 102 Matilda Street).

THEN travelling in a Westerly direction along the Southern property line of the properties known as PID 15160849 (Civic 102 Matilda Street) and PID 15625387 (No Civic) to the South Western corner of the property line of the property known as PID 15625387 (No Civic).

THEN travelling in a North Westerly direction along the Eastern property line of the property known as PID 15625320 (No Civic) to the South Eastern corner of the property line of the property known as PID 15160328 (No Civic).

THEN travelling in a Westerly direction along the Northern property line of the property known as PID 15625320 (No Civic) to the South Western corner of the property line of the property known as PID 15160278 (Civic 54 & 56 Dominion Street).

THEN travelling in a Northerly direction along the Western property line of the property known as PID 15160278 (Civic 54 & 56 Dominion Street) to the South Eastern corner of the property line of the property known as PID 15160260 (No Civic).

THEN travelling in a Westerly direction along the Southern property line of the property known as PID 15160260 (No Civic) to the South Western corner of the property line of the property known as PID 15160260 (No Civic).

THEN travelling in a Northerly direction along the Western property line of the property known as PID 15160260 (No Civic) to where the prolongation of the line intersects with the centre line of Dominion Street.

THEN travelling in an Easterly direction along the centre line of Dominion Street to where it intersects with the centre line of St. Anns Street.

THEN travelling in a Northerly direction along the centre line of St. Anns Street to where it intersects with the prolongation of the Northern property line of the property known as PID 15157761 (No Civic).

THEN travelling in a Westerly direction along the Northern property line of the property known as PID 15157761 (No Civic) to where the prolongation of the line intersects with the centre line of Shore Road.

THEN travelling in a Northerly direction along the centre line of Shore Road to where it intersects with the centre line of Argosy Street.

THEN travelling in a Westerly direction along the prolongation of the centre line of Argosy Street to the high water mark of Sydney River.

THEN travelling along the high water mark of Sydney River and Sydney Harbour until the point of beginning.

North Zone



0 100 200 400 600
1:3,200
Meters

Legend

Railroad

Streets

North Zone Boundary

Property Boundaries

Park

Playground

Sports Field

Accessory

Commercial

Industrial

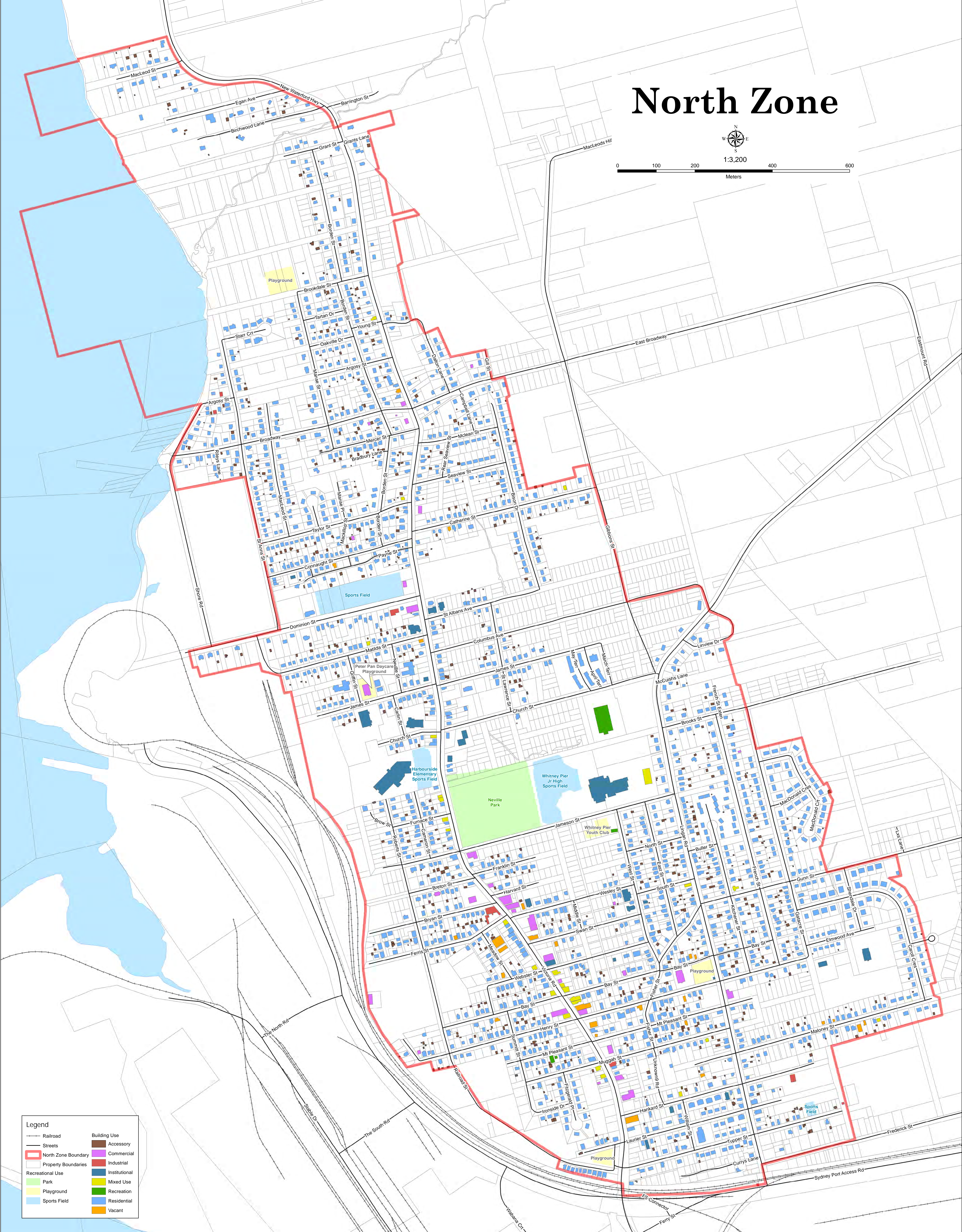
Institutional

Mixed Use

Recreation

Residential

Vacant



SCHEDULE “B”

Sydney Class Action

Class Boundaries Definition

Southern Zone

COMMENCING at a point at Sydney Harbour at the high water mark where it intersects the prolongation of the centre line of Desbarres Street.

THEN travelling in an Easterly direction along the centre line of Desbarres Street to where it intersects with the centre line of George Street.

THEN travelling in a North Westerly direction along the centre line of George Street to where it intersects with the prolongation of the Northern property line of the property known as PID 15516412 (No Civic).

THEN travelling in an Easterly direction along the Northern property line of the properties known as PID 15516412 (No Civic), PID 15055502 (Civic 11 Louisa Street), PID 15055510 (Civic 15 Louisa Street), PID 15055528 (Civic 19 Louisa Street), PID 15055536 (Civic 21 Louisa Street), PID 15055544 (Civic 27 Louisa Street), PID 15055551 (Civic 33 Louisa Street), PID 15055569 (Civic 37 Louisa Street), PID 15055577 (Civic 41 Louisa Street) and PID 15671258 (Civic 45 and 47 Louisa Street) to the North Eastern corner of the property line of the property known as PID 15671258 (Civic 45 and 47 Louisa Street).

THEN travelling in a South Easterly direction along the Eastern property line of the property known as PID 15671258 (Civic 45 and 47 Louisa Street) to the South Eastern corner of the property line of the property known as PID 15671258 (Civic 45 and 47 Louisa Street).

THEN travelling in a Westerly direction along the Southern the property line of the property known as PID 15671258 (Civic 45 and 47 Louisa Street) to where it intersects with the geographical end of Louisa Street.

THEN travelling in a South Easterly direction along the geographical end of Louisa Street to where it intersects with the North Eastern corner of the property known as PID 15055601 (Civic 50 Louisa Street).

THEN travelling in a South Easterly direction along the Eastern property line of the properties known as PID 15055601 (Civic 50 Louisa Street), PID 15636426 (Civic 24 Cross Street), PID 15055635 (Civic 26 Cross Street), PID 15055643 (Civic 28 Cross Street), PID 15055650 (Civic 30 Cross Street), PID 15516446 (Civic 36 Cross Street), PID 15055658 (Civic 38 Cross Street), PID 15055684 (Civic 35 Cossitt Street), PID 15577711 (No Civic) and PID 15056047 (Civic 44 Cossitt Street).

THEN travelling in a South Easterly direction along the Eastern property line of the property known as PID 15056047 (Civic 44 Cossitt Street) to where the prolongation of said line intersects with the prolongation of the centre line of Desbarres Street.

THEN travelling in a Westerly direction along the prolongation of the centre line of Desbarres Street to where it intersects with the prolongation of the Eastern property line of the property known as PID 15056260 (Civic 3 Fairview Street).

THEN travelling in a South Easterly direction along the Eastern property line of the properties known as PID 15056260 (Civic 3 Fairview Street), PID 15056278 (Civic 5 Fairview Street), PID 15056286 (Civic 7 Fairview Street), PID 15056294 (Civic 9 Fairview Street), PID 15617194 (No Civic), PID 15796162 (No Civic), PID 15056302 (Civic 27 Fairview Street), PID 15056310 (No Civic), PID 15056328 (Civic 31 Fairview Street), PID 15056336 (Civic 37 Fairview Street), PID 15056286 (Civic 41 Fairview Street), PID 15056286 (Civic 45 Fairview Street), PID 15056369 (Civic 47 Fairview Street) and PID 15056377 (Civic 49 Fairview Street) to the South Eastern corner of the property line of the property known as PID 15056377 (Civic 49 Fairview Street).

THEN travelling in a South Easterly direction along the prolongation of the Eastern property line of the property known as PID 15056377 (Civic 49 Fairview Street) to where it intersects with the centre line of Amelia Street.

THEN travelling in a South Westerly direction along the centre line of Amelia Street to where it intersects with the prolongation of the Eastern property line of the property known as PID 15056674 (Civic 51 Fairview Street).

THEN travelling in a South Easterly direction along the Eastern property line of the properties known as PID 15056674 (Civic 51 Fairview Street), PID 15056682 (Civic 53 Fairview Street), PID 15056690 (Civic 55 Fairview Street) and PID 15056708 (No Civic) to the South Eastern corner of the property line of the property known as PID 15056708 (No Civic) to where the prolongation of the Eastern property line of the property known as PID 15056708 (No Civic) it intersects with the centre line of York Street.

THEN travelling in a North Easterly direction along the centre line of York Street to where it intersects with the centre line of Walker Street.

THEN travelling in a South Easterly direction along the centre line of Walker Street to where it intersects with the centre line of Ferry Street.

THEN travelling in a South Westerly direction along the centre line of Ferry Street to where it intersects with the centre line of Intercolonial Street.

THEN travelling in a South Easterly direction along the centre line of Intercolonial Street to where it intersects with the centre line of Dodds Street.

THEN travelling in a South Easterly direction along the centre line of Dodds Street to where it intersects with the centre line of Prince Street.

THEN travelling in an Easterly direction along the centre line of Prince Street to where it intersects with the prolongation of the Eastern property line of the property known as PID 15642028 (Civic 214 Prince Street).

THEN travelling in a Southerly direction along the Eastern property line of the property known as PID 15642028 (Civic 214 Prince Street) to where it intersects with the centre line of Townsend Street.

THEN travelling in an Easterly direction along the centre line of Townsend Street to where it intersects with the prolongation of the Western property line of the property known as PID 15086838 (Civic 259 Townsend Street).

THEN travelling in a Northerly direction along the Western property line, then in an Easterly direction along the Northern property line and then in a Southerly direction along the Eastern property line of the property known as PID 15086838 (Civic 259 Townsend Street) to where it intersects with the North Western corner of the property line of the property known as PID 15629447 (Civic 263, 265, 269 & 273 Townsend Street).

THEN travelling in an Easterly direction along the Northern property line of the properties known as PID 15629447 (Civic 263, 265, 269 & 273 Townsend Street), PID 15086754 (No Civic), PID 15086747 (Civic 279 Townsend Street), PID 15086739 (Civic 281 Townsend Street), PID 15086721 (Civic 285 Townsend Street), PID 15086713 (No Civic), PID 15086705 (Civic 293 Townsend Street), PID 15086697 (No Civic), PID 15086689 (No Civic), PID 15086671 (No Civic) and PID 15086663 (Civic 311 Townsend Street) to the South Western corner of the property line of the property known as PID 15658008 (No Civic).

THEN travelling in a North Easterly direction along the Western property line of the properties known as PID 15658008 (No Civic), PID 15086655 (Civic 128 Inglis Street), PID 15009467 (No Civic) and PID 15086630 (Civic 118 Inglis Street), to the Southern property line of the property known as PID 15086580 (Civic 450 Styles Lane).

THEN travelling in a Westerly direction along the Southern property line of the properties known as PID 15086580 (Civic 40 Styles Lane), PID 15086572 (Civic 34 Styles Lane), PID 15086564 (Civic 30 Styles Lane), PID 15086549 (No Civic), PID 15086531 (Civic 22 & 24 Styles Lane), PID 15086523 (No Civic), PID 15086515 (No Civic), PID 15086507 (No Civic), PID 15060908 (Civic 297 Townsend Street) and PID 15060635 (No Civic) to the South Western corner of the property line of the property known as PID 15060635 (No Civic).

THEN travelling in a North Westerly direction along the Western property line of the property known as PID 15060635 (No Civic) to where it intersects with the prolongation of the centre line of Styles Lane.

THEN travelling in an Easterly direction along the centre line of Styles Lane to where it intersects with the intersection of Inglis Street and High Street.

THEN travelling in a South Easterly direction along the centre line of High Street to where it intersects with the prolongation of the South Western corner of the property line of the property known as PID 15086119 (7 High Street).

THEN travelling in a North Easterly direction along the Eastern property line of the property known as PID 15086119 (7 High Street) to where the prolongation of said intersects with the centre line of Terrace Street.

THEN travelling in a North Westerly direction along the centre line of Terrace Street to where it intersects with the Southern property line of the property known as PID 15086002 (Civic 55 Inglis Street).

THEN travelling in a North Easterly direction along the Southern property line of the properties known as PID 15086002 (Civic 55 Inglis Street), PID 15107519 (No Civic) and PID 15605652 (Civic 420 Prince Street) to where the prolongation of the Eastern property line of the property known as PID 15605652 (Civic 420 Prince Street) intersects with the centre line of Prince Street.

THEN travelling in a Westerly direction along the centre line of Prince Street to where it intersects with the centre line of Disco Street.

THEN travelling in a North Easterly direction along the centre line of Disco Street to where it intersects with the centre line of Massey Drive.

THEN travelling in a Northerly direction along the centre line of Massey Drive to where it intersects with the centre line of Cape Breton Street.

THEN travelling in a North Easterly direction along the centre line of Cape Breton Street to where it intersects with the centre line of Victoria Road.

THEN travelling in a South Easterly direction along the centre line of Victoria Road to where it intersects with the prolongation of the Northern property line of the property known as PID 15129208 (Civic 228 Victoria Road).

THEN travelling in a North Easterly direction along the Northern property line of the property known as PID 15129208 (Civic 228 Victoria Road) to the Western property line of the property known as PID 15699689 (No Civic).

THEN travelling in a South Easterly direction along the Western property line of the properties known as PID 15699689 (No Civic) and PID 15517980 (No Civic) to the South Western corner of the property line of the property known as PID 15517980 (No Civic).

THEN travelling in an Easterly direction along the Southern property line of the property known as PID 15517980 (No Civic) to where it intersects with the prolongation of the Eastern property line of the property known as PID 15124597 (No Civic).

THEN travelling in a Southerly direction along the Eastern property line of the properties known as PID 15124597 (No Civic), PID 15009442 (No Civic), PID 15009434 (No Civic) and PID 15124605 (Civic 215 Vulcan Avenue) to the South Eastern corner of the property line of the property known as PID 15124605 (Civic 215 Vulcan Avenue).

THEN travelling in a Southerly direction from the South Eastern corner of the property line of the property known as PID 15124605 (Civic 215 Vulcan Avenue) to where it intersects with the centre line of Vulcan Avenue.

THEN travelling in a Westerly direction along the centre line of Vulcan Avenue to where it intersects with the centre line of Forrest Street.

THEN travelling in a South Easterly direction along the centre line of Forrest Street to where it intersects with the centre line of Welton Street.

THEN travelling in a South Westerly direction along the centre line of Welton Street to where it intersects with the centre line of St. Peter's Road.

THEN travelling in a South Westerly direction along the centre line of St. Peter's Road to where it intersects with the centre line of Lisgard Street.

THEN travelling in a South Easterly direction along the centre line of Lisgard Street to where it intersects with the centre line of Royal Avenue.

THEN travelling in a South Westerly direction along the centre line of Royal Avenue to where it intersects with the centre line of Cottage Road.

THEN travelling in a Westerly direction along the centre line of Cottage Road to where it intersects with the centre line of George Street.

THEN travelling in a North Westerly direction along the centre line of George Street to where it intersects with the centre line of Argyle Street.

THEN travelling in a Westerly direction along the centre line of Argyle Street to where it intersects with the prolongation of the high water mark of the body of water in Wentworth Park.

THEN travelling in a Westerly direction along the centre line of the high water mark of the body of water in Wentworth Park to the high water mark of Sydney Harbour until the point of beginning.

~~THEN travelling in a South Easterly direction along the centre line of Cottage Road to where it intersects with the centre line of Milton Street.~~

~~THEN travelling in a South Westerly direction along the centre line of Milton Street to where it intersects with the centre line of Rockdale Avenue.~~

~~THEN travelling in a South Easterly direction along the centre line of Rockdale Avenue to where it intersects with the centre line of Newbury Street.~~

~~THEN travelling in a South Westerly direction along the centre line of Newbury Street to where it intersects with the centre line of George Street.~~

~~THEN travelling in a South Easterly direction along the centre line of George Street to where it intersects with the centre line of Hillside Street.~~

~~THEN travelling in a Southerly direction along the centre line of Hillside Street to where it intersects with the prolongation of the Southern property line of the property known as PID 15149297 (Civic 96 Hillside Street).~~

~~THEN travelling in a Westerly direction along the Southern property line of the property known as PID 15149297 (Civic 96 Hillside Street) to the South Western corner of the property line of the property known as PID 15149297 (Civic 96 Hillside Street).~~

~~THEN travelling in a South Westerly direction along the Western property line of the property known as PID 15103641 (Civic 297 Rotary Drive) to where the prolongation of said line intersects with the centre line of Rotary Drive.~~

~~THEN travelling in a North Westerly direction along the centre line of Rotary Drive to where it intersects with the prolongation of the centre line of Shandwick Street.~~

~~THEN travelling in a Westerly and Northerly direction along the prolongation of the centre line of Shandwick Street to where it intersects with the prolongation of the Southern property line of the property known as PID 15085111 (Civic 142 Shandwick Street).~~

~~THEN travelling in a Northerly direction along the Southern property line of the property known as PID 15085111 (Civic 142 Shandwick Street) and then the Western property line of the property known as PID 15085111 (Civic 142 Shandwick Street) to where it intersects with the Southern property line of the property known as PID 15085095 (Civic 130 Shandwick Street).~~

~~THEN travelling in a Westerly direction along the Southern property line of the property known as PID 15085095 (Civic 130 Shandwick Street) and then the Western property line of the property known as PID 15085095 (Civic 130 Shandwick Street) to the North Western corner of the property line of the property known as PID 15085095 (Civic 130 Shandwick Street).~~

~~THEN travelling in a Northerly direction along the Western property line of the properties known as PID 15084254 (No Civic), PID 15690688 (No Civic), PID 15690670 (No Civic), PID 15084239 (Civic 105 Cromarty Street), PID 15084221 (Civic 101 Cromarty Street) and PID 15084213 (Civic 93 Cromarty Street) to the North Western corner of the property line of the property known as PID 15084213 (Civic 93 Cromarty Street).~~

~~THEN travelling in a North Westerly direction along the prolongation of the Northern property line of the property known as PID 15084213 (Civic 93 Cromarty Street) to where it meets the prolongation of the Northern property line of the property known as PID 15070014 (No Civic) which point is located at the high water mark in the centre of the body of water.~~

~~THEN travelling in a South Westerly direction along the prolongation of the Northern property line of the property known as PID 15070014 (No Civic), then along the Western property line of the properties known as PID 15070014 (No Civic), PID 15082357 (Civic 105 & 109 Alexandra Street), PID 15825490 (Civic 135 Alexandra Street) and PID 15825508 (No Civic) to the South Western corner of the property line of the property known as PID 15825508 (No Civic).~~

~~THEN travelling in a Southerly direction along the prolongation of the Western property line of the property known as PID 15825508 (No Civic) to where it intersects with the centre line of Xavier Drive.~~

~~THEN travelling in a South Easterly direction along the centre line of Xavier Drive to where it intersects with the Western property line of the property known as PID 15793383 (No Civic).~~

~~THEN travelling in a South Westerly direction along the Western property line of the property known as PID 15793383 (No Civic) to where the prolongation of said line intersects with the centre line of St. Anthony Drive.~~

~~THEN travelling in a South Easterly direction along the prolongation of the centre line of St. Anthony Drive to where it intersects with the Western property line of the property known as PID 15079791 (No Civic).~~

~~THEN travelling in a South Westerly direction along the Western property line of the property known as PID 15079791 (No Civic) to where it intersects with the centre line of Membertou Street.~~

~~THEN travelling in a North Westerly the centre line of Membertou Street to where it intersects with the centre line of Alexandra Street.~~

~~THEN travelling in a South Westerly direction along the centre line of Alexandra Street to where it intersects with the centre line of Buckingham Drive.~~

~~THEN travelling in a North Westerly direction along the centre line of Buckingham Drive to where it intersects with the prolongation of the Southern property line of the property known as PID 15074677 (Civic 343 Newlands Avenue).~~

~~THEN travelling in a North Westerly direction along the Southern property line of the properties known as PID 15074677 (Civic 343 Newlands Avenue) and PID 15074511 (Civic 55 Holyrood Drive) to where it intersects with the prolongation of the Southern property line of the property known as PID 15074412 (Civic 56 Holyrood Drive).~~

~~THEN travelling in a North Westerly direction along the Southern property line of the property known as PID 15074412 (Civic 56 Holyrood Drive), then along the Western property line of the property known as PID 15074412 (Civic 56 Holyrood Drive) to where it intersects with the Southern property line of the property known as PID 15074230 (Civic 54 & 56 Elmbank Avenue).~~

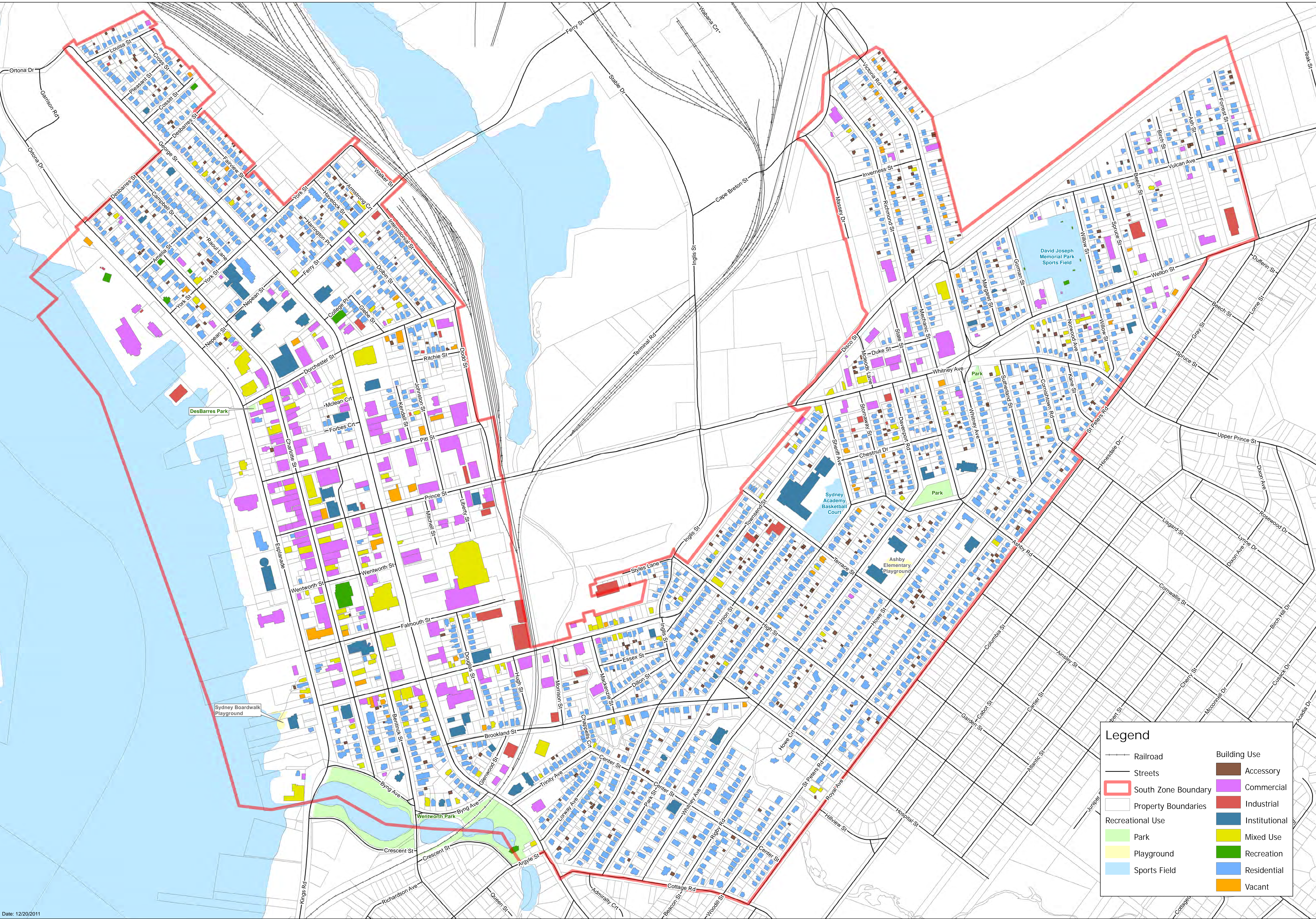
~~THEN travelling in a North Westerly direction along the prolongation of the Southern property line of the property known as PID 15074230 (Civic 54 & 56 Elmbank Avenue) to where the prolongation of said line intersects with the centre line of Elmer Street.~~

~~THEN travelling in a North Westerly direction along the centre line of Elmer Street to where the prolongation of said line intersects with the centre line of Kings Road.~~

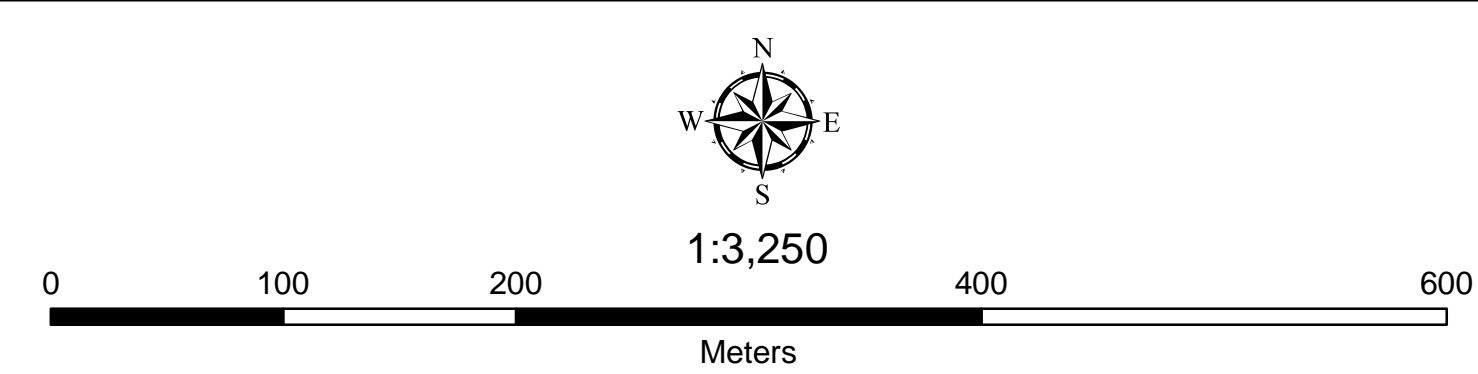
~~THEN travelling in a North Easterly direction along the centre line of Kings Road until it intersects with the prolongation of the centre line of Kinsmen Drive.~~

~~THEN travelling along the centre line of Kinsmen Drive in a North Westerly direction to the high water mark of Sydney River.~~

~~THEN travelling along the high water mark of Sydney River and Sydney Harbour until the point of beginning.~~



Date: 12/20/2011



South Zone

SCHEDULE “C”

Authorized by the Supreme Court of Nova Scotia

— NOTICE OF CERTIFICATION OF THE SYDNEY ENVIRONMENTAL CLASS ACTION —

Read this notice carefully as it may affect your rights.

THE CLASS ACTION

On March 24, 2004, Neila Catherine MacQueen, Ann Marie Ross, Kathleen Iris Crawford and Joseph Petitpas (the “Plaintiffs”) commenced a class action in the Supreme Court of Nova Scotia, against, the Sydney Steel Corporation, the Attorney General of Nova Scotia, and the Attorney General of Canada (the “Defendants”), who at various times, operated the Steel Works in Sydney, Nova Scotia.

The action relates to the emission of certain contaminants into the neighbourhoods of Sydney in the course of the operation of the Steel Works.

Classes

This notice is directed to the members of the Property Owner and Residential Classes, defined as follows:

(a) The Property Owner Class: Persons other than the Defendants and their parent companies, affiliates or subsidiaries who are the beneficial owners of property within the Class Boundaries as of [the date of the certification Notice]; and

(b) The Residential Class: Living Persons who have lived within the Class Boundaries for a minimum of seven (7) continuous years between 1968 and [the date of the certification Notice].

The action seeks, among other things, a declaration that the Defendants have caused contamination of the Property Owner Class members’ real property, in breach of their legal obligations. The action also seeks funding of a “medical monitoring” program, supervised by the Court, for the purpose of educating and informing the public and medical community and compensation for exposure.

Class Boundaries

The Class Boundaries generally comprise areas within Whitney Pier; North End, and Ashby. Please take notice that not all areas within these three (3) communities are included. For more information please visit class counsels’ websites or Melnick Hall, 88 Laurier Street, Sydney, Nova Scotia.

THE CERTIFICATION ORDER

On [certification Order date], the action was certified as a class proceeding by order of the Supreme Court of Nova Scotia. The order appointed Neila Catherine MacQueen, Ann Marie Ross and Kathleen Iris Crawford as the representative plaintiffs for the Property Owner Class and Neila Catherine MacQueen, Ann Marie Ross, Kathleen Iris Crawford and Joseph Petitpas as the representatives for the Residential Class.

PARTICIPATION IN THE CLASS ACTION

Members of the Property Owner and Residential Classes who want to participate in the class action are automatically included and need not do anything at this time.

Each Class Member will be bound by the terms of any judgment or settlement and will not be allowed to prosecute an independent action. If the class action is successful, he or she may be entitled to share in the amount of any award or remedy recovered. If unsuccessful, claims of all Class Members will be barred.

You must opt out if you do not want to participate in the class action. Class Members who do not want to participate in the class action must opt out. If you want to opt out of the class action, you must send a written, signed election, including your name, address, telephone number to: WAGNERS. **No Class Member will be permitted to opt out of the class action unless the election to opt out is received by WAGNERS before [DATE].**

ADDITIONAL INFORMATION

This Notice was approved by order of the Supreme Court of Nova Scotia. The court offices will be unable to answer any questions about the matters in this Notice. The certification order, Class Boundaries map and other information are available at www.sydneyclassaction.ca and www.wagners.co and www.classaction.ca. Questions for Class Counsel should be directed by email or telephone to:

WAGNERS

Raymond F. Wagner or Michael Dull
Tel: 1.800.465.8794 (toll free)
Fax: 902.422.1233
Email: seriousinjury@wagners.co

SISKINDS LLP

Michael G. Robb or Sabrina Lombardi
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Email: sabrina.lombardi@siskinds.com