

**NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING
NOTICE TO SLOCAN VALLEY**

**CERTIFICATION OF BRITISH COLUMBIA CLASS ACTION
REGARDING THE LEMON CREEK FUEL SPILL ON JULY 26, 2013.**

Read this notice carefully as it may affect your rights.

INTRODUCTION

On July 26, 2013, a large fuel tanker hauling jet fuel overturned while driving adjacent to Lemon Creek in the Slocan Valley. As a result of that accident, over 30,000 litres of jet fuel was discharged directly into Lemon Creek and, via Lemon Creek, into the Slocan River (“the Spill”).

On April 26, 2023, the Supreme Court of British Columbia certified a class proceeding: *Robert George Kirk, v. Executive Flight Centre Fuel Services Ltd. et al.*, Action No. S135927 (Vancouver Registry) in relation to the claims arising from the Spill (the “Property Class Action”) on behalf of a class defined as:

“All persons who owned, leased, rented, or occupied real property on July 26, 2013 within the Evacuation Zone (as defined in the Amended Notice of Civil Claim) except for the defendants and third parties.”

(the “Property Class”)

This notice is directed to all persons, including companies, who fall within the definition of the Class.

A map of the Evacuation Zone is linked to this notice as . If you owned, leased, rented, or occupied real property on July 26, 2013 within the Evacuation Zone as delineated on this map, then you fall within the definition of the Class and you are bound by the Property Class Action and the settlement of the Property Class Action described herein.

By Court order, the Property Class is represented by David M. Rosenberg, K.C. (“Class Counsel”).

The Defendants to the Class Action are:

1. Executive Flight Centre Fuel Services Ltd. (“Executive Ltd.”);
2. His Majesty the King in right of The Province of British Columbia as represented by the Minister of Transportation and Infrastructure and the Minister of Forests, Lands and Natural Resource Operations (“HMTK”);
3. Danny LaSante (“LaSante”); and
4. Transwest Helicopters Ltd. (“Transwest”).

(the “Defendants”)

On July 22, 2015, James A. Ross, under the representation of Class Counsel, commenced a proposed class action for personal injury resulting from exposure to the Spill (the “Ross Action”).

The Property Class Action and the Ross Action are herein referred to collectively as the “Actions”.

CERTIFICATION OF THE ROSS ACTION

On October 9, 2024 the Supreme Court of British Columbia certified the Ross Action on behalf of a Class defined as:

All persons who were present in the Evacuation Area at or after the time of the Spill and suffered personal injury where those personal injuries are claimed to have been associated with the Spill.

(the “Bodily Injury Class”)

The Defendants in the Ross Action are the same as in the Property Class Action and by Order of the Court, the Bodily Injury Class are represented by Class Counsel.

If you are a BC resident and you are a Bodily Injury Class member you are automatically included in the class action. If you do not want to be part of the Ross Action you must submit an Opt-Out Form to Class Counsel no later than December 16, 2024. If you do not exclude yourself by that date you will be included in the Ross Action you will be included in this lawsuit and will be bound by the Settlement Agreement.

Bodily Injury Class members will be entitled to the benefit of the settlement outlined herein. Bodily Injury Class members who submit an Opt-Out Form will not be entitled to make a claim under the Settlement Agreement described herein.

The representative plaintiff has entered in a contingency fee agreement with Class Counsel such that no class member will be responsible for legal fees or costs.

For more information about the Actions or to obtain an Opt-Out Form for the Ross Action, please contact Class Counsel at: support@rosenberglaw.ca.

SETTLEMENT

On October 9, 2024, the Parties reached a Settlement Agreement subject to approval by the Court (the “Proposed Settlement”).

The Proposed Settlement resolves the Actions and establishes a compensation scheme for eligible claimants relating to damages that arise from the Actions.

You can obtain a copy of the Settlement Agreement on Class Counsel’s website where it will be posted or by clicking this link: [Settlement Agreement](#)

SETTLEMENT APPROVAL HEARING

On January 15, 2025 at 10:00am at 800 Smithe Street, Vancouver, British Columbia, Class Counsel will appear before the Justice Masuhara of the Supreme Court of British Columbia to seek approval of the Settlement Agreement. A copy of the Settlement Agreement can be found at this link: [Settlement Agreement](#)

OBJECTIONS TO THE SETTLEMENT AGREEMENT

A Class Member may object to the approval of this Settlement Agreement by sending Class Counsel a written objection by mail, courier, fax or email to Class Counsel, including information concerning his/her/their/its name, address and contact information, and a brief statement of the nature and reasons for the objection.

Class Counsel shall report to the Court, providing copies of any such objection received prior to the Settlement Approval Hearing.

