

CANADA

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

(“Class Action”)  
SUPERIOR COURT

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No:  
500-06-000760  
-153

MARCEL DURAND and

EVELYN AND MYLES MAHON, 66 Chemin  
Parent, La Peche, QC.;

Petitioners

-vs-

ATTORNEY GENERAL OF QUEBEC, 1 rue  
Notre-Dame Est, Montreal, QC. [...];

ATTORNEY GENERAL OF CANADA, 200 Blvd.  
Rene-Levesque Ouest, Montreal, QC.; [...]

ROYAL SOCIETY OF CANADA, Walter House,  
282 Somerset Street West, Ottawa, ON.;

AIR CANADA, 7373 Blvd. de la Côte-Vertu,  
Saint-Laurent, QC.;

THE CITY OF SAINTE-ANNE-DES- LACS, 733  
Ch. Ste-Anne-des-Lacs, Ste-Anne-des-Lacs, Qc.;

SOCIETE DE TRANSPORT DE MONTREAL, 800  
rue de la Gauchetière Ouest, Montréal, QC.;

HYDRO-QUEBEC, 75 Blvd. Rene-Levesque Ouest,  
Montréal, QC.;

COMMUNICATIONS MEGA-STAT INC.  
(ROGERS), 800 de la Gauchetière Ouest, 6<sup>e</sup> étage,  
Montréal, QC.;

BCE INC. (BELL), 1 Car. Alexander Graham Bell,  
A-7, Verdun, QC.;

VIDEOTRON G.P., 612 rue St-Jacques Ouest,  
Montréal, QC.;

TELUS, 630 Blvd. Rene-Levesque Ouest, 19<sup>e</sup> étage,  
Montréal, QC.;

VIRGIN MOBILE CANADA, 720 King St. W.,  
Toronto, ON. [...];

KOODO, 625 Ste-Catherine St. W., Montréal, QC.;

FIDO SOLUTIONS INC., 800 de la Gauchetière W.,  
Suite 4000, Montréal, QC. [...];

SILICON LABORATORIES CANADA INC., c/o  
Électro Source, Inc. 6600 Trans Continental HW  
#420, Pointe Claire, QC H9R 4S2 [...];

MATTEL CANADA INC., 6155 Freemont Blvd.,  
Mississauga, ON., L5R 3W2 [...];

GENERAL ELECTRIC CANADA (G.E.  
CANADA), 2500-1000 rue de la Gauchetière O.,  
Montreal, QC., H3B 0A2;

SONY OF CANADA LTD., 115 Gordon Baker Rd.,  
Toronto, ON, M2H 3R6;

SIEMENS CANADA LTD, 5005 rue Levy,  
Saint-Laurent, QC.;

TESLA MOTORS CANADA U.L.C., 5350 rue  
Ferrier, Montreal, QC., H4P 1L9;

GENERAL MOTORS OF CANADA COMPANY,  
1908 Colonel Sam Drive, Oshawa, ON., L1H 8P7;

FCA CANADA INC., 1 Riverside Dr. W, Windsor,  
ON, N9A 5K3;

VOLKSWAGEN CANADA, 777 Bayly Street W.,  
Ajax, ON.;

APPLE CANADA INC., Corporate Office, 120  
Bremner Blvd., #1600, Toronto, ON M5J 0A8 [...];

IBM CANADA LIMITED, 1360 Blvd.  
Rene-Levesque, Montreal, QC.;

TOSHIBA, 7075 Place Robert Joncas, Suite 141 A,  
Montreal, QC.;

XEROX CANADA INC, 900 – 3400 Boul. De  
Maisonneuve O., Montreal, QC.;

PANASONIC CANADA, 3075 rue Louis-A.-Amos,  
Montreal, QC.;

ESIT CANADA ENTERPRISE SERVICES CO.,  
1000 rue de la Gauchetière Ouest, #900, Montréal,  
QC. (previously... HEWLETT PACKARD  
CANADA CO);

CISCO SYSTEMS CANADA CO., 88 Queens Quay  
West, Suite 2700, Toronto, ON M5J 0B8 [...];

TEXAS INSTRUMENTS CANADA, 150 John St.,  
Toronto, ON, M5V 3E3;

HITACHI DATA SYSTEMS INC., 1100 boul.  
Rene-Levesque O., Montreal, QC., H3B 5C9;

LENOVO (CANADA) INC., Corporate Office, 55  
Idema Rd., Markham, ON, L3R 1B1 [...];

LG ELECTRONICS CANADA INC., 20 Norelco Drive, North York, ON.;

ERICSSON CANADA INC., 8275 rte Transcanadienne, Montreal, QC. [...];

SONY CORP., 115 Gordon Baker Rd., Toronto, ON, M2H 3R6;

PHILIPS ELECTRONICS LTD., Corporate Campus, 281 Hillmount Rd, Markham, ON L6C 2S3 [...];

SAMSUNG ELECTRONICS CANADA, Corporate Office, 2050 Derry Rd. W., Mississauga, ON L5N 0B9;

MICROSOFT CANADA, 2000 McGill College Ave., Suite 550, Montreal, QC H3A 3H3;

FACEBOOK CANADA LTD., 1201-661 University Ave., 12<sup>th</sup> floor, Toronto, ON.;

HONEYWELL LIMITED, 2100-52 Ave., Montreal, QC, H8T 2Y5 [...];

ARRIS CANADA, 90 Matheson Blvd. W., 4<sup>th</sup> floor, Mississauga, ON., L5R 3R3;

WHIRLPOOL CANADA L.P., 900 1000 de la Gauchetière Ouest, Montreal, QC.;

LEDVANCE LTD., Corporate Office, 1 rue Sylvan, Drummondville, QC. (previously OSRAM SYLVANIA LTD.);

PANASONIC CANADA INC., 4000-1 place Ville-Marie, Montreal, QC, H3B 4M4;

MARRIOTT INTERNATIONAL, 2425 Matheson Blvd. East, Suite 100, Mississauga, ON.;

STARBUCKS, 5140 Yonge St., Suite 1205, North York, ON, M2N 6L7;

THE TDL GROUP CORP., Restaurant Brands International Limited Partnership, 874 Sinclair Rd., Oakville, ON. (formerly 3G CAPITAL);

and

GOOGLE CANADA CORPORATION, 1253 McGill College #150, Montréal, QC, H3B 2Y5;

Respondents

**RE-RE-RE-AMENDED MOTION FOR AUTHORIZATION TO INSTITUTE  
A COLLECTIVE ACTION AND TO OBTAIN THE STATUS OF REPRESENTATIVE**  
(Articles [...]571 ff., C.C.P.)

PETITIONERS RESPECTFULLY SUBMIT[...]:

1. Petitioners Marcel Durand, Evelyn and Myles Mahon [...] wish to institute a class action on behalf of the natural persons forming part of the class hereinafter described, of which the Petitioners [...]are members:

All persons who reside, work, [...] study [...] in any part of the Province of Quebec [...], as well as flora, fauna, pets and animals that are exposed to a level in excess of one milliGauss of magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments; or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or for sensitive individuals (children, pregnant women or persons who are electromagnetic hypersensitive) from any one or any combination of anthropogenic the listed electromagnetic field (EMF) sources, who suffered moral, physical, psychological and/or genetic damages as a result EMF pollution. Pursuant to the precautionary principle, those born, not of the age of majority, are nonetheless claiming as class members given the pervasive, escalating and cumulative effects of EMF pollution (as appears from the following Threshold Exposure Standard):

<b><u>Declared Threshold Exposure Standard for General Population in Uncontrolled Environments</u></b>				
<u>Radiation Type</u>	<u>Band</u>	<u>Threshold Value</u>	<u>Units</u>	
<u>Power Density</u>	<u>Radio Frequency</u> 3 kHz – 300 GHz	<b>0.1</b>	<b>μW/cm<sup>2</sup></b>	<u>microWatts per square centimeter</u>
<u>Magnetic Field</u>	<u>Low Frequency</u> 3 Hz – 30 kHz	<b>1</b>	<b>mG</b>	<u>milliGauss</u>
<u>Electric Field</u>	<u>Low Frequency</u> 3 Hz – 30 kHz	<b>0.6</b>	<b>V/m</b>	<u>Volts per meter</u>

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

<b><u>Declared Threshold Exposure Standard for Sensitive Individuals* or Sleeping Environments</u></b>				
<u>Radiation Type</u>	<u>Band</u>	<u>Threshold Value</u>	<u>Units</u>	

<u>Power Density</u>	<u>Radio Frequency</u> 3 kHz – 300 GHz	<b>0.01</b>	<b><math>\mu\text{W}/\text{cm}^2</math></b>	<u>microWatts per square centimeter</u>
<u>Magnetic Field</u>	<u>Low Frequency</u> 3 Hz – 30 kHz	<b>0.3</b>	<b>mG</b>	<u>milliGauss</u>
<u>Electric Field</u>	<u>Low Frequency</u> 3 Hz – 30 kHz	<b>0.2</b>	<b>V/m</b>	<u>Volts per meter</u>

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

\*Sensitive Individuals include EHS, young children and pregnant women

The term “cumulative effects” is meant in the largest sense of the word, including exposures over time as well as exposures from multiple and varied EMF sources. It refers to the entire gamut of damages caused by EMF and its raison d’être.

Electromagnetic hash [...] (persistent, ubiquitous and significant EMF) represents a significant concern throughout Québec, including remotely-populated zones [...]. Anthropogenic EMF is measurable throughout Quebec attributable to technologies and infrastructures ranging from the low frequency power distribution grid through to high frequency mobile telecommunications networks. Not isolated systems, EMF from one system may couple onto an adjacent network compounding health effects, particularly for electro-sensitive individuals. Systems producing EMF include power distribution lines (residential 240V through to 735 kV transmission lines), wirelessly networked computer systems in industry, institutions and business including public spaces like shopping centres; ubiquitous smart meters [...] with highly pulsed microwave transmissions; widespread communication networks (WiFi, NAN, WAN) including dedicated emergency and security service digital communications networks; transportation support [...] communications (civil and military radar, maritime installations, air traffic infrastructure, etc.); and kilohertz-ballast-excited lighting fixtures.

2. The facts on which Petitioner Marcel Durand’s personal claims against the Respondents are based are:
  - A. Petitioner lives in Sainte-Anne-des-Lacs, at 5 Chemin des Ormes, and has a workshop located within [...] ten (10) meters of a high-tension Hydro Quebec distribution line and [...] 494 meters from both a recently installed [...] mobile cellular base station tower on which [...] Bell, Rogers and Fido have registered transmitters, and a municipal radio transceiver mounted on a 15-meter mast behind Sainte-Anne-des-Lac’s City Hall. He is exposed to  $0.9 \mu\text{W}/\text{cm}^2$ , which exceeds the proposed standard of  $0.1 \mu\text{W}/\text{cm}^2$  for general uncontrolled environments as well as  $0.01 \mu\text{W}/\text{cm}^2$ , the standard for EHS individuals;
  - B. Directly adjacent to the family home, are [...] 6 (six) “Smart Meters” (all within [...] 100 meters of his residence), and inside the family residence, phone lines, a Toshiba

computer, Arris modem, printer, Ledvance Ltd. (Sylvania) lighting with incandescent light bulbs, a Beaumarck (General Electric) toaster (4 slices), Frigidaire refrigerator, Samsung television, Sony videocassette recorder;

- C. On April 18, 2015, Petitioner sent Notices of suit to the City of Sainte-Anne-des-Lacs, Bell Canada, and Rogers, those Notices produced as **Exhibits R-1A, R1-B and R1-C**, respectively;
- D. On October 28, 2013, Petitioner sent Notice of suit to Hydro-Quebec, that Notice produced as **Exhibit R-2**;
- E. The above-named Respondents, who received Notices sent by Petitioner, contained in **Exhibits R-1A, R1-B, R1-C and R-2**, failed to ensure that they complied with their legal obligations as set out in detail below, and further failed to stop or curtail the EMF pollution alleged herein; [...]
- F. The Notice contained in Exhibit R-1A requested details concerning EMF and insurance coverage for same. Nonetheless, there has been no abatement or reduction in EMF pollution since the Notice was received. Rather, ambient EMF has significantly increased, posing a health risk to Petitioner as well as to other nearby residents;
- G. In its Reply to said Notice, **Exhibit R-1A**, the City of Sainte-Anne-des-Lacs wrote a letter dated April 23, 2015, saying they would forward the complaint to Rogers and the City's insurer, which letter is produced as **Exhibit R-3**;
- H. The persistent EMF pollution to which Petitioner has been actively exposed, in particular since Autumn 2013, when smart meters were installed around the [...] City of Sainte-Anne-des-Lacs, forms part of a pattern of EMF proliferation, in particular in urban settings and [...] where persons or animals are in close proximity to one or a number of EMF sources, such that cumulative and interactive (between many possible frequency bands) EMF exceed power density [...] guidelines as they do for a [...] significant number of Quebecers. [...] EMF levels must be reduced to less than 1 milliGauss (mG) of low frequency [...] magnetic field, less than 0.6 Volt/metre of low frequency electric field, and less than 0.1 microWatt per square centimeter of microwave exposure (RF) [...] for the general population in uncontrolled environments; and reduced to less than 0.3 milliGauss (mG) of low frequency magnetic field, less than 0.2 Volt/metre of low frequency electric field, and less than 0.01 microWatt per square centimeter of microwave exposure (RF) for sensitive individuals (a child, a pregnant woman and her fetus or one who is [...] electromagnetically sensitive), and for sleeping environments as further indicated in the Threshold Exposure Standard alleged in these proceedings and evidenced by:



- i) a letter from Quebec Health Ministry's National Director of Public Health, Dr. Horacio Arruda, M.D., dated April 15, 2015 [...], declaring Minister Barrette's official position that EHS symptoms cannot in any way be related to Hydro Quebec smart meters and further instructing doctors to not find a causal relationship between EMF and any health problems and denying all liability for EMF, produced as **Exhibit R-4** which letter indicates the fault and negligence of the Quebec government;
- i) Evaluation of the Potential Carcinogenicity of Electromagnetic Fields (United States Environmental Protection Agency External Review Draft EPA/600/6-90/005B, October 1990) stating the body can absorb significant amounts of energy from environmental RF exposures...we can identify magnetic fields from sources in the home as a possible cause of cancer in people...more information about the risks of RF exposure is needed before any conclusions can be made about either their safety or hazard, produced as [...]**Exhibit R-20A**,
- ii) May 19, 1999 letter from William T. Allaben, Ph. D of the U.S. Food and Drug Administration Jefferson Laboratories to Dr. Errol Zeigler of Chemical Nomination and Selection, National Toxicology Program, National Institute for Environmental Health Services, which states: "There is currently insufficient scientific basis for concluding either that wireless communication technologies are safe or that they pose a risk to millions of users." produced as [...]**Exhibit R-20B**,
- iii) Report of Partial Findings from the National Toxicology Program Carcinogenesis Studies of Cell Phone Radiofrequency in Hsd: Sprague Dawley SD rats (Draft May 19, 2016) which states: Given the widespread global usage of mobile communications among users of all ages, even a very small increase in the incidence of disease resulting from exposure to RFR could have broad implications for public health...the tumors in the brain and heart observed at low incidence in male rats exposed to GSM- and CDMA-modulated cell phone RFR in this study are of a type similar to tumors observed in some epidemiology studies of cell phone use. These findings support the International Agency for Research on Cancer (IARC) conclusions regarding the possible carcinogenic potential of RFR produced as [...]**Exhibit R-20C**;
- iv) **Exhibit R-20D**: Motorola Memorandum from Normand Sandler Re: Revision of Lai-Singh Materials. Microwave News January/February 1997, p.13. The memo revealed the behind-the-scenes corporate maneuvering to manage the Lai-Singh news, as well as the close coordination between Motorola, CTIA and George Carlo's health effects research program, which justifies the claim for exemplary, punitive or treble damages for intentional, illicit acts by certain defendants (including Motorola aka Google);
- v) **Exhibit R-20E**: Waldmann-Selsama C, Balmori-de la Puenteb A, Breunigc H, Balmorid A. Radiofrequency injures trees around mobile phone base stations,

Science of the Total Environment, 592 (2016) 554-569.

<https://doi.org/10.1016/j.scitotenv.2016.08.045>. The measurements of all trees revealed significant differences between the damaged side facing a phone mast and the opposite side, as well as differences between the exposed side of damaged trees and all other groups of trees in both sides. Trees in low radiation areas (no visual contact to any phone mast and power flux density under 50  $\mu\text{W}/\text{m}^2$ ) showed no damage. Statistical analysis demonstrated that electromagnetic radiation from mobile phone masts is harmful for trees, which justifies the claim for damages to flora;

- vi) **Exhibit R-20F:** Cammaerts MC, Johansson O. Effect of man-made electromagnetic fields on common Brassicaceae *Lepidium sativum* (cress d'Alinois) seed germination: a preliminary replication study. *Phyton, International Journal of Experimental Botany* 2015; 84: 132-137. <http://bit.ly/EMRcress> (received April 24th, 2017) Study demonstrates exposure to RF emissions prevent seeds from germinating. "Under high levels of radiation (70-100  $\mu\text{W}/\text{m}^2 = 175 \text{ mV}/\text{m}$ ), seeds of Brassicaceae *Lepidium sativum* (cress d'Alinois) never germinated. When removed from the electromagnetic field, seeds germinated normally. The radiation was, thus, most likely the cause of the non-occurrence of the seeds' germination." which justifies the claim for damages to flora;
  
- vii) **Exhibit R-20G:** "Cell Phones and Health" California Department of Public Health Document released pursuant to *Moskowitz v. CDPH*, Sac. Super. Ct. No. 34-2016-80002358. Cell phone document not disclosed for 7 years and only made public in March of 2017 as a result of proceedings brought by Prof. Joel Moskowitz on behalf of UC Berkley. "EMFs can pass deeper into a child's brain than an adult's. Also, the brain is still developing through the teen years, which may make children and teens more sensitive to EMF exposures. For these reasons, parents may want to limit their child's cell phone use to texting, important calls, and emergencies. Pregnant women, children, and teens can also follow the tips for reducing exposure listed above." This justifies the claim for exemplary, punitive or treble damages for intentional, illicit acts by certain defendants including government and industry regulators (e.g. Canada, Quebec, Royal Society of Canada, and mobile phone marketers) as well as attractive nuisance;
  
- viii) **Exhibit R-20H:** Martin L. Pall "Wi-Fi as a Very Substantial Threat to Human Health" February 2017 but only sent to us April 24, 2017 and indicates cumulative EMF effects on children). Many thousands of published scientific studies since the 1950's showing the existence of non-thermal EMF effects. Non-thermal EMF exposures attack: our health; our brain function; the integrity of our genomes; and our ability to produce healthy offspring. Neither Wi-Fi apparatuses nor other devices putting out such EMFs are ever tested biologically for safety. Four different types of studies, each provide evidence for cumulative effects of non-thermal EMF exposures. Each of the 11 health impacts caused by non-thermal EMF exposures can

be explained as being produced by indirect effects of VGCC activation. Given the fact that Wi-Fi has been placed in most schools, hotels, restaurants, coffee shops, commercial aircraft and airports, and that Wi-Fi hot spots are becoming increasingly common in cities around the world, we should expect massive cumulative Wi-Fi effects in many people;

- ix) **Exhibit R-20I:** Louis Slesin, Peer Review in the Raw: N.P. Singh, the Comet Assay and “Radiation Research”, Microwave News, April 27, 2017. Describes irregularities in review process ahead of 1997 publication of contrary report on DNA damage. Process described as “a disgrace to the American research establishment.” This demonstrates in-bedded-ness amongst regulators, industry, researchers, peer reviewers, and journal publishers to misrepresent EMF science and safety standards;
- x) **Exhibit R-20J:** Yang M, Guo W, Yang C, Tang J, Huang Q, et al. (2017) Mobile phone use and glioma risk: A systematic review and meta-analysis. PLOS ONE 12(5): e0175136. <https://doi.org/10.1371/journal.pone.0175136> . Long-term mobile phone use was associated with 2.22 times greater odds of low-grade glioma occurrence;
- xi) **Exhibit R-20K:** Bortkiewicz A, Gadzicka E, Szymczak W. Mobile phone use and risk for intracranial tumors and salivary gland tumors - A meta-analysis. Int J Occup Med Environ Health. 2017 Feb 21;30(1):27-43. doi: 10.13075/ijomeh.1896.00802. Epub 2017 Feb 13. A significantly higher risk of an intracranial tumor (all types) was noted for the period of mobile phone use >10 years (OR 1.46), for the time from first regular use > 10 years or more (OR 1.25) and for the ipsilateral use (OR 1.29);
- xii) **Exhibit R-20L:** Prasad M, Kathuria P, Nair P, Kumar A, Prasad K. Mobile phone use and risk of brain tumours: a systematic review of association between study quality, source of funding, and research outcomes. Neurological Sciences. 2017 Feb 17. doi: 10.1007/s10072-017-2850-8. Evidence linking mobile phone use and risk of brain tumors especially in long-term users (greater than 10 years). Significant positive correlation between study quality and outcome. Higher quality studies show a statistically significant association between mobile phone use and risk of brain tumor. Source of funding affects quality of results produced by the studies. Findings warrant application of precautionary measures aimed at reducing adverse effects;
- xiii) **Exhibit R-20M:** G. Thériault, M. Goldberg, et al.; Cancer Risks Associated with Occupational Exposure to Magnetic Fields among Electric Utility Workers in Ontario and Quebec, Canada, and France: 1970–1989. Am J Epidemiol 1994; 139 (6): 550-572. doi: 10.1093/oxfordjournals.aje.a117046. Workers who had more than the median cumulative exposure to magnetic fields had a higher risk for acute nonlymphoid leukemia (odds ratio (OR) = 2.41) and for acute myeloid leukemia (OR

= 3.15). Elevated risk for mean exposure above 0.2  $\mu$ T (acute nonlymphoid leukemia, OR = 2.36.; acute myeloid leukemia, OR = 2.25;

- xiv) **Exhibit R-20N:** Carlberg M, Koppel T, Ahonen M, Hardell L. Case-control study on occupational exposure to extremely low-frequency electromagnetic fields and glioma risk. Am J Ind Med. 2017 Apr 10. doi: 10.1002/ajim.22707. [Epub ahead of print] <https://www.ncbi.nlm.nih.gov/pubmed/28394434>. Authors conclude that an increased risk in late stage (promotion/progression) of astrocytoma grade IV for occupational exposure to extremely low frequency magnetic fields was found. Cumulative exposure gave for astrocytoma grade IV (glioblastoma multiforme) in the time window 1-14 years odds ratio (OR) = 1.9, 95% confidence interval (CI) = 1.4-2.6;
- xv) **Exhibits R-20O, P and Q:** ANSES Opinion. Request No 2012-SA-0091 OPINION of the French Agency for Food, Environmental and Occupational Health & Safety on the expert appraisal of "Exposure to radiofrequencies and child health" "Measurements of the local SAR from a mobile telephone in contact with the body, carried out by the ANFR in 2015, showed, from a sample of mobile telephones, that the resulting exposure can sometimes be high: among the 95 mobile telephones tested by the ANFR, 89% of them measured in contact with the body had a SAR above 2 W/kg" when used normally, the majority of mobile phones tested expose users to radiation levels exceeding the European standard of 2 W/kg and the North American standard of 1.6 W/kg. Mesures réalisées par l'Agence nationale des fréquences de France (ANFR) de débit d'absorption spécifique (DAS) réalisées entre 2012 et 2016 sur 379 téléphones portables vendus en France. Les mesures démontrent que 77% des téléphones portables mesurées au contact exposent les utilisateurs à un DAS au-delà des normes européennes de 2.0 W/kg. Les mesures démontrent que 88% des téléphones portables mesurées au contact exposent les utilisateurs à un DAS au-delà des normes Nord-Américaines de 1.6 W/kg. Les graphiques démontrent l'écart entre les valeurs de DAS mesures a la distance du constructeur et celles mesures au contact. Dans certains cas la mesure de DAS est le triple de la norme. DOSSIER DE PRESSE: L'Agence nationale des fréquences (ANFR) publie aujourd'hui les mesures de DAS (débit d'absorption spécifique) réalisées entre 2012 et 2016 sur 379 téléphones portables vendus en France. « Sur 272 téléphones testés entre 2012 et 2016, la valeur médiane du « DAS tronc maximal mesuré au contact est de 2,9 W/kg. » La réglementation en vigueur exige que les valeurs maximales de DAS mesurées soit inférieurs à 2 W/kg
- xvi) **Exhibits R-20A to R-20N,** read together, prove that Cumulative EMF is the direct and immediate cause of the damages claimed in these proceedings. As well, those Exhibits justify a presumption of causality and prima facie proof sufficient to shift the burden of disproof to Defendants while facts are to be taken as true, as the

Fund and the TAQ failed to do so, they are alleged here in greater detail to inform the Court.

- xvii) **Exhibit 63-A:** Carlberg M, Hardell L. Evaluation of Mobile Phone and Cordless Phone Use and Glioma Risk Using the Bradford Hill Viewpoints from 1965 on Association or Causation. Biomed Research International. 2017;2017:9218486. doi: 10.1155/2017/9218486. Epub 2017 Mar 16. Study concludes that RF radiation should be regarded as a human carcinogen causing glioma;
- xviii) Given this compelling evidence concerning the health damages caused by the cumulative effects of EMF, it is clear that these are the direct and immediate cause of Petitioners' claimed damages. Nonetheless, it is further alleged that even as prima facie proof, this is sufficient to have the burden of proof shifted to defendants pursuant to the decisions in *Snell v. Farrell* [1990] 2 S.C.R. 311; *McGhee v. National Coal Board* [1972] 3 All. E. R. 1008 (H.L.); *Myrs v. Peel County Board of Education*, [1981] 2 S.C.R. 21; *Bonnington Castings, Ltd. v. Wardlaw* [1956]. All E.R. 615 (H.L.) concerning pneumoconiosis from cumulative effects of silica dust; *Edgar v. Freeman* 1997 CanII 4067 (BC CA)
- xix) EMF measurements in excess of the maximum levels herein stipulated, as indicated in the Survey [...] reports prepared by Full Spectrum Measures, produced as **Exhibit R-33, R-34, R-48 and R-49;**
- xx) Names and addresses of 1,287 complainants in a petition concerning excess EMF pollution, produced as **Exhibit R-5, en liasse;**
- I. [...]
- J. Petitioner has suffered numerous and varied damages as a [...] result of cumulative EMF exposure created by, inter alia, the operation of various machines, Hydro and telephone lines and towers, Wi-Fi, Arris Canada modem and router equipment, electronic ballast lighting, automobiles, restaurants and hotels providing Wi-Fi access, the Montreal subway, as well as by the other electric, transmission, and electronic sources<sup>[...]</sup>. [...] These damages can be summarized, without limitation and under strict reserve of future addition, amendment and modification, as follows:
- (i) he has suffered physical discomfort from excessive EMF levels which have exceeded acceptable thresholds during the night as well as day, as indicated, in part, by the medical prescription dated October 2, 2013, issued by Sylvie Morin, M.D. which prescription is produced as **Exhibit R-6;**

- (ii) he has suffered physical discomfort including a general feeling of fatigue, inability to work as he used to, inability to heal properly and susceptibility to infection caused by EMF pollution;
- (iii) he has suffered substantial interference in the ability to work or carry out his normal activities, both at night and during the day, as a direct result of the excessive EMF levels, with such inconvenience and interference including, but not limited to, the inability to sleep and the inability to make a [...] modest living;
- (iv) he has suffered substantial interference with his ability to function effectively and [...] the fact that excessive EMF levels deprived him of the ability to sleep restfully, or in some cases, at all; such interference caused him to be extremely tired in ill-health, diagnosed with chronic Lymphocytic Leukemia as more fully appears from his medical file as concerns EMF exposure, produced as **Exhibit R-7 en liasse**, and not alert as is needed to function safely in his work, which involves air compressing hammers;
- (v) he found it absolutely necessary to make numerous adjustments in order to attempt to mitigate the numerous inconveniences caused by the EMF exposure including, but not limited to, a Faraday cage, shielding of the house, and finding alternate sleeping accommodations;

His fundamental right to a healthy environment, to its protection and to the protection of living species inhabiting it has been impaired, as has his right to a healthy environment in which biodiversity is preserved (David R Boyd, *The Right to a Clean Environment: Revitalizing Canada's Constitution*, U.B.C. Press, 2012, pages 62-3, 182-184 and fn. 129 page 225);

[...]

- (vi) he suffered extreme psychological and physical stress as well as decreased productivity as a result of disruption to his sleep and daily routine [...] due to this EMF exposure, and reserves his right to claim in more detail of the long-term effects of that EMF exposure, ill-health, sadness and stress;
- (vii) he suffered substantial inconvenience from EMF exposure created by the operation of a variety of EMF sources in near proximity to him, such EMF being transmitted on a continuous basis as well as sporadically, in both the exterior and interior of his dwelling; as well as loss of the use of his workshop for over eight (8) years, thus eliminating the peaceful enjoyment of that part of his premises;
- (viii) he suffers from fear and anxiety that his health and well-being relating to EMF pollution have not been protected and he consequently invokes the precautionary

principle as being absolutely necessary to protect himself, class members and flora and fauna from Non-ionizing Electromagnetic Field Exposure and inadequate non-ionizing EMF international guidelines and in that regard endorses the position of His Excellency Ban Ki-moon, Secretary General of the United Nations and 223 published and peer reviewed EMF scientists from 41 countries that have signed the EMF Scientists Appeal, produced as **Exhibit R-11**;

- (ix) his property, the flora and fauna living there on and in close proximity thereto, have been adversely impacted by the cumulative EMF including, but not limited to (a) trees on his property have been burned, killed or damaged by EMF, as appears from the photographs attached to [...] the Durand survey reports, contained in **Exhibit R-33**; (b) the trees on his neighbours property burst into flames and burned as a result of Hydro Quebec power lines; (c) Canada geese, wasps and deer which used to visit his property or were found in close proximity thereto are less evident, if at all; (d) the loss of the use of his workshop;
  
- (x) he is the victim of extensive breaches of his right to life, liberty and security of person, [...] as indicated by the Supreme Court of Canada in Godbout vs. Longueuil [1997] 3 S.C.R. 884, Carter vs. Canada [2015] S.C.C. 5, Morgentaler 2 [1998] 1 S.C.R. 76 and Chaoulli vs. Quebec [2005] 1 S.C.R. 791.-As smart meter emissions, in addition to the EMF pollution to which he is and has been exposed, will clearly aggravate his situation and cause further health damage, Petitioner contends that the installation of a smart meter would be a flagrant breach of his Charter rights, as is clearly indicated in the Durand survey reports produced as **Exhibit R-33**.
  
- (xi) he wants no “smart meter” (RF emitting meter) and wishes to never have one, but was threatened by phone on Saturday, March 1, 2014 at 8:30 in the morning by a representative of Cap-Gemini, who insisted aggressively that Petitioner must accept installation of a smart meter in his home or suffer the consequences of the law, all of which was perceived by Petitioner as intimidation and harassment, as described in Petitioner’s complaint to the Régie de l’énergie made on March 8, 2014 (one of 400 such complaints), which is produced as **Exhibit R-16**. Petitioner bases his refusal to accept installation of a smart meter on the grounds that he believes that the information produced by Hydro Quebec, the Quebec Government, the Federal government and the Royal Society of Canada to the effect that there are no health risks associated with smart meters is patently false, produced in bad faith and an abuse of power, for which Section 24 Charter damages are due;
  
- (xii) [...]

(xiii) he seeks the following injunctive relief on his own behalf and on behalf of the class on the basis that, inter alia, all Respondents including all levels of government have intentionally contravened Articles 19.1 and 20 of the Environment Quality Act and that all Respondents including all levels of government have intentionally contravened Articles 1, 5, 6, 7, 8, 46.1, 48 and 49 of the Charter of Human Rights and Freedoms CQLR c. C-12 pursuant to *Homans c. Gestion Paroi inc.* 2017 QCCA 480; *Carrier c. Quebec (P.G.)*. 2011 QCCA 1231; *Coalition pour la protection de l'environnement du parc Linéaire « Petit Train du Nord » c. Compté des Laurentides* [2005] R.J.Q. 116; *Nordic Property Inc. c. KK Plastic inc.*, 2011 QCCS 1600; *Roy c. Usinage Nado Inc.* J.E. 86-186; *Canada Paper Co. c. Brown* 1922 CanLII 38 SCC, and *Ciment St. Laurent, supra.*:

- a. Medical monitoring for Petitioner and all Affiants, at Defendants' expense;
- b. EMF monitoring in areas of particularly high intensity including periodic measurements/assessments within relevant distance of anticipated important emission sources (Power distribution substations, high voltage transmission lines, medium voltage distribution lines, mobile cellular base stations, digital communications transmitters in Air Canada airplanes, on STM metro platforms and in STM metro cars and the like) and within a specific radius of expected sensitive populations (schools, hospitals, nursing homes, etc). Monitoring should include ambient ELF through LF Magnetic, ELF through LF electric, MW/RF Power, grounding quality (stray voltage) and dirty electricity;
  - b.1 Results of monitoring be reported semi-annually to the appropriate health + safety organization created for that purpose by the Attorney General of Quebec;
- c. Production of all relevant data from Defendants who manufacture, operate or authorize the operation of any EMF producing devices or objects regarding Magnetic, Electric and RF Power assessments relevant to users. This is in contact with body for wearable devices; 1 – 3 ft. for appliances, computers and similar equipment; tens to hundreds of meters for power distribution lines (farther for higher power infrastructures); 50 m to 2 km for wireless digital transmission devices. In the case of permanently installed, site-specific infrastructure or networks, data should include any assessment (by measurement, modeling or otherwise by prediction) generated in the course of proposing, planning, implementing, commissioning or inspecting said infrastructure or networks. Absent previously available data, Defendants [...] shall collect and produce by means reasonably available said relevant data (EMF data may be collected employing existing infrastructures such as power distribution monitoring equipment or cellular network equipment or be



employing networked consumer devices deployed throughout the region. Existing or new application software may be employed to automate said data collection/collation/production).

(xiv) He says that he (as well as other class members) are “neighbours” within the meaning of Art. 976 C.C.Q.:

(xv) He says that collective recovery is appropriate, in the interest of justice and fairness, and respects the rule of proportionality as recognized by Kenneth R. Feinman, “Who Gets What: Fair Compensation After Tragedy”, Public Affairs, New York, 2012.:

(xvi) He says that this Honourable Court can and should use its discretion and reach a presumption of fact, within the meaning of Art. 2849 C.C.Q., as concerns the cause of the Representatives and the Class members cumulative effects of EMF damages given that the facts in support of such a presumption are clearly serious, precise and concordant. Such a presumption is also entirely consistent with the policy underlying collective actions, environmental protection and the protection of fundamental and Charter rights pursuant to Bonnington Castings, Ltd. v. Wardlaw, [1956] 1 All E.R. 615 (H.L.) (Presumption of Causation/Cumulative effects Liability cannot be disregarded as negligible on the de minimus principle per Lord Tucker) <http://www.bailii.org/uk/cases/UKHL/1956/1.html>:

3. The facts giving rise to personal claims by each of the members of the class against the Respondents are the same as those which justify the Petitioner’s individual recourse, as is made evident through the following documents:
  - A. [...];
  - B. EMF Survey [...] Reports by Full Spectrum Measures for the above-named Affiants [...] that apply the Methodology (presented in Exhibit R-18) (the survey report for affiants Evelyn and Myles Mahon is produced as Exhibit R-34), a Survey of recent model automobiles, a Survey re Berri-UQAM subway (and other STM infrastructures and facilities produced as Exhibit R-48) and another concerning [...] Air Canada in-flight emissions produced as Exhibit R-35 C (ii) and (iii) identify [...] and quantify, consistent with Petitioner’s proposed Methodology, the EMF pollution emitted by source, and will be produced once completed; [...]
  - C. A study by Dr. David Carpenter documenting adverse health effects resulting from exposure to both low frequency and radiofrequency electromagnetic radiation, and especially the electromagnetic radiation that is associated with exposure to that coming from smart meters is produced as Exhibit R-21;

- D. Studies of EMF effects on flora and fauna, and on humans, prepared by Dr. Magda Havas, are produced en liasse as **Exhibit R-22** as well as the evidence of Dr. Karl Maret concerning smart meter and other EMF sources files in support of Davis vs B.C. Hydro, produced as **Exhibit R-23**;
- E. A copy of a petition to the City of Sainte-Anne-des-Lacs, dated from June to September 2012, signed by approximately 800 City residents filed by Elaine Reid, expressing opposition to the installation of Smart Meters and cell phone towers within one-kilometer distance of the City of Sainte-Anne-des-Lacs will, when [...] a complete copy is received, be produced, Sainte-Anne-des-Lacs has to date refused to provide the complete document as requested (partial survey produced as **Exhibit R-10**)[...];
- F. Farmers **who** are adversely affected by stray voltage such that their livestock become stressed, aggressive, pile, suffer from increased mortality leading to business loss for farmers, loss of respect and stress, as indicated in the Affidavit of Helene Fontaine, produced as **Exhibit R-8** and as recognized in *Hoffman and Hoffman vs. Wisconsin Electric Power co.*, 2003 WI 64, Supreme Court of Wisconsin, 2003 WI 64 (The Honourable Mr. Justice Philip M. Kirk);
- G. Petitioner, Marcel Durand, has surveyed the Affiants concerning their vehicle, electric metering, exposure to involuntary restaurant or Cafe wifi and use of particularly harmful consumer appliances such as hair dryer and electric tooth brush, a table of the results is produced as **Exhibit R-42**;
- H. All of the class members are neighbours within the meaning of Art. 976 C.C.Q.;
- I. All class members suffer from the cumulative effects of EMF in excess of the European standards proposed herein, as a result of EMF produced and emitted by all Respondents including the willful blindness, gross negligence and failure to protect citizens' fundamental rights by all levels of government, all Respondents having contravened Articles 19.1 and 20 of the Environment Quality Act c Q-2;
- J. Respondents, including all levels of government by their gross negligence and "in-bedded-ness", have contravened Articles 1, 5, 6, 7, 8, 46.1, 48 and 49 of the *Quebec Charter of Human Rights and Freedoms* CQLR c. C-12;
- K. In particular, Respondent governments have acted intentionally, wilfully, negligently and in concert with the other Respondents in their failure to recognize and protect citizens, flora and fauna from the cumulative effects of EMF as a contaminant;
- L. Respondent governments, well aware of the risks of EMF, have intentionally, wilfully, negligently and in concert with the other Respondents, failed to protect citizens, flora and fauna from the deleterious cumulative effects of EMF, in particular as concerns children,

pregnant women, the electro-sensitive and fauna;

- M. All Respondents have and continue to commit faults within the meaning of Art. 1457 C.C.Q., causing continuing bodily, moral and material injury including health damages, damages to nature and the environment, for which reparation is due;
  - N. As well, the class members are entirely justified in having the damages immediately curtailed, such that the injunctive relief set out herein is warranted and in the public interest, future generations' interest, nature and the environment's interest. The damage alleged herein is, for the most part, impossible to reverse and becomes worse over time;
  - O. Class members allege that it is in the interest of justice, proportionality, fairness and the precautionary principle that collective recovery and the amount to be awarded each individual member be assessed using an average determined for each zone or sub-group;
  - P. Class members are entitled to have the legal concept of attractive nuisance applied to sources of EMF as concerns children;
  - Q. Defendant manufacturers, distributors, emitters and governments failure to warn class members of the risk of EMF pollution, thus breaching their legal duty/(fault causing damages). Defendants' knowledge of the defects and dangers of EMF pollution, began at very latest in 2007. The Defendants' products and services were clearly unfit for their intended purpose and/or dangerous when used as designed and intended, all of which was known by those Defendants and the governments (*Cantlie v. Canada Heating Products Inc.* 2017 BCSC 286);
  - R. Class members allege failure to warn as a breach of a legal duty/ (fault causing damages) of all manufacturers and the governments, Defendants' knowledge of the defects and dangers and if so, when, were the Defendants' products unfit for their intended purpose and/or dangerous when used as designed and intended? (*Cantlie v. Canada Heating Products Inc.* 2017 BCSC 286);
4. The composition of the class makes the application of articles 59 or 67 of the *Code of Civil Procedure* difficult or impractical because:
- A. The number of physical persons affected, at least [...] 249,783 (that being three percent (3%) of the population of Quebec) and likely as many as [...] 390,000 (given that as a result of the intentional and bad faith actions of many of the Respondents, the three (3) year prescription limitation does not apply), makes it impossible for these persons to meet together and negotiate a specific mandate in virtue of which they might name a mandatary, or act as plaintiffs together in the same case, as contemplated by Arts. 59 or 67 C.C.P. as well as the fact that some of them are under the age of 18<sup>[...]</sup>. Petitioners reserve their right to vary the percentage of Quebecers they represent as there is credible

evidence suggesting as much as fifteen (15) percent of the Quebec population will be seriously affected by EMF pollution;

- B. It would be highly impracticable costly, uneconomical, unjust, abuse of the court systems if not entirely impossible for each of the persons herein identified as class members to pursue an individual action;
  - C. All the members of the class are affected in the same or a very similar manner, although to different degrees, by the behavior of the Respondents and their interests will be better protected in a class action where the [...] Court will have broad powers to protect the rights of absent parties than they would be if a few of these parties took individual actions;
  - D. Contrarily, class action proceedings are the most effective, efficient and appropriate legal proceedings available to ensure that each of the Class members' rights are duly protected and preserved both now and in the future, in particular as concerns environmental matters as noted in *Comité d'Environnement de la Baie Inc. c. Société d'Électrolyse et de Chimie Alcan Ltée.*, 1990 CanLii 3338 (QCCA), [1990] R.J.Q. 665 the Quebec Court of Appeal, stating that class actions suits are by far the most appropriate manner of litigating environmental claims given the large number of victims and the exceptional cost of such litigation;
  - E. Moreover, due to the significant experts' costs associated with the litigation of this matter, it is in the best interests of each of the members of the Class, and of justice, that the institution of a class action be authorized.
5. The identical, similar or related questions of law or fact between each member of the class and the Respondents which Petitioners wish to have decided by the class action are:
- A. The inconvenience, discomfort, stress, economic and health problems that were suffered by each of the members of the class were caused by/or created as a result of excessive cumulative EMF exposure;
  - B. Presumptive evidence of causality i.e. that given the "serious, precise and concordant" facts alleged, this Honourable Court is entirely justified in coming to a presumption of fact that cumulative EMF causes serious health effects to humans, flora and fauna and causes cancer for a significant number of humans. As a result of this prima facie presumptive evidence, this Honourable Court should conclude that the burden of proof shifts to Defendants who now must prove the cumulative effects of EMF are not harmful to humans' flora and fauna. The approach is entirely consistent with the precautionary principle and the purposes of deterrence and the public interest in environmental protection (Court of Appeal *Carrier* decision) which forms the basis of Quebec environmental Class Actions;

- C. The EMF emissions contravene sections 1(5) 19.1, 20, 90, 91, 92 and 94 and following of *The Environmental Quality Act* (“the *E.Q.A.*”);
- D. Whether the troublesome emissions described herein contravene art. 20 *in fine E.Q.A.* since they “porte atteinte au confort de l’être humain”;
- E. These EMF emissions [...] exceed the European standard of one milliGauss of [...] magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave [...] power density for general populations in uncontrolled environments; or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or sensitive individuals [...](children, pregnant women or the electromagnetic hypersensitive) and for pets and animals as indicated in the Threshold Exposure Standard:

<b>Declared Threshold Exposure Standard for General Population in Uncontrolled Environments</b>				
Radiation Type	Band	Threshold Value	Units	
Power Density	Radio Frequency 3 kHz – 300 GHz	<b>0.1</b>	<b>μW/cm<sup>2</sup></b>	microWatts per square centimeter
Magnetic Field	Low Frequency 3 Hz – 30 kHz	<b>1</b>	<b>mG</b>	milliGauss
Electric Field	Low Frequency 3 Hz – 30 kHz	<b>0.6</b>	<b>V/m</b>	Volts per meter

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

<b>Declared Threshold Exposure Standard for Sensitive Individuals* or Sleeping Environments</b>				
Radiation Type	Band	Threshold Value	Units	
Power Density	Radio Frequency 3 kHz – 300 GHz	<b>0.01</b>	<b>μW/cm<sup>2</sup></b>	microWatts per square centimeter
Magnetic Field	Low Frequency 3 Hz – 30 kHz	<b>0.3</b>	<b>mG</b>	milliGauss
Electric Field	Low Frequency 3 Hz – 30 kHz	<b>0.2</b>	<b>V/m</b>	Volts per meter

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

\*Sensitive Individuals include EHS, young children and pregnant women

- F. The EMF emissions constitute “contaminants” within the meaning of Art. 1(5) of the E.Q.A. and further contravene Arts. 6.01, 7.01, 7.02, 7.04, 7.05, 7.06, 7.08, 7.09 and must be statutorily recognized as such;
- G. The EMF emissions constitute a nuisance within the meaning of Article 976 C.C.Q. as they exceed that which is reasonable and tolerable in a residential environment;
- H. These emissions constitute an abuse of right within the meaning of Articles 6 and 7 C.C.Q. as exercised in bad faith, with the intent to injure another or exercised unreasonably;
- I. Whether the emissions emitted by certain Respondents including Hydro-Québec and the tower emitters complained of, constitute neighbourhood annoyance beyond the normal such as to trigger the provision of Art. 976 the *Quebec Civil Code* and, additionally if those emissions constitute a fault, were they intentional and whether the governmental Respondents were complicit therein, such that punitive, exemplary and treble damages are warranted<sup>[...]</sup> pursuant to *Ciment du St. Laurent Inc. vs. Barrette* [2008] 3 S.C.R. 392 and, as concerns exemplary damages, against governments, *Hinse vs. Canada* [2015] S.C.C. 35, art. 1457 C.C.Q. and s. 49 of the *Quebec Charter* as well as L. Perret “*De l’impact de la charte des droits et libertés de la personne sur le droit civil des contrats et de la responsabilité*” (1981), 12 R.D.J. 121 at page 170. Petitioner claims that all involuntary exposure should be compensate by treble damages as set out in the Ford Pinto line of jurisprudence;
- J. Did Defendants fail to warn (as a breach of a legal duty/ (fault-causing-damages) by all manufacturers, distributors, emitters and governments? Did Defendants’ know of the defects and dangers at least since 2007 and if so, when; Were the Defendants’ products unfit for their intended purpose and/or dangerous when used as designed and intended (Cantlie v. Canada Heating Products Inc. 2017 BCSC 286)?
- J.1 Respondents including the Provincial and Federal governments:
- (i) hid information concerning EMF pollution and its effects, which caused prejudice to those subjected to EMF pollution;
- (ii) willfully and intentionally caused prejudice to the Quebec population, its flora and fauna, children, pregnant women and the EMF hypersensitive by covering up technical information, carcinogenic nature, and other health risks due to cumulative EMF exposure;
- (iii) committed willful errors, acts and omissions with regard to EMF and its effects such that their liability is *solidary* or *in solidum* (Art. C.C.Q. 1480: Where

several persons have jointly participated in a wrongful act or omission which has resulted in injury or have committed separate faults each of which may have caused the injury, and where it is impossible to determine, in either case, which of them actually caused the injury, they are *solidarily* bound to make reparation there for. *Roy c. Mout* 2015 QCCA 692; See also *Montreal c. Biondi* 2013 QCCA 404, at para. 150 and fn. 44 concerning apportionment of liability in a Class Action pursuant to Art. 1478 C.C.Q.)

(iv) as such, punitive or exemplary damages are due by operation of Section 49 of the *Quebec Charter* as well as by operation of Section 24(1) of the *Canadian Charter of Rights and Freedoms* for unlawful and intentional breaches of fundamental Charter rights; (See *Hinse vs Canada* 2015 SCC 35 where the Minister of Justice was found to have committed a fault pursuant to Art. 1457 C.C.Q. and assessed punitive and compensatory damages pursuant to Sec. 41 of the *Quebec Charter* for "unlawful and intentional interference" with *Charter* Rights.)

- K. Whether, even if Respondents are able to prove they complied with all regulatory requirements, which is denied, civil liability under Art. 976 C.C.Q. is triggered, even in the absence of fault as abnormal inconvenience has arisen from abuse of the right of property<sup>[...]</sup> pursuant to *Drysdale vs. Dugas* and *Ciment St-Laurent*;
- L. The right of the Petitioners and each member of the class to claim damages, as well as moral, exemplary and Charter damages, from the Respondents;
- M. Whether Respondents are jointly and severally liable (or liable in solidum) for the damages caused to Petitioner and the members of the class;
- N. Whether Petitioner and class members may invoke contractual arguments in the nature of breach of contract, products liability, failure to warn, or bad faith comportment against Respondents;
- O. Whether Respondents were at fault in not taking sufficient measures to assure the EMFs produced collectively did not create nuisance, exceed a safe level, or constitute an abuse of right, and whether their actions in this regard were intentional and/or fraudulent;
- P. Whether, having knowledge of the nuisance and/or abuse of right, Respondents were at fault in not acting in a timely manner to curtail the excessive EMF pollution alleged;
- Q. Whether the national, provincial and municipal governments are liable for their failure to protect against and carefully study EMF pollution;
- R. Whether section 46.1 of the Quebec Charter or Rights and Freedoms ("The Quebec Charter") should be interpreted such that the European EMF standards (Resolution 1815

of the Parliamentary Assembly of the Council of Europe)/BioInitiative 2007, or a refined version thereof, are the correct measure to apply when interpreting 46.1;

- S. Whether the Quebec Environment Quality Act provisions concerning EMF (rayonnement) should also be [...] judicially interpreted to apply the European standards concerning EMF, as presented as the Threshold Exposure Standard;
- T. Whether EMF emissions referred to herein breach Arts. 6 (peaceful enjoyment and free disposition of property) and 46.1 of the Quebec Charter (the Right to a healthful environment and one respectful of biodiversity)<sup>[...]</sup> and whether that unlawful interference entitles Petitioners and all other victims to obtain the cessation of that interference and, as intentional, punitive damages pursuant to Art. 49 of the Quebec Charter. These two distinct rights are recognized in Delage c. Plantons A. & P. Inc. 2013 QCCS 2269 at page 45. As concerns the recognition of environmental protection as both an imperative and fundamental value of Canadian society see ibid at page 45 and footnote 75 citing Ciment du St. Laurent v. Barette (2008) 3 S.C.R. 392 and St-Luc de Vincennes v. Compostage Mauricie inc. J.E. 2008-420 C.A. at para 46;
- U. A summary indicating the principle EMF emissions and enabling behaviour and technology of Defendants is [...];

**Air Canada:** exposing customers and passengers to EMF without adequate warning or notification; 100 mG measured in airplane passenger cabin in one sample, Wifi in aircraft (passenger and crew areas) and in lounges, and in-flight entertainment systems; use of global distribution systems;

**Apple Canada Inc.:** cellphones, tablets, iWatch, Apple car play, AirPods, VR headsets, self-driving cars, iPhone 8 air charging, all iPhones and iPads (attractive nuisance and addictive). From 2007, iPhone moved cellphone antennas towards bottom of handsets (terminal devices) in closer proximity to head. Failed to recommend use of headphones with iPad, iPod and iPhone. Failed to recommend all computers and laptops be operated plugged in (hardwired). Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). Siri, HomePod: always on Wifi. Encouraging wireless headsets through marketing and promotion; Developing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;



**Arris Canada:** Internet Protocol, modems, broadband and networking, satellite transmission; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Attorney General of Canada:** failure of Canadian government; especially Health Canada, to fulfill mandate of " . . . ensuring best health of Canadians"; capitulation with industry to suppress health risks, conflicts of interest; willful negligence in reviewing/considering relevant recent research for updating EMF safety guidelines;

**Attorney General of Quebec:** Failure to apply its environmental legislation, permitting of EMF pollution, failure to make operational and enforce the EMF provisions in the Environment Quality Act, conflicts of interest with the industries employing EMF, Letter R-4, which constitutes in-beddedness, suppression of evidence and intentional interference with citizens' health, intentional breaches of both Charters, sub-delegation of jurisdiction to Hydro-Quebec, WiFi in schools (attractive nuisance and addictive), False information to Quebec doctors = complicitous behaviour;

**BCE INC. (Bell Canada):** Cell phone towers, cell phones, cell phone transmissions of EMF, tablets, television transmissions, modems, other sources of WiFi, security and wifi access at the Bell Center, Smartphones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; negligence in addressing and mitigating known harmful exposures to citizens and employees (e.g. line workers) from ubiquitous infrastructures (e.g. transmission lines and base stations) at least as early as 1990s (treble damages); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Cisco Systems Canada Co.:** Modems, digital networks, networking hardware, telecommunications equipment, Internet of Things, firewall backdoor; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Ericsson Canada Inc.:** telephones, cell phones, modems, networking, telecommunications equipment, mobile broadband and microwave transmissions for mobile and fixed networks, base stations, switches, antennas, equipment used in mobile phone networks and mobile networking; Failure to adequately inform users

of potential EMF exposure (in excess of guidelines) with expected mobile handset use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**ESIT Canada Enterprise Services Co. (Previously Hewlett-Packard Canada Co.):** Personal computers and laptops (PCs), networking hardware and consumer products, servers, printers, photocopiers, enterprise storage, digital imaging devices, cameras, scanners, notebooks, smart handhelds, calculators, monitors, projectors, fax machines and networking; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure; semiconductors, scientific instruments and electronic test equipment serving wireless and telecom industries which enable EMF-emitting products;

**Facebook Canada Ltd.:** Oculus Rift, as a content provider, a facilitator. As concerns children, time spent on Facebook exposes them to EMF from the devices employed, telecom infrastructure project, VR headsets, Instagram (cyber bullying); Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**FCA Canada Inc. International:** EMF from vehicle power, traction, and auxilliary systems as indicated by vehicle survey, in-car Bluetooth, audio and entertainment systems, Apple car play; WiFi at dealerships and service centers; Failure to inform customers of potential exposure to EMF from products including wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Fido Solutions Inc.:** telephones, cell phones, modems, networking, telecommunications equipment, mobile broadband and microwave transmissions for mobile and fixed networks; Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free,

wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**General Electric Canada:** Every electric product in the GE catalog, every device that plugs in, including portable phones, MRIs and X-Ray machines, healthcare products + equipment, residential and commercial appliances especially high power and motorized equipment; Transportation equipment and rolling stock including trains and light rail systems (metros). Aviation and stationary power equipment including gas turbine engines and generators. Lighting systems and equipment; Headphones, especially over-ear, noise-cancelling and wireless models;

**General Motors of Canada:** EMF from vehicle power, traction, and auxilliary systems as indicated by vehicle survey, in-car Bluetooth, audio and entertainment systems, Apple car play; WiFi at dealerships and service centers; Failure to inform customers of potential exposure to EMF from products including wireless products; failure to supply/document/encourage use modes to reduce EMF exposure; High-frequency switching power and traction systems for electric drivetrains such as Chevy Volt and Chevy Bolt; WiFi at dealerships and service centers;

**Google Canada Corporation:** cellular telephones, laptops and tablets, cloud communications, VR, Google Fiber, Wifi mesh router system, home speaker, Nest Labs (EMF), Google Glass, Google Watch. Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). Wireless infrastructure and network infrastructure products and services; fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Hitachi Data Systems Inc.:** telecommunication systems, digital media and consumer products, electronic systems and equipment, printers, photocopiers; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services

with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Honeywell Limited.:** computers, scanners, thermostats, sensors, security alarm systems, aircraft lighting, power and cockpit displays, communications equipment, flight management systems;

**Hydro Quebec:** Improperly installed and located power lines, wireless communicating “smart meters” with dirty switching power supplies and high EMF-radiating communication modes, EMF-generating transformers especially those in close proximity to uncontrolled and residential areas, and other infrastructures; inadequately designed, installed, sited and improperly maintained equipment and infrastructure including transmission and distribution systems (e.g. improper line balancing, inadequate return and neutral conductors, improper system grounding), transformation systems (e.g. high frequency voltage transients conducted and radiated as by on-load tap changing regulating transformers), metering systems which expose customers and citizens to EMF and dirty electricity; wireless signals coupled onto and transmitted – intentionally or incidentally – over the Hydro Quebec power network which expose customers and citizens to EMF; willful negligence in setting safety standards and best practices notwithstanding recent scientific and safety information regarding EMF, stray voltage, dirty electricity and related power quality issues for customers, citizens, flora and fauna (e.g. farm animals); negligence in addressing and mitigating known (documented) harmful exposures to citizens and employees (e.g. line workers) at least as early as 1990s (treble damages);

**IBM Canada Limited:** Computer hardware and computers, ATMs, Internet of Things, console gaming systems (attractive nuisance), photocopiers, microprocessors, networking equipment, modems, Watson, AI cloud computing; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Koodo:** telephones, cell phones, modems, networking, telecommunications equipment, mobile broadband and microwave transmissions for mobile and fixed networks, attractive nuisance; Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to

adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Ledvance Ltd. (previously Osram/Sylvania):** Lighting, high EMF emitting switching lighting products including low frequency switching, high field fluorescent and electroluminescent systems and RF-band switching power circuits (including dimmers) for LED devices;

**Lenovo Canada Inc.:** Computers, smartphones (attractive nuisance), workstations, servers, electronic storage devices, smart televisions (privacy and EMF), printers, photocopiers; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.);

**LG Electronics Canada Inc.:** Speakers and smart speakers, consumer products, mobile telephones, tablets and computing devices; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Marriott International:** Provider of free WiFi in all faculties exposes those using it (single damages) and those not using it (treble damages);

**Mattel/Fisher Price Canada:** Baby monitors, children's toys that plug in, pulsed digital communicating baby monitors, especially DECT devices, attractive nuisance; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF

exposure; negligence in DECT products which continuously emit unnecessarily high levels of EMF;

**Microsoft Canada:** Cellular telephones, Bing, laptops and tablets, desktop computers, cloud communications, virtual reality (attractive nuisance), X-Box and video games (attractive nuisance + addictive), headphones, more than 90% of computers connected to the internet operate under a Microsoft Operating System (91.15% during Jan 2014-Feb2016 (<https://www.netmarketshare.com/operating-system-market-share.aspx?qprid=10&qpcustomd=0&qpsp=2014&qnp=3&qptimeframe=Y>);

The Microsoft Operating system installs device drivers and initiates, monitors and mediates digital network communications between software applications and peripheral devices including WiFi, Bluetooth and other wireless peripheral devices.

Microsoft markets mobile devices (including Windows phones and other devices incorporating Nokia technologies) which generate wireless communications traffic over Bluetooth, WiFi, or any of a number of mobile network communications protocols (including but not limited to 4G, LTE, GSM, EV DO, HSDPA, etc.).

Estimate 634,814 Windows Phone users in Canada in 2015 (29,389,553 mobile subscribers [http://www.cwta.ca/wp-content/uploads/2016/03/SubscribersStats\\_en\\_2015\\_Q4.pdf](http://www.cwta.ca/wp-content/uploads/2016/03/SubscribersStats_en_2015_Q4.pdf) which 2.16% use Windows Phone Operating system <https://www.netmarketshare.com/operating-system-market-share.aspx?qprid=8&qpcustomd=1&qpsp=2014&qnp=3&qptimeframe=Y>).

Microsoft web-served “cloud” applications generate increased demand for network communications traffic – including wireless traffic (WiFi and Mobile) – by serving applications from a remote process to a local user terminal device (desktop or mobile) as opposed to directly running an application entirely on the local terminal device (no network required).

Videoconferencing applications such as Microsoft Skype generate increased demand for network communications traffic – including wireless traffic (WiFi and Mobile) – by increasing the data bandwidth required compared to traditional voice-only communications technologies.

HoloLens VR headsets.

Therefore, Microsoft products and services substantially enable and contribute – directly and indirectly – to the generation of EMFs in homes, businesses and in intimate proximity to Canadians.

Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of

potential EMF exposure (in excess of guidelines) with expected mobile handset use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Panasonic Canada:** Digital and analog televisions, electric shavers, security solutions, household appliances, mobile and equipment, headphones, in-flight entertainment systems, mobile phones, smart phones, refrigerators, semiconductors, electric components, electric fans, computers; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected wireless product use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Philips Electronics Ltd.:** wireless baby monitors (especially DECT), electric breast pumps, electronics, electric shavers, trimmers, toothbrushes, air flossers, epilators, lighting, espresso machines and other kitchen products; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Restaurant Brands International [3 G Capital]:** Provider of free WiFi in all facilities exposes those using it (single damages) and those not using it (treble damages);

**Rogers:** Cell phone towers, cell phones, cell phone transmissions of EMF, tablets, television transmissions, other sources of WiFi, privacy breach re (insecure) email servers (Yahoo); Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Royal Society of Canada:** Gross negligence and fraud in its description of the science and safe levels of EMF (treble damages), failure to disclose significant health and psychological risks of which they were aware and intentionally blinded;

**Sainte-Anne-des-Lacs:** Authorization of the Roger Bell and Fido tower, Authorisation and operation of the Municipal radio transmission tower in close proximity to Petitioner's residence, permitting Hydro Quebec to install dangerous wires near residences.

**Samsung Electronics Canada:** cordless telephones, cell phones, smart phones, tablets, smart TVs, household appliances, including smart refrigerators, large screens for 3D movies, Galaxy X8 virtual assistant Bixby (attractive nuisance and addictive), Touchscreens including smartphones and tablets diminishing children's sleep (psychological + physical effects); Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Siemens Canada Ltd.:** Test bed 7 which is exposing Montreal's Municipal water supply to excessive levels of EMF, all Siemens products that plug in, generators, engines, ownership stake in Osram lighting, Management segment provides products, systems, solutions, software, and services for transmitting and distributing power, and developing grid infrastructure, Building Technologies segment offers automation technologies and services for fire safety, security, building automation, heating, ventilation, air conditioning, and energy management. The company's Mobility segment offers passenger and freight transportation systems and solutions, including rail vehicles, rail automation systems, rail electrification systems, road traffic technology, Healthcare segment provides medical imaging, laboratory diagnostics, and IT solutions to the healthcare industry, enterprise software;

**Silicon Labs Inc.:** semiconductors, Internet of Things, modems, microcontrollers, chipsets, consumer electronics, networking equipment, set-top boxes, printers;

**Sony of Canada Ltd.:** Cellphones, PlayStation and its gaming division, video games (attractive nuisance and addictive), virtual reality devices, everything that they manufacture sell or distribute that plugs in, data collection (privacy), batteries,



Xperia; image sensor chips; Headphones (with magnets); Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected mobile terminal use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Starbucks Corp.: in-store WiFi**

**STM: Montreal (and environs) Metro system and in particular braking systems and ambient EMF in metro stations, on rolling stock, and in close proximity to platforms; EMF in buses; EMF from cellular repeater base stations throughout the transportation network especially in metallic and enclosed vehicles and where customers are confined in close proximity to multiple wireless devices (transmitting terminals);**

**Tesla Motors: High EMF within Tesla vehicles, falcon wing doors, data collection (privacy), photovoltaic (PV) cells, electric cars and vehicles; WiFi at retail showrooms and service centers; EMF from vehicle power and traction systems as indicated by vehicle survey, in-car Bluetooth, audio and entertainment systems, Apple car play; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;**

**Telus: Cell phone towers, cell phones, cell phone transmissions of EMF, tablets, other sources of WiFi; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;**

**Texas Instruments Canada:** semiconductors, embedded processors, computers; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**The TDL Group Corp.:** Tim Hortons wifi at every location;

**Toshiba:** “Smart” meters’ EMF emissions, computer systems; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Videotron:** Cell phone towers, cell phones, cell phone transmissions of EMF, tablets, television transmissions, Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected mobile terminal use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.).

**Virgin Mobile Canada:** Wireless voice, text, Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected mobile phone use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Volkswagen Canada:** EMF from vehicle power and traction systems as indicated by vehicle survey, in-car Bluetooth, audio and entertainment systems, Apple car play; WiFi at dealerships and service centers; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Whirlpool Canada L.P.:** residential, consumer and commercial equipment and appliances especially high power and motorized equipment;

**Xerox Canada Inc.:** Printers, photocopiers, scanners, presses; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure.

- V. Whether Petitioner may claim on behalf of affected fauna; and more specifically whether the displaced or harmed fauna must be returned in the same numbers and to the same locations and in a safe environment by the Respondents pursuant to the rule in the Washington state Pacific Northwest decisions of Mr. Justice George Boldt [...] and *Plantons A.et P.inc. c. Delage*, 2015 QCCA 7;
- W. Whether [...] Respondents [...] should be ordered to produce the EMF data and information sought by Petitioner;
- X. Whether by failing to adequately regulate and apply laws, regulations, codes or bylaws, the governmental entities named herein were at fault, acted in bad faith and willingly participated in or sanctioned [...] EMF pollution and the breach of class members' fundamental rights;
- Y. Whether the directors, officers, principles or controlling shareholders of Respondents are personally liable for any of the allegations claimed herein, and [...] insured for same;
- Z. Whether the awarding of treble damages is justified in the circumstances;
- AA. Whether the class is entitled to immediate medical monitoring of EMF emissions and, what monitoring of the effects on humans and fauna is appropriate in the present circumstances and are class members entitled to special damages for costs incurred in the screening, diagnosis and treatment related to the cumulative effects of EMF. Should Defendants be required to implement a medical monitoring regime and, if so, what should that regime comprise and how should it be established?;
- BB. Whether children are at particular risk due to cell phone [...] radiation and its links to cancer, as indicated in American pediatrics radio frequency (RF) guidelines produced as Exhibit R-24;
- CC. Whether the [...] precautionary principle should be applied to curtail the present and imminent cumulative effects of EMF pollution in the province of Quebec;  
  
[...]
- EE. Respondents including the Provincial and Federal governments;

(i) hid information concerning EMF pollution and its effects, which caused prejudice to those subjected to EMF pollution;

(ii) willfully and intentionally caused prejudice to the Quebec population, its flora and fauna, children, pregnant women and the EMF hypersensitive by covering up technical information, carcinogenic nature, and other health risks due to cumulative EMF exposure;

(iii) committed flagrant errors, acts and omissions with regard to EMF and its effects such that their liability is solidary or in solidum;

(iv) as such, punitive or exemplary damages are due by operation of Sections 41 and 49 of the Quebec Charter as well as by operation of Section 24(1) of the Canadian Charter of Rights and Freedoms for unlawful and intentional breaches of fundamental Charter rights and “unlawful and intentional interference with Charter Rights” consistent with the Supreme Court’s decision in *Hinse vs. Canada* [2015] S.C.C. 35. (at paras. 86 + 87);

FF. [...]

GG. The quantum of damages due to all [...] residents, students and/or workers exposed to [...] electromagnetic fields [...] (EMF) in excess of the applicable Threshold Values detailed below in accordance with the Methodology described in **Exhibit R-18**;

<b>Declared Threshold Exposure Standard for General Population in Uncontrolled Environments</b>				
Radiation Type	Band	Threshold Value	Units	
Power Density	Radio Frequency 3 kHz – 300 GHz	<b>0.1</b>	<b>μW/cm<sup>2</sup></b>	microWatts per square centimeter
Magnetic Field	Low Frequency 3 Hz – 30 kHz	<b>1</b>	<b>mG</b>	milliGauss
Electric Field	Low Frequency 3 Hz – 30 kHz	<b>0.6</b>	<b>V/m</b>	Volts per meter

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

<b>Declared Threshold Exposure Standard for Sensitive Individuals* or Sleeping Environments</b>				
Radiation Type	Band	Threshold Value	Units	
Power Density	Radio Frequency 3 kHz – 300 GHz	<b>0.01</b>	<b>μW/cm<sup>2</sup></b>	microWatts per square centimeter

Magnetic Field	Low Frequency 3 Hz – 30 kHz	<b>0.3</b>	<b>mG</b>	milliGauss
Electric Field	Low Frequency 3 Hz – 30 kHz	<b>0.2</b>	<b>V/m</b>	Volts per meter

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

\*Sensitive Individuals include EHS, young children and pregnant women

HH. Whether Defendants are obliged to collect, preserve and/or provide all relevant data relating to the cumulative effects of EMF in order to comply with their duties as stipulated in the second paragraph of the "Preliminary Provision", Art.18 & Art 20 of the Code of Civil Procedure?

II. [...]

JJ. What amount should farmers effected by "stray voltage" in excess of the standard proposed by Petitioner, namely, one volt from the ground, be compensated and what measures must be taken by Defendants to ensure that stray voltage in farming communities is curtailed?

KK. Whether the Canadian Human Rights Commission's Accommodation for Environmental Sensitivities Report (2007) Recommendations concerning reasonable accommodation of EHS sensitive individuals, which includes the provision of low-electromagnetic-field equipment (at page 12) should be legally applied? (that Report produced as **Exhibit R-27**):

LL. [...]

Is section 48 of the Quebec Charter which protects the right every handicapped person against any form of exploitation breached?

MM. The quantum of damages due to all [...] residents, students and/or workers exposed to more than one milliGauss of magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments; or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or sensitive individuals (children, pregnant women or the electromagnetic hypersensitive and for pets and animals):

NN. Does one have the right to not be exposed to EMF emissions above one milliGauss of magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square

centimeter of microwave power density for sleeping environments or sensitive individuals (children, pregnant women or the electromagnetic hypersensitive and for pets and animals);

OO. Do Quebecers have the right to opt out of the “Smart meter”;

PP. What damages are they owed for having to accept the imposition of smart meters?

QQ. Are the class members’ s. 7 Charter rights unjustifiably infringed?

RR. How many Quebecers were forced by Respondent Hydro-Quebec to pay Hydro-Quebec to correct EMF pollution caused for the most part by Hydro-Quebec? Notwithstanding a Hydro Quebec (HQ) internal correspondence (from engineer Jean-Philippe Tardif dated January 23<sup>rd</sup>, 2013) stating the HQ regulating transformer installation could either remain in its (previous) location (more than 1.5 km west of Mahon residence) or be moved anywhere within a 2.5 km stretch of road, Hydro Quebec relocated the equipment within 70m of the Mahon residence on or around March 2015. Immediately the HQ regulating transformer station (T0B9E) entered service near the Mahon residence, Myles and Evelyn Mahon began to suffer a variety of health symptoms ranging through headaches, pressure and pain in the ears, nausea, insomnia, tinnitus, tingling in the chest among others which severely degraded their quality of life and enjoyment of their property. Elevated levels of EMF were recorded in the Mahon residence. After multiple consultations with medical, hearing, acoustics, and other experts and countless communications with HQ personnel, the Mahons were unable to compel Respondent Hydro Quebec to remove T0B9E. The Mahons finally contracted with Hydro Quebec to relocate the offending equipment, disbursing fifty thousand three hundred sixty-three dollars (\$50,363.23) of their private funds. Subsequent to the removal of T0B9E in March 2017, the Mahons’ severe symptoms immediately disappeared. The funds dispersed were in part fees paid to Hydro-Quebec, funds paid to Respondent Bell Canada and expenses incurred by them to survey and understand their problem, as explained in detail in their Affidavit, 2 Addendums to that Affidavit and Exhibits in support thereof filed en liasse as Exhibit R-13, as well as their Survey, Exhibit R-34. It is currently estimated that over 1000 Quebecers were similarly forced to pay Hydro-Quebec to correct Hydro-Quebec errors and omissions;

SS. Whether the class should be defined as:

All persons who reside, work, study in any part of the Province of Quebec, as well as flora, fauna, pets and animals that are exposed to a level in excess of one milliGauss of magnetic field, 0.6 V/m of electric field and 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments, or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field and 0.01 microWatt per square centimeter of microwave power density for sleeping environments or sensitive

individuals (children, pregnant women or persons who are electromagnetic hypersensitive) from any one or any combination of anthropogenic the above-listed electromagnetic field (EMF) sources, who suffered moral, physical, psychological and/or genetic damages as a result EMF pollution. Pursuant to the precautionary principle, those born, not of the age of majority, are nonetheless claiming as class members given the pervasive, escalating and cumulative effects of EMF pollution.

6. There are no questions of fact or law which are particular to each of the members, and only the specific amount of damages which might be claimed by particular members might vary, and then only to the extent that the harms suffered differ significantly from the harms suffered by the members of the class generally;

7. It is expedient that the bringing of a class action for the benefit of the members of the class be authorized;

8. The nature of the recourse which the Petitioner wishes to exercise on behalf of the members of the class is:

An action in damages and an injunction against Respondents Attorney General (Canada), Attorney General (Québec), Royal Society of Canada, Air Canada, City of Sainte-Anne-des-Lacs, Société de Transport de Montréal, Hydro-Québec, BCE Inc., Communications Mega-Stat Inc. (Rogers), Videotron G.P., Telus, Virgin Mobile Canada, Koodo, Fido Solutions Inc., Silicon Laboratories Canada Inc., Mattel/Fisher Price Canada Inc., G.E. Canada, Sony of Canada Ltd., Tesla Motors Canada U.L.C., General Motors of Canada Company, General Electric Canada, FCA Canada Inc., Volkswagen Canada, I.B.M. Canada Limited, Apple Canada Inc., Toshiba, Xerox Canada Inc., Panasonic Canada, ESIT Canada Enterprises Co. (previously Hewlette Packard Canada Co.), Cisco Systems Canada Co., Siemens Canada Ltd., Texas Instruments Canada, Hitachi Data Systems Inc., Lenovo Canada Inc., Ericsson Canada Inc., Philips Electronics Ltd., Samsung Electronics Canada, Microsoft Canada, Facebook Canada Ltd., Arris Canada, LG Electronics Canada Inc., Whirlpool Canada L.P., Ledvance Ltd. (previously Osram Sylvania Ltd.), Honeywell Limited, Marriott International, Starbucks, The TDL Group Corp., Google Canada Corporation.

9. The conclusions sought by the Petitioner are:

**CONDEMN** the Attorney General of Québec, Hydro Québec and the other Respondents, jointly and severally solidarily and in solidum, to pay, on average, damages in the amount of one hundred thousand dollars (\$100,000) per person, adjusted per each sub-class of claimant;

CONDEMN the Attorney General of Canada, the Attorney General of Québec, Hydro Québec and the other Respondents, jointly and severally solidarily, and in solidum, to pay, on average, moral, exemplary and Charter damages in the amount of thirteen thousand dollars (\$13,000) per person, adjusted per each sub-class of claimant;

CONDEMN the Attorney General of Canada, the Attorney General of Québec, Hydro Québec and the other Respondents, jointly and severally solidarily, and in solidum, to pay, on average, moral, exemplary and Charter damages in the amount of one hundred and seventy-five thousand dollars (\$175,000) on average, for all farmers whose livestock are exposed to stray voltage in excess of 0.5 Volts peak-to-peak up to 60 Hz and 0.01 Volts peak-to-peak above 1 kHz (from the ground);

IMMEDIATELY ORDER Respondent Hydro-Quebec to repay the Mahons the sum of \$43,797.26, Respondent Bell Canada repay the Mahons the sum of \$664.90, and Hydro Quebec to cover the other expenses of the Mahons have incurred and as set out herein<sup>[...]</sup>;

**ORDER** the collective recovery of said damages and **AUTHORIZE** the distribution of the balance in equal amounts between the members of the class;

**ORDER** the Attorney General of Québec, Hydro Québec and the other Respondents to cease producing, emitting or distributing or otherwise causing indirectly or directly, members of the class to be exposed to EMF which cumulatively exceeds the limits proscribed by the Threshold Exposure Standard herein; [...]

**ORDER** Respondents jointly and severally [...] solidarily, and in solidum, to [...] remediate the environment where fauna and flora that have been negatively impacted by the EMF pollution alleged herein such that they return in the same number and same location to where they were found prior to the EMF pollution;

**IMMEDIATELY ORDER, by way of injunctive relief,** Respondents jointly and severally, to pay for, put in place, operate and provide weekly reporting to the public of medical monitoring facilities where meaningful data is collected on the effects of EMF on humans and fauna and flora and farm animals that have been negatively impacted by the EMF pollution alleged herein;

**IMMEDIATELY ORDER, by way of injunctive relief,** the production by all Defendants of data relating to EMF levels admitted, studies performed prior to emplacement of EMF producing facilities and infrastructure, estimates of EMF to be emitted and all other related data, including that of all products manufacturers that could be useful in the calculation of cumulative EMF exposure for humans, flora, fauna and infrastructure including Magnetic, Electric and RF Power assessments relevant to users. This is in contact with body for wearable devices; 1 – 3 ft. for appliances, computers and



similar equipment; tens to hundreds of meters for power distribution lines (farther for higher power infrastructures); 50 m to 2 km for wireless digital transmission devices. In the case of permanently installed, site-specific infrastructure or networks. Data should include any assessment (by measurement, modeling or otherwise by prediction) generated in the course of proposing, planning, implementing, commissioning or inspecting said infrastructure or networks; Absent previously available data, Defendants shall collect and produce by means reasonably available said relevant data (EMF data may be collected employing existing infrastructures such as power distribution monitoring equipment or cellular network equipment or be employing networked consumer devices deployed throughout the region. Existing or new application software may be employed to automate said data collection/collation/production).

**IMMEDIATELY ORDER, by way of injunctive relief, that the Recommendations of the Canadian House of Commons Standing Committee (“the Committee”) be implemented namely:**

Improve data collection on cancer rates and on relation between EMF and cancer; Funding research into EHS testing/diagnosis/treatment/impact in workplace; Guidelines and continuing education material related to EHS; Reasonable accommodations for EHS individuals per Canadian human rights Act; Openness/transparency on Safety Code 6 science review; System for Canadians to report adverse EMF reactions; Independent review whether protective measures for vulnerable populations in other countries (France Israel) should be adopted in Canada; Awareness campaign on safer use of EMF products in homes and schools; Comprehensive review of EMF and cancer based on int’l best practices; Fund research on EMF and multiple negative health outcomes; Regulations on marketing EMF devices to children under 14 to raise awareness of risks and avoidance strategies; (the Committee Report is produced as **Exhibit R-26**);

**ORDER** the Governments of Quebec, Canada and Sainte-Anne-des-Lacs and other Quebec Municipal governments to adopt the specific EMF standards set out herein; [...]

**ORDER** that the precautionary principle be applied to the legislation, regulation, monitoring, abatement and remediation of cumulative EMF pollution in Quebec;

**MAKE ANY OTHER ORDER** this Honourable Court deems appropriate.

10. The Petitioners Marcel Durand, Evelyn and Myles Mahon request that they be ascribed the status of Representative.
11. The Petitioner Marcel Durand is in a position to represent the members adequately, for the following reasons:
  - A. He lives in a neighbourhood directly affected by excessive EMF pollution, which will include tetra wavelength transmissions in the future;
  - B. He has followed this problem closely since 2000 and has taken numerous steps to acquaint himself with the nature of the problems created as a result of EMF pollution, is informed on the impacts and consequences of this activity as it affected those in the neighbourhoods identified under the description of class presented above;
  - C. He gathered the names, addresses and phone numbers of 1,287 persons who have been affected by EMF (**Exhibit R-5**). He also gathered information on the nature of the various harm and inconvenience suffered by those persons and by the victims of excessive EMF exposure;
  - D. He possesses all the personal, moral and intellectual qualities to see this class action through to its final resolution and will act for the benefit of the members of the class.
  - E. He has acquainted himself with the concerns of each of the Affiants, the Experts who have been consulted in the present matter and has been present and involved at every stage of the proceedings;
12. The Petitioners Evelyn and Myles Mahon are in a position to represent the members adequately as:
  - A. They have been victims of the cumulative effects of EMF;
  - B. In the context of their exposure to EMF, they kept extremely detailed records and hired numerus experts to assess and monitor the EMF on their property;
  - C. They have become knowledgeable as concerns MF exposure and its remediation;
  - D. They can also represent the sub-class of victims who have incurred significant expense for the removal of an EMF source from their property;
  - E. Evelyn and Myles Mahon both grew up on a farm and have knowledge of ground current and its effects on cows. Both have witnessed cows being killed by lightning when it struck a tree the cows were close to. The electricity in the ground from the lightning strike killed the cows;

13. The Petitioners suggest that the class action be brought before the Superior Court of the District of Montreal for the following reasons:
- A. The Respondents Attorney General of Québec and numerous respondents operate businesses in the Province of Québec, transmitted and transmit EMF pollution in Québec;
  - B. The EMF pollution complained of that caused the harms suffered by Petitioners and the other class members was carried out in the Province of Québec;
  - C. Petitioners as well as the members of the class which they represent, all reside in the Province of Québec;
  - D. There exists no better suited forum or district to render justice in the present dispute;

**WHEREFORE, PETITIONERS PRAY THIS HONOURABLE COURT TO:**

**GRANT** the present Motion;

**AUTHORIZE** the institution of a class action as follows:

An action in damages and injunctive relief against the Respondents Attorney General of Québec, and the other Respondents seeking damages for the cumulative effect of EMF pollution to Quebecers;

**ATTRIBUTE** to Marcel Durand, Evelyn and Myles Mahon the status of Representative for the purpose of bringing the class action for the benefit of the following class of natural persons, namely:

All persons who reside, work, study in any part of the Province of Quebec, [...] as well as flora, fauna, pets and animals that are exposed to a level in excess of one milliGauss of magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments; or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or for sensitive individuals (children, pregnant women or persons who are electromagnetic hypersensitive) from any one or any combination of anthropogenic the above-listed electromagnetic field (EMF) sources, who suffered moral, physical, psychological and/or genetic damages as a result EMF pollution. Pursuant to the precautionary principle, those born, not of the age of majority, are

nonetheless claiming as class members given the pervasive, escalating and cumulative effects of EMF pollution (as appears from the Threshold Exposure Standard below):

**IDENTIFY** as follows the principal questions of fact and of law to be treated collectively in the class action proceedings:

**COPY THE FINAL VERSION OF PARAGRAPH 5 HERE AND DELETE SECTION BELOW**

- A. The inconvenience, discomfort, stress, economic and health problems that were suffered by each of the members of the class were caused by/or created as a result of excessive cumulative [...]EMF exposure;
- B. Presumptive evidence of causality i.e. that given the “serious, precise and concordant” facts alleged, this Honourable Court is entirely justified in coming to a presumption of fact that cumulative EMF causes serious health effects to humans. flora and fauna and causes cancer for a significant number of humans. As a result of this prima facie presumptive evidence, this Honourable Court should conclude that the burden of proof shifts to Defendants who now must prove the cumulative effects of EMF are not harmful to humans’ flora and fauna. The approach is entirely consistent with the precautionary principle and the purposes of deterrence and the public interest in environmental protection (Court of Appeal Carrier decision) which forms the basis of Quebec environmental Class Actions;
- C. The EMF emissions contravene sections 1(5) 19.1, 20, 90, 91, 92 and 94 and following of The Environmental Quality Act (“the E.Q.A.”);
- D. Whether the troublesome emissions described herein contravene art. 20 in fine E.Q.A. since they “porte atteinte au confort de l’être humain”;
- E. These EMF emissions exceed the [...] European standard of one milliGauss of [...] magnetic field , 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave [...] power density for general populations in uncontrolled environments; or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or sensitive individuals (children, pregnant women or the electromagnetic hypersensitive) and for pets and animals [...] as indicated in the Threshold Exposure Standard:

<b>Declared Threshold Exposure Standard for General Population in Uncontrolled Environments</b>				
Radiation Type	Band	Threshold Value	Units	
Power Density	Radio Frequency 3 kHz – 300 GHz	<b>0.1</b>	<b>μW/cm<sup>2</sup></b>	microWatts per square centimeter
Magnetic Field	Low Frequency 3 Hz – 30 kHz	<b>1</b>	<b>mG</b>	milliGauss
Electric Field	Low Frequency 3 Hz – 30 kHz	<b>0.6</b>	<b>V/m</b>	Volts per meter

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

<b>Declared Threshold Exposure Standard for Sensitive Individuals* or Sleeping Environments</b>				
Radiation Type	Band	Threshold Value	Units	
Power Density	Radio Frequency 3 kHz – 300 GHz	<b>0.01</b>	<b>μW/cm<sup>2</sup></b>	microWatts per square centimeter
Magnetic Field	Low Frequency 3 Hz – 30 kHz	<b>0.3</b>	<b>mG</b>	milliGauss
Electric Field	Low Frequency 3 Hz – 30 kHz	<b>0.2</b>	<b>V/m</b>	Volts per meter

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

\*Sensitive Individuals include EHS, young children and pregnant women

- F. The EMF emissions constitute “contaminants” within the meaning of Art. 1(5) of the E.Q.A. and further contravene Arts. 6.01, 7. [...] 01, 7.02, 7.04, 7.05, 7.06, 7.08, 7.09 and must be statutorily recognized as such;
- G. The EMF emissions constitute a nuisance within the meaning of Article 976 C.C.Q. as they exceed that which is reasonable and tolerable in a residential environment;
- H. These emissions constitute an abuse of right within the meaning of Articles 6 and 7 C.C.Q. as exercised in bad faith, with the intent to injure another or exercised unreasonably;
- I. Whether the emissions emitted by certain Respondents including Hydro-Québec and the tower emitters complained of, constitute neighbourhood annoyance beyond the normal such as to trigger the provision of Art. 976 the Quebec Civil Code and, additionally if those emissions constitute a fault, were they intentional and whether the governmental Respondents were complicit therein, such that punitive, exemplary and treble damages are

warranted<sup>[...]</sup> pursuant to Ciment du St. Laurent Inc. vs. Barrette [2008] 3 S.C.R. 392 and, as concerns exemplary damages, against governments, Hinse vs. Canada [2015] S.C.C. 35, art. 1457 C.C.Q. and s. 49 of the Quebec Charter as well as L. Perret “De l’impact de la charte des droits et libertés de la personne sur le droit civil des contrats et de la responsabilité” (1981), 12 R.D.J. 121 at page 170. Petitioner claims that all involuntary exposure should be compensate by treble damages as set out in the Ford Pinto line of jurisprudence;

J. Did Defendants fail to warn (as a breach of a legal duty/ (fault-causing-damages) by all manufacturers, distributors, emitters and governments? Did Defendants’ know of the defects and dangers at least since 2007 and if so, when; Were the Defendants’ products unfit for their intended purpose and/or dangerous when used as designed and intended (Cantlie v. Canada Heating Products Inc. 2017 BCSC 286)?

J.1 Respondents including the Provincial and Federal governments:

(i) hid information concerning EMF pollution and its effects, which caused prejudice to those subjected to EMF pollution;

(ii) willfully and intentionally caused prejudice to the Quebec population, its flora and fauna, children, pregnant women and the EMF hypersensitive by covering up technical information, carcinogenic nature, and other health risks due to cumulative EMF exposure;

(iii) committed willful errors, acts and omissions with regard to EMF and its effects such that their liability is solidary or in solidum (Art. C.C.Q. 1480: Where several persons have jointly participated in a wrongful act or omission which has resulted in injury or have committed separate faults each of which may have caused the injury, and where it is impossible to determine, in either case, which of them actually caused the injury, they are solidarily bound to make reparation there for. Roy c. Mout 2015 QCCA 692; See also Montreal c. Biondi 2013 QCCA 404, at para. 150 and fn. 44 concerning apportionment of liability in a Class Action pursuant to Art. 1478 C.C.Q..)

(iv) as such, punitive or exemplary damages are due by operation of Section 49 of the Quebec Charter as well as by operation of Section 24(1) of the Canadian Charter of Rights and Freedoms for unlawful and intentional breaches of fundamental Charter rights; (See Hinse vs Canada 2015 SCC 35 where the Minister of Justice was found to have committed a fault pursuant to Art.1457 C.C.Q. and assessed punitive and compensatory damages pursuant to Sec. 41 of the Quebec Charter for "unlawful and intentional interference" with Charter Rights.)

K. Whether, even if Respondents are able to prove they complied with all regulatory requirements, which is denied, civil liability under Art. 976 C.C.Q. is triggered, even in the

absence of fault as abnormal inconvenience has arisen from abuse of the right of property<sup>[...]</sup> pursuant to Drysdale vs. Dugas and Ciment St-Laurent;

- L. The right of the Petitioners and each member of the class to claim damages, as well as moral, exemplary and Charter damages, from the Respondents;
- M. Whether Respondents are jointly and severally liable (or liable in solidum) for the damages caused to Petitioner and the members of the class;
- N. Whether Petitioner and class members may invoke contractual arguments in the nature of breach of contract, products liability, failure to warn, or bad faith comportment against Respondents;
- O. Whether Respondents were at fault in not taking sufficient measures to assure the EMFs produced collectively did not create nuisance, exceed a safe level, or constitute an abuse of right, and whether their actions in this regard were intentional and/or fraudulent;
- P. Whether, having knowledge of the nuisance and/or abuse of right, Respondents were at fault in not acting in a timely manner to curtail the excessive EMF pollution alleged;
- Q. Whether the national, provincial and municipal governments are liable for their failure to protect against and carefully study EMF pollution;
- R. Whether section 46.1 of the Quebec Charter of Rights and Freedoms (“The Quebec Charter”) should be interpreted such that the European EMF standards (Resolution 1815 of the Parliamentary Assembly of the Council of Europe)/BioInitiative 2007, or a refined version thereof, are the correct measure to apply when interpreting 46.1;
- S. Whether the Quebec Environment Quality Act provisions concerning EMF (rayonnement) should also be judicially interpreted to apply the European standards concerning EMF, as presented as the Threshold Exposure Standard;
- T. Whether EMF emissions referred to herein breach Arts. 6 (peaceful enjoyment and free disposition of property) and 46.1 of the Quebec Charter (the Right to a healthful environment and one respectful of biodiversity)<sup>[...]</sup> and whether that unlawful interference entitles Petitioners and all other victims to obtain the cessation of that interference and, as intentional, punitive damages pursuant to Art. 49 of the Quebec Charter. These two distinct rights are recognized in Delage c. Plantons A. & P. Inc. 2013 QCCS 2269 at page 45. As concerns the recognition of environmental protection as both an imperative and fundamental value of Canadian society see ibid at page 45 and footnote 75 citing Ciment du St. Laurent v. Barette (2008) 3 S.C.R. 392 and St-Luc de Vincennes v. Compostage Mauricie inc. J.E. 2008-420 C.A. at para 46;

U. [...]

- a. A summary indicating the principle EMF emissions and enabling behaviour and technology of Defendants is [...].

**Air Canada:** exposing customers and passengers to EMF without adequate warning or notification; 100 mG measured in airplane passenger cabin in one sample, Wifi in aircraft (passenger and crew areas) and in lounges, and in-flight entertainment systems; use of global distribution systems;

**Apple Canada Inc.:** cellphones, tablets, iWatch, Apple car play, AirPods, VR headsets, self-driving cars, iPhone 8 air charging, all iPhones and iPads (attractive nuisance and addictive). From 2007, iPhone moved cellphone antennas towards bottom of handsets (terminal devices) in closer proximity to head. Failed to recommend use of headphones with iPad, iPod and iPhone. Failed to recommend all computers and laptops be operated plugged in (hardwired). Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). Siri, HomePod: always on Wifi. Encouraging wireless headsets through marketing and promotion; Developing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Arris Canada:** Internet Protocol, modems, broadband and networking, satellite transmission; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Attorney General of Canada:** failure of Canadian government; especially Health Canada, to fulfill mandate of "... ensuring best health of Canadians"; capitulation with industry to suppress health risks, conflicts of interest; willful negligence in reviewing/considering relevant recent research for updating EMF safety guidelines;

**Attorney General of Quebec:** Failure to apply its environmental legislation, permitting of EMF pollution, failure to make operational and enforce the EMF provisions in the Environment Quality Act, conflicts of interest with the industries employing EMF, Letter R-4, which constitutes in-beddedness, suppression of evidence and intentional interference with citizens' health, intentional breaches of



both Charters, sub-delegation of jurisdiction to Hydro-Quebec. WiFi in schools (attractive nuisance and addictive). False information to Quebec doctors = complicitous behaviour;

**BCE INC. (Bell Canada):** Cell phone towers, cell phones, cell phone transmissions of EMF, tablets, television transmissions, modems, other sources of WiFi, security and wifi access at the Bell Center. Smartphones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; negligence in addressing and mitigating known harmful exposures to citizens and employees (e.g. line workers) from ubiquitous infrastructures (e.g. transmission lines and base stations) at least as early as 1990s (treble damages); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Cisco Systems Canada Co.:** Modems, digital networks, networking hardware, telecommunications equipment, Internet of Things, firewall backdoor; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Ericsson Canada Inc.:** telephones, cell phones, modems, networking, telecommunications equipment, mobile broadband and microwave transmissions for mobile and fixed networks, base stations, switches, antennas, equipment used in mobile phone networks and mobile networking; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected mobile handset use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**ESIT Canada Enterprise Services Co. (Previously Hewlett-Packard Canada Co.):** Personal computers and laptops (PCs), networking hardware and consumer products, servers, printers, photocopiers, enterprise storage, digital imaging devices, cameras, scanners, notebooks, smart handhelds, calculators, monitors, projectors, fax machines and networking; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage

use modes to reduce EMF exposure; semiconductors, scientific instruments and electronic test equipment serving wireless and telecom industries which enable EMF-emitting products;

**Facebook Canada Ltd.:** Oculus Rift, as a content provider, a facilitator. As concerns children, time spent on Facebook exposes them to EMF from the devices employed, telecom infrastructure project, VR headsets, Instagram (cyber bullying); Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**FCA Canada Inc. International:** EMF from vehicle power, traction, and auxilliary systems as indicated by vehicle survey, in-car Bluetooth, audio and entertainment systems, Apple car play; WiFi at dealerships and service centers; Failure to inform customers of potential exposure to EMF from products including wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Fido Solutions Inc.:** telephones, cell phones, modems, networking, telecommunications equipment, mobile broadband and microwave transmissions for mobile and fixed networks; Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**General Electric Canada:** Every electric product in the GE catalog, every device that plugs in, including portable phones, MRIs and X-Ray machines, healthcare products + equipment, residential and commercial appliances especially high power and motorized equipment; Transportation equipment and rolling stock including trains and light rail systems (metros). Aviation and stationary power equipment including gas turbine engines and generators. Lighting systems and equipment; Headphones, especially over-ear, noise-cancelling and wireless models;

**General Motors of Canada:** EMF from vehicle power, traction, and auxilliary systems as indicated by vehicle survey, in-car Bluetooth, audio and entertainment systems, Apple car play; WiFi at dealerships and service centers; Failure to inform customers of potential exposure to EMF from products including wireless products; failure to supply/document/encourage use modes to reduce EMF exposure; High-frequency switching power and traction systems for electric drivetrains such as Chevy Volt and Chevy Bolt; WiFi at dealerships and service centers;

**Google Canada Corporation:** cellular telephones, laptops and tablets, cloud communications, VR, Google Fiber, Wifi mesh router system, home speaker, Nest Labs (EMF), Google Glass, Google Watch. Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). Wireless infrastructure and network infrastructure products and services; fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Hitachi Data Systems Inc.:** telecommunication systems, digital media and consumer products, electronic systems and equipment, printers, photocopiers; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Honeywell Limited.:** computers, scanners, thermostats, sensors, security alarm systems, aircraft lighting, power and cockpit displays, communications equipment, flight management systems;

**Hydro Quebec:** Improperly installed and located power lines, wireless communicating “smart meters” with dirty switching power supplies and high EMF-radiating communication modes, EMF-generating transformers especially those in close proximity to uncontrolled and residential areas, and other infrastructures; inadequately designed, installed, sited and improperly maintained equipment and infrastructure including transmission and distribution systems (e.g

improper line balancing, inadequate return and neutral conductors, improper system grounding, transformation systems (e.g. high frequency voltage transients conducted and radiated as by on-load tap changing regulating transformers), metering systems which expose customers and citizens to EMF and dirty electricity; wireless signals coupled onto and transmitted – intentionally or incidentally – over the Hydro Quebec power network which expose customers and citizens to EMF; willful negligence in setting safety standards and best practices notwithstanding recent scientific and safety information regarding EMF, stray voltage, dirty electricity and related power quality issues for customers, citizens, flora and fauna (e.g. farm animals); negligence in addressing and mitigating known (documented) harmful exposures to citizens and employees (e.g. line workers) at least as early as 1990s (treble damages);

**IBM Canada Limited:** Computer hardware and computers, ATMs, Internet of Things, console gaming systems (attractive nuisance), photocopiers, microprocessors, networking equipment, modems, Watson, AI cloud computing; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Koodo:** telephones, cell phones, modems, networking, telecommunications equipment, mobile broadband and microwave transmissions for mobile and fixed networks, attractive nuisance; Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Ledvance Ltd. (previously Osram/Sylvania):** Lighting, high EMF emitting switching lighting products including low frequency switching, high field fluorescent and electroluminescent systems and RF-band switching power circuits (including dimmers) for LED devices;

**Lenovo Canada Inc.:** Computers, smartphones (attractive nuisance), workstations, servers, electronic storage devices, smart televisions (privacy and EMF), printers,

photocopiers; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.);

**LG Electronics Canada Inc.:** Speakers and smart speakers, consumer products, mobile telephones, tablets and computing devices; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Marriott International:** Provider of free WiFi in all faculties exposes those using it (single damages) and those not using it (treble damages);

**Mattel/Fisher Price Canada:** Baby monitors, children's toys that plug in, pulsed digital communicating baby monitors, especially DECT devices, attractive nuisance; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure; negligence in DECT products which continuously emit unnecessarily high levels of EMF;

**Microsoft Canada:** Cellular telephones, Bing, laptops and tablets, desktop computers, cloud communications, virtual reality (attractive nuisance), X-Box and video games (attractive nuisance + addictive), headphones, more than 90% of computers connected to the internet operate under a Microsoft Operating System (91.15% during Jan 2014-Feb2016 (<https://www.netmarketshare.com/operating-system-market-share.aspx?qprid=10&qpcustomd=0&qpsp=2014&qpnp=3&qptimeframe=Y>);

The Microsoft Operating system installs device drivers and initiates, monitors and mediates digital network communications between software applications and peripheral devices including WiFi, Bluetooth and other wireless peripheral devices.

Microsoft markets mobile devices (including Windows phones and other devices incorporating Nokia technologies) which generate wireless communications traffic over Bluetooth, WiFi, or any of a number of mobile network communications protocols (including but not limited to 4G, LTE, GSM, EV DO, HSDPA, etc.).

Estimate 634,814 Windows Phone users in Canada in 2015 (29,389,553 mobile subscribers [http://www.cwta.ca/wp-content/uploads/2016/03/SubscribersStats\\_en\\_2015\\_Q4.pdf](http://www.cwta.ca/wp-content/uploads/2016/03/SubscribersStats_en_2015_Q4.pdf) of which 2.16% use Windows Phone Operating system <https://www.netmarketshare.com/operating-system-market-share.aspx?qprid=8&qpcustomd=1&qpsp=2014&qnp=3&qtimeframe=Y>).

Microsoft web-served “cloud” applications generate increased demand for network communications traffic – including wireless traffic (WiFi and Mobile) – by serving applications from a remote process to a local user terminal device (desktop or mobile) as opposed to directly running an application entirely on the local terminal device (no network required).

Videoconferencing applications such as Microsoft Skype generate increased demand for network communications traffic – including wireless traffic (WiFi and Mobile) – by increasing the data bandwidth required compared to traditional voice-only communications technologies.

HoloLens VR headsets.

Therefore, Microsoft products and services substantially enable and contribute – directly and indirectly – to the generation of EMFs in homes, businesses and in intimate proximity to Canadians.

Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected mobile handset use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Panasonic Canada:** Digital and analog televisions, electric shavers, security solutions, household appliances, mobile and equipment, headphones, in-flight entertainment systems, mobile phones, smart phones, refrigerators, semiconductors, electric components, electric fans, computers; Failure to adequately inform users of

potential EMF exposure (in excess of guidelines) with expected wireless product use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Philips Electronics Ltd.:** wireless baby monitors (especially DECT), electric breast pumps, electronics, electric shavers, trimmers, toothbrushes, air flossers, epilators, lighting, espresso machines and other kitchen products; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Restaurant Brands International [3 G Capital]:** Provider of free WiFi in all facilities exposes those using it (single damages) and those not using it (treble damages);

**Rogers:** Cell phone towers, cell phones, cell phone transmissions of EMF, tablets, television transmissions, other sources of WiFi, privacy breach re (insecure) email servers (Yahoo); Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Royal Society of Canada:** Gross negligence and fraud in its description of the science and safe levels of EMF (treble damages), failure to disclose significant health and psychological risks of which they were aware and intentionally blinded;

**Sainte-Anne-des-Lacs:** Authorization of the Roger Bell and Fido tower, Authorisation and operation of the Municipal radio transmission tower in close proximity to Petitioner's residence, permitting Hydro Quebec to install dangerous wires near residences.

**Samsung Electronics Canada:** cordless telephones, cell phones, smart phones, tablets, smart TVs, household appliances, including smart refrigerators, large screens for 3D movies, Galaxy X8 virtual assistant Bixby (attractive nuisance and addictive). Touchscreens including smartphones and tablets diminishing children's sleep (psychological + physical effects); Developing, producing, marketing and

distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Siemens Canada Ltd.:** Test bed 7 which is exposing Montreal's Municipal water supply to excessive levels of EMF, all Siemens products that plug in, generators, engines, ownership stake in Osram lighting, Management segment provides products, systems, solutions, software, and services for transmitting and distributing power, and developing grid infrastructure, Building Technologies segment offers automation technologies and services for fire safety, security, building automation, heating, ventilation, air conditioning, and energy management. The company's Mobility segment offers passenger and freight transportation systems and solutions, including rail vehicles, rail automation systems, rail electrification systems, road traffic technology, Healthcare segment provides medical imaging, laboratory diagnostics, and IT solutions to the healthcare industry, enterprise software;

**Silicon Labs Inc.:** semiconductors, Internet of Things, modems, microcontrollers, chipsets, consumer electronics, networking equipment, set-top boxes, printers;

**Sony of Canada Ltd.:** Cellphones, PlayStation and its gaming division, video games (attractive nuisance and addictive), virtual reality devices, everything that they manufacture sell or distribute that plugs in, data collection (privacy), batteries, Xperia; image sensor chips; Headphones (with magnets); Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission with commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected mobile terminal use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Starbucks Corp.:** in-store WiFi



**STM:** Montreal (and environs) Metro system and in particular braking systems and ambient EMF in metro stations, on rolling stock, and in close proximity to platforms; EMF in buses; EMF from cellular repeater base stations throughout the transportation network especially in metallic and enclosed vehicles and where customers are confined in close proximity to multiple wireless devices (transmitting terminals);

**Tesla Motors:** High EMF within Tesla vehicles, falcon wing doors, data collection (privacy), photovoltaic (PV) cells, electric cars and vehicles; WiFi at retail showrooms and service centers; EMF from vehicle power and traction systems as indicated by vehicle survey, in-car Bluetooth, audio and entertainment systems, Apple car play; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Telus:** Cell phone towers, cell phones, cell phone transmissions of EMF, tablets, other sources of WiFi; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.); fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Texas Instruments Canada:** semiconductors, embedded processors, computers; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**The TDL Group Corp.:** Tim Hortons wifi at every location;

**Toshiba:** “Smart” meters’ EMF emissions, computer systems; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Videotron:** Cell phone towers, cell phones, cell phone transmissions of EMF, tablets, television transmissions, Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to

adequately inform users of potential EMF exposure (in excess of guidelines) with expected mobile terminal use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.).

**Virgin Mobile Canada:** Wireless voice, text, Wifi transmissions, smart phones as attractive nuisance and addictive; Developing, producing, marketing and distribution of products and services encouraging increased consumption of wireless content and cloud-based services with increased wireless data transmission and commensurate increased exposure to wireless communications equipment/signals; Failure to adequately inform users of potential EMF exposure (in excess of guidelines) with expected mobile phone use mode. Failure to promote/encourage safer use practices (hands-free, wired headsets, text vs. talk, etc.). fraud by misinforming and misleading the public as to the safety of wireless telephones; selling and distributing unreasonably dangerous wireless telephones; failure to warn about the adverse health risks associated with wireless telephones; negligently and fraudulently endangered the consuming public by marketing wireless telephones without headsets;

**Volkswagen Canada:** EMF from vehicle power and traction systems as indicated by vehicle survey, in-car Bluetooth, audio and entertainment systems, Apple car play; WiFi at dealerships and service centers; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure;

**Whirlpool Canada L.P.:** residential, consumer and commercial equipment and appliances especially high power and motorized equipment;

**Xerox Canada Inc.:** Printers, photocopiers, scanners, presses; Failure to inform customers of potential exposure to EMF from wireless products; failure to supply/document/encourage use modes to reduce EMF exposure.

- V. Whether Petitioner may claim on behalf of affected fauna; and more specifically whether the displaced or harmed fauna must be returned in the same numbers and to the same locations and in a safe environment by the Respondents pursuant to the rule in the Washington state Pacific Northwest decisions of Mr. Justice George Boldt<sup>[...]</sup> and Plantons A.et P.inc. c. Delage, 2015 QCCA 7;
- W. Whether Respondents should be ordered to produce the EMF data and information sought by Petitioner;
- X. Whether by failing to adequately regulate and apply laws, regulations, codes or bylaws, the governmental entities named herein were at fault, acted in bad faith and willingly participated in or sanctioned [...] EMF pollution and the breach of class members' fundamental rights;

- Y. Whether the directors, officers, principles or controlling shareholders of Respondents are personally liable for any of the allegations claimed herein, and [...] insured for same;
- Z. Whether the awarding of treble damages is justified in the circumstances;
- AA. Whether the class is entitled to immediate medical monitoring of EMF emissions and, what monitoring of the effects on humans and fauna is appropriate in the present circumstances and are class members entitled to special damages for costs incurred in the screening, diagnosis and treatment related to the cumulative effects of EMF. Should Defendants be required to implement a medical monitoring regime and, if so, what should that regime comprise and how should it be established?;
- BB. Whether children are at particular risk due to cell phone [...] radiation and its links to cancer, as indicated in American pediatrics radio frequency (RF) guidelines produced as **Exhibit R-24**;
- CC. Whether the precautionary principle should be applied to curtail the present and imminent cumulative effects of EMF pollution in the province of Quebec;
- [...]
- EE. Respondents including the Provincial and Federal governments:
- (i) hid information concerning EMF pollution and its effects, which caused prejudice to those subjected to EMF pollution;
- (ii) willfully and intentionally caused prejudice to the Quebec population, its flora and fauna, children, pregnant women and the EMF hypersensitive by covering up technical information, carcinogenic nature, and other health risks due to cumulative EMF exposure;
- (iii) committed flagrant errors, acts and omissions with regard to EMF and its effects such that their liability is solidary or in solidum;
- (iv) as such, punitive or exemplary damages are due by operation of Sections 41 and 49 of the Quebec Charter as well as by operation of Section 24(1) of the Canadian Charter of Rights and Freedoms for unlawful and intentional breaches of fundamental Charter rights and “unlawful and intentional interference with Charter Rights” consistent with the Supreme Court’s decision in *Hinse vs. Canada* [2015] S.C.C. 35. (at paras. 86 + 87);
- FF. [...]

GG. The quantum of damages due to all [...] residents, students and/or workers exposed to [...] electromagnetic fields (EMF) in excess of the applicable Threshold Values detailed below in accordance with the Methodology described in Exhibit R-18;

<b>Declared Threshold Exposure Standard for General Population in Uncontrolled Environments</b>				
Radiation Type	Band	Threshold Value	Units	
Power Density	Radio Frequency 3 kHz – 300 GHz	<b>0.1</b>	<b>μW/cm<sup>2</sup></b>	microWatts per square centimeter
Magnetic Field	Low Frequency 3 Hz – 30 kHz	<b>1</b>	<b>mG</b>	milliGauss
Electric Field	Low Frequency 3 Hz – 30 kHz	<b>0.6</b>	<b>V/m</b>	Volts per meter

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

<b>Declared Threshold Exposure Standard for Sensitive Individuals* or Sleeping Environments</b>				
Radiation Type	Band	Threshold Value	Units	
Power Density	Radio Frequency 3 kHz – 300 GHz	<b>0.01</b>	<b>μW/cm<sup>2</sup></b>	microWatts per square centimeter
Magnetic Field	Low Frequency 3 Hz – 30 kHz	<b>0.3</b>	<b>mG</b>	milliGauss
Electric Field	Low Frequency 3 Hz – 30 kHz	<b>0.2</b>	<b>V/m</b>	Volts per meter

References: Council of Europe Resolution 1815; 2007 Bioinitiative Report

\*Sensitive Individuals include EHS, young children and pregnant women

HH. Whether Defendants are obliged to collect, preserve and/or provide all relevant data relating to the cumulative effects of EMF in order to comply with their duties as stipulated in the second paragraph of the "Preliminary Provision", Art.18 & Art 20 of the Code of Civil Procedure?

II. [...]

JJ. What amount should farmers effected by "stray voltage" in excess of the standard proposed by Petitioner, namely, one volt from the ground, be compensated and what measures must be taken by Defendants to ensure that stray voltage in farming communities is curtailed?

- KK. Whether the Canadian Human Rights Commission's Accommodation for Environmental Sensitivities Report (2007) Recommendations concerning reasonable accommodation of EHS sensitive individuals, which includes the provision of low-electromagnetic-field equipment (at page 12) should be legally applied? (that Report produced as **Exhibit R-27**);
- LL. [...] Is section 48 of the Quebec Charter which protects the right every handicapped person against any form of exploitation breached?
- MM. The quantum of damages due to all [...] residents, students and/or workers exposed to more than one milliGauss of magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments; or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or sensitive individuals (children, pregnant women or the electromagnetic hypersensitive and for pets and animals);
- NN. Does one have the right to not be exposed to EMF emissions above one milliGauss of magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or sensitive individuals (children, pregnant women or the electromagnetic hypersensitive and for pets and animals);
- OO. Do Quebecers have the right to opt out of the "Smart meter";
- PP. What damages are they owed for having to accept the imposition of smart meters?
- QQ. Are the class members' s. 7 Charter rights unjustifiably infringed?
- RR. How many Quebecers were forced by Respondent Hydro-Quebec to pay Hydro-Quebec to correct EMF pollution caused for the most part by Hydro-Quebec? Notwithstanding a Hydro Quebec (HQ) internal correspondence (from engineer Jean-Philippe Tardif dated January 23<sup>rd</sup>, 2013) stating the HQ regulating transformer installation could either remain in its (previous) location (more than 1.5 km west of Mahon residence) or be moved anywhere within a 2.5 km stretch of road, Hydro Quebec relocated the equipment within 70m of the Mahon residence on or around March 2015. Immediately the HQ regulating transformer station (T0B9E) entered service near the Mahon residence, Myles and Evelyn Mahon began to suffer a variety of health symptoms ranging through headaches, pressure and pain in the ears, nausea, insomnia, tinnitus, tingling in the chest among others which severely degraded their quality of life and enjoyment of their property. Elevated levels of

EMF were recorded in the Mahon residence. After multiple consultations with medical, hearing, acoustics, and other experts and countless communications with HQ personnel, the Mahons were unable to compel Respondent Hydro Quebec to remove T0B9E. The Mahons finally contracted with Hydro Quebec to relocate the offending equipment, disbursing fifty thousand three hundred sixty-three dollars (\$50,363.23) of their private funds. Subsequent to the removal of T0B9E in March 2017, the Mahons' severe symptoms immediately disappeared. The funds dispersed were in part fees paid to Hydro-Quebec, funds paid to Respondent Bell Canada and expenses incurred by them to survey and understand their problem, as explained in detail in their Affidavit, 2 Addendums to that Affidavit and Exhibits in support thereof filed en liasse as Exhibit R-13, as well as their Survey, Exhibit R-34. It is currently estimated that over 1000 Quebecers were similarly forced to pay Hydro-Quebec to correct Hydro-Quebec errors and omissions:

SS. Whether the class should be defined as:

All persons who reside, work, study [...] in any part of the Province of Quebec, as well as flora, fauna, pets and animals that are exposed to a level in excess of one milliGauss of magnetic field, 0.6 V/m of electric field and 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments, or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field and 0.01 microWatt per square centimeter of microwave power density for sleeping environments or sensitive individuals (children, pregnant women or persons who are electromagnetic hypersensitive) from any one or any combination of anthropogenic the above-listed electromagnetic field (EMF) sources, who suffered moral, physical, psychological and/or genetic damages as a result EMF pollution. Pursuant to the precautionary principle, those born, not of the age of majority, are nonetheless claiming as class members given the pervasive, escalating and cumulative effects of EMF pollution.

**IDENTIFY** as follows the conclusions sought with relation to such questions:

**DECLARE** that all Respondents including all levels of government have contravened Articles 19.1 and 20 of the Environment Quality Act;

**DECLARE** that all Respondents including all levels of government have contravened Articles 1, 5, 6, 7, 8, 46.1 and 48 of the Charter of Human Rights and Freedoms;

**ORDER** the Attorney General of Québec, Hydro Québec and the other Respondents to cease producing, emitting, transmitting, distributing or causing indirectly or directly, members of the class to be exposed to EMF which directly or cumulatively exceeds the limits proscribed herein;

**CONDEMN** the Attorney General of Québec, Hydro Québec and the other Respondents, jointly and severally, solidarily and *in solidum*, to pay damages in the amount of, on average, one hundred thousand dollars per person (\$113,000) to be adjusted as concerns the sub-classes to be identified in the course of the present proceedings;

**ORDER** the collective recovery of said damages and **AUTHORIZE** the distribution of the balance in equal amounts between the members of the class;

**DECLARE** that any member who has not requested his or her exclusion from the group be bound by any judgment to be rendered on the class action, in accordance with law;

**FIX** the delay for exclusion to be thirty (30) days following the date of the Notice to Members, and that at the expiry of such delay the members of the group who have not requested exclusion be bound by any such judgment;

**ORDER** the publication at any date convenient to this Honourable Court of a Notice to Members in the [...] Le Journal de Montréal, The Montreal Gazette, and Bloomberg Business Week or any other appropriate newspaper or publication;

**REFER** the present record to the Chief Justice of this Honourable Court so that he or she may determine the district in which the class action is to be brought and designate the Judge before whom it will be heard;

**ORDER** that in the event that the class action is to be brought in another district, the clerk of the Court, upon receiving the decision of the Chief Justice, is to transmit the present record to the clerk of the district designated.

**THE WHOLE** with costs.

**MONTREAL**, this 27<sup>th</sup> day of July, 2017

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CHARLES O'BRIEN  
Attorney for Marcel Durand. Evelyn and Myles Mahon

**A F F I D A V I T**

I, Marcel Durand, domiciled and residing at 5 Chemin des Ormes, Sainte-Anne-des-Lacs, in the Judicial District of Terrebonne, solemnly affirm:

1. THAT I am one of the Petitioners in the present matter;
2. THAT I have attentively read this Re-Re-Re-Amended Motion Seeking Authorization and affirm that all the facts alleged in the Re-Re-Re-Amended Motion are, to the best of my knowledge, true.

AND I HAVE SIGNED:

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MARCEL DURAND

**SOLEMNLY AFFIRMED BEFORE ME** at Montreal, Québec, this 27<sup>th</sup> day of July, 2017

Commissioner for the Taking of Oaths