

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

The Honourable Madam ) Friday, the 30th day  
)  
Justice Rady ) of October, 2015

BETWEEN:

IRVING PAPER LIMITED, IRVING PULP & PAPER, LIMITED  
3969410 CANADA INC. c.o.b. as  
PARK AVENUE HAIR SALON, DISTRIBUTECH INC. and  
STACEY LEAVITT

Plaintiffs

- and -

ATOFINA CHEMICALS INC., ARKEMA INC., ARKEMA CANADA INC., ARKEMA S.A.,  
FMC CORPORATION, FMC of CANADA, LTD., SOLVAY CHEMICALS INC., SOLVAY  
S.A., DEGUSSA CORPORATION, DEGUSSA A.G., DEGUSSA CANADA INC., EKA  
CHEMICALS, INC., EKA CHEMICALS CANADA INC., AKZO NOBEL CHEMICALS  
INTERNATIONAL B.V., KEMIRA OYJ, and KEMIRA CHEMICALS CANADA INC.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER  
AMENDING THE CLASS DEFINITION**

**THIS MOTION** made by the plaintiffs for an Order amending the Class Definition and approving the Notice of Amendment to the Class Definition and the Amended Plan of Dissemination of said notice was heard on June 12, 2014 and October 20, 2015 at the Court House, 80 Dundas Street, London, Ontario.

**ON READING** the materials filed by the Plaintiffs and by FMC Corporation and FMC of Canada, Ltd., and on hearing the submissions of counsel for those parties, and for Reasons released this day:

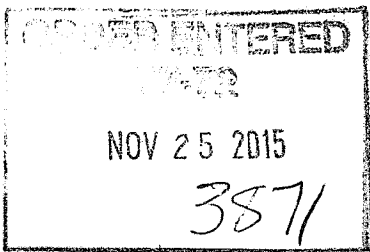
1. **THIS COURT ORDERS** that the plaintiffs be granted leave to amend the Class as defined in the certification order dated January 14, 2010 as follows:

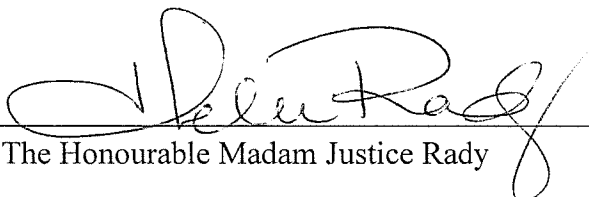
The amended Class is defined as:

All persons in Canada, (excluding the defendants and their subsidiaries, affiliates and predecessors) who purchased hydrogen peroxide directly from a manufacturer of hydrogen peroxide or through a distributor of hydrogen peroxide in Canada, between November 1, 1998 and December 31, 2003.

2. **THIS COURT ORDERS** that the Plaintiffs are granted leave to remove Distributech Inc as a representative plaintiff.
3. **THIS COURT ORDERS** that the Notice of Amendment to the Class Definition (the “Notice”) is hereby approved substantially in the form attached hereto as Schedule “A”.
4. **THIS COURT ORDERS** that the Plan of Dissemination of the Notice (the “Plan of Dissemination”) is hereby approved in the form attached hereto as Schedule “B”.
5. **THIS COURT ORDERS** that the Notice be disseminated in accordance with the Plan of Dissemination.
6. **THIS COURT ORDERS** that the limitation period respecting persons excluded from the amended class is tolled until publication of the Notice of Partial Decertification, as outlined in the Plan of Dissemination.

Date:



  
The Honourable Madam Justice Rady

## SCHEDULE "A"

**If you purchased Hydrogen Peroxide or Hydrogen Peroxide Products in Canada between 1994 and 2005, your legal rights could be affected.**

Visit [www.hydrogenperoxideclassaction.ca](http://www.hydrogenperoxideclassaction.ca) for more information.

### **Hydrogen Peroxide**

Hydrogen Peroxide is a clear colourless inorganic liquid used primarily as a bleach or oxidizer. Hydrogen Peroxide is sold in aqueous solutions, typically 35%, 50% or 70% by weight, in different grades or formulations specifically tailored for enhanced performance in a particular application of the product.

### **Background**

Class proceeding lawsuits have been ongoing in Ontario, British Columbia and Quebec. The lawsuits allege that the Defendants conspired to fix prices for Hydrogen Peroxide.

The Ontario action was certified in respect of a national class on behalf of all persons in Canada who purchased hydrogen peroxide, products containing hydrogen peroxide, or products produced using hydrogen peroxide in Canada between January 1, 1994 and January 5, 2005.

### **Amendment of Certified Class**

On [date], the certified class was amended to exclude purchasers of products containing or produced using Hydrogen Peroxide. Additionally, the class period was shortened to November 1, 1998 to December 31, 2003. The current class is defined as:

All persons in Canada, (excluding the defendants and their subsidiaries, affiliates and predecessors) who purchased hydrogen peroxide directly from a manufacturer of hydrogen peroxide or through a distributor of hydrogen peroxide in Canada, between November 1, 1998 and December 31, 2003.

### **Limitation Period**

The limitation period that governs the time in which purchasers of products containing or produced using Hydrogen Peroxide could commence claims of the nature alleged in this case was suspended by the commencement of the class proceeding. The limitation period for purchasers of products containing or produced using Hydrogen Peroxide, or for purchasers of Hydrogen Peroxide itself from January 1, 1994 to October 31, 1998 and from January 1, 2004 to January 5, 2005, to commence an individual claim will begin to run again as of publication of this notice. Persons affected by this notice and who wish to pursue a claim on an individual basis should seek legal advice.

### **Class Counsel**

The law firms of Siskinds LLP, Sutts, Strosberg LLP, Camp Fiorante Matthews Mogerman and Siskinds Desmeules s.e.n.c.r.l. are class counsel.

**Questions? Visit [www.hydrogenperoxideclassaction.ca](http://www.hydrogenperoxideclassaction.ca), call 1-800-461-6166 ext.**

**● or email ●**

## **SCHEDULE “B”**

### **PLAN OF DISSEMINATION**

#### **NOTICE OF AMENDMENT TO THE CLASS DEFINITION IN THE HYDROGEN PEROXIDE CLASS ACTION**

The notice of the amendment to the class definition shall be disseminated in the following manner:

1. Published once in the following newspapers:
  - a. The Globe and Mail (National Edition);
  - b. The Vancouver Sun;
  - c. Le Journal de Montréal;
  - d. Le Soleil; and
  - e. The National Post;
2. Posted on the following websites:
  - a. [www.classaction.ca](http://www.classaction.ca);
  - b. [www.cfmlawyers.ca](http://www.cfmlawyers.ca);
  - c. [www.strosbergco.com](http://www.strosbergco.com); and
  - d. [www.hydrogenperoxideclassaction.ca](http://www.hydrogenperoxideclassaction.ca);
3. Sent by direct mail or email to any affected class members, to the extent that they have contacted Class Counsel or Luciana Brasil as independent counsel for affected class members;
4. Sent to the following industry associations, in English and/or French, as is appropriate for each association, requesting voluntary distribution to their membership:
  - a. Forest Products Association of Canada;
  - b. The Mining Association of Canada;
  - c. Ontario Mining Association;
  - d. Canadian Association of Chain Drug Stores;
  - e. Consumer Association of Canada;
  - f. Option consommateurs;
  - g. Canadian Aquaculture Industry Alliance;
  - h. Luggage, Leathergoods, Handbags & Accessories Association of Canada; and

i. Pulp and Paper Products Council;

5. Sent to large indirect purchasers as identified by Class Counsel, including the following:

- a) Post Media Network Inc.;
- b) Black Press Group Ltd.;
- c) Metroland Media Group;
- d) Star Media Group;
- e) Toronto Star Newspapers Ltd.;
- f) Globe Media Group; and
- g) Sun Media Corporation;
- h) Transcontinental Printing;
- i) Direct Response Media Group;
- j) Glenmore Printing;
- k) McCallum Printing Group;
- l) Quebecor Media Network;
- m) Royal Printers;
- n) Torstar Printing Group;
- o) Hazzard Screen Printing;
- p) Data Direct Group, Inc.;
- q) Cascades Inc.

6. Provided by Class Counsel to any person who requests it.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

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