



Court file No. T-3254-24

**FEDERAL COURT
PROPOSED CLASS PROCEEDING**

EDWARD LOUIS SHEERR and SUSAN DIANE SHEERR

PLAINTIFFS

- and -

**HIS MAJESTY THE KING,
AS REPRESENTED BY THE ATTORNEY GENERAL OF CANADA**

DEFENDANT

STATEMENT OF CLAIM

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the *Federal Courts Rules*, serve it on the Plaintiffs' solicitor, or where the Plaintiffs do not have a solicitor, serve it on the Plaintiffs, and file it, with proof of service, at a local office of this Court, **WITHIN 30 DAYS** after this Statement of Claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your Statement of Defence is sixty days.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone: 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

25-NOV-2024

Date: _____

Original signed by Adam Young
Issued by: Original signé par Adam Young

[Registry Officer]

Address of local office: Federal Court
 334 Water Street, Suite 209
 St. John's, NL
 A1C 1C4

To: The Attorney General of Canada
 Attention: Ms. Shalene Curtis-Micallef, Deputy Attorney General of Canada
 Office of the Deputy Attorney General of Canada
 284 Wellington Street
 Ottawa, Ontario
 K1A 0H8

Claim

1. The Plaintiffs claim on their own behalf and on behalf of the proposed Class Members (as defined below) against His Majesty the King, as Represented by the Attorney General of Canada, in relation to conduct of the Crown agency, Transport Canada:
 - a. An Order pursuant to Rules 334.16(1) and 334.17 of the *Federal Court Rules*, SOR/98-106 (the "Rules") certifying this proceeding as a class proceeding and providing any ancillary directions;
 - b. An Order pursuant to Rules 334.12(3), 334.16(1)(e) and 334.17(1)(b) appointing the Plaintiffs as the representative plaintiffs of the Class;
 - c. A declaration that Transport Canada is liable to the Plaintiffs and the Class in nuisance, strict liability (doctrine of *Rylands v. Fletcher*), negligence, trespass, and breach of statutory duty under the *Canadian Environmental Protection Act, 1999*, S.C. 1999, c. 33 (the "**CEPA**");
 - d. A mandatory Order requiring Transport Canada to implement control and remedial measures at the Contaminated Site (as defined below), lands adjacent to the Contaminated Site and the Impacted Area (as defined below), in order to prevent the continued migration of PFAS (as defined below) onto, under, into or through the Impacted Area;
 - e. In the alternative to the relief claimed in paragraph 1(d) above, a declaration that the Plaintiffs and Class Members are entitled to remediate the properties they own in the Impacted Area to completely eliminate all traces of PFAS, and that Transport Canada must pay the cost of their so doing as damages;
 - f. General damages, representing *inter alia* interference with the Plaintiffs' and Class Members' use and enjoyment of their properties in the Impacted Area, as well as inconvenience, discomfort and distress;
 - g. Special damages, representing *inter alia* diminution in value and marketability of the Plaintiffs' and Class Members' properties in the Impacted Area, remediation costs, monitoring costs, engineering and other professional costs, and financing costs, as may necessarily be incurred;
 - h. An Order directing a reference or such other directions as may be necessary to determine the issues not determined at trial of the common issues;
 - i. Pre-judgment and post-judgment interest pursuant to sections 36 and 37 of the *Federal Courts Act*, R.S.C. 1985, c. F-7;
 - j. Costs of this proceeding;

- k. Out of pocket expenses and disbursements; and
 - l. Such further and other relief as this Honourable Court deems just.
2. The Plaintiffs and the proposed Class Members do not seek recovery of damages in this proceeding for the individual personal injuries they have suffered as a result of their exposure to the Off-Site PFAS Contamination (as defined below), nor do they waive such claims. The Plaintiffs say that they and the proposed Class Members have been, and continue to be, exposed to the Off-Site PFAS Contamination, which exposure is hazardous to their health and safety.

Plaintiffs

3. The Plaintiffs, Edward Louis Sheerr and Susan Diane Sheerr, are the owners and residents of lands and premises located on Pine Ridge Crescent, in the Town of Torbay, Newfoundland and Labrador (the "**Sheerrs' Property**"), within the Impacted Area (as defined below).

Proposed Class

4. The Plaintiffs bring this proceeding on their own behalf and on behalf of the members of the proposed Class, which is defined as follows:

All persons owning real property on or after January 1, 2024 in the area within the Town of Torbay, Newfoundland and Labrador particularly described as the lands and premises within the boundary demarcated by the red line in Schedule "A" hereto (the "**Impacted Area**"), which includes all civic properties on Karon Drive, Pine Ridge Crescent, Rosebud Street, Quarry Road Extension, Cordelia Crescent, Bourne's Close, Clara's Place, Pulpit Rock Road, Roblin Place, Kelly's Lane, Blackberry Crescent, as well as civic properties on portions of Pine Line and Torbay Road, as well as all persons residing within the Impacted Area.

Defendant

5. The Defendant is named as the Crown representative of the Government of Canada, in relation to conduct of the Crown agency, Transport Canada, as permitted by subsection 23(1) of the *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C-50 (the "**CLPA**").

6. Pursuant to subsection 3(b)(ii) of the *CLPA*, the Crown is liable for the damages for which, if it were a person, it would be liable in respect of a breach of duty attaching to the ownership, occupation, possession or control of property.
7. Transport Canada owns and is responsible for the lands identified as Federal Contaminated Sites Inventory (“**FCSI**”) “Site 00339002 – Disposal Site 2 and Fire Training Area” (the “**Contaminated Site**”), located approximately 500 m southwest of the Impacted Area. Topographically, the Contaminated Site drains towards the northeast and is located at the headwater of the primary watershed system affecting the Impacted Area.
8. The Contaminated Site was previously used as a site for fire-fighter training involving the release of aqueous film-forming foam (“**AFFF**”), which is a product containing high concentrations of Per- and Polyfluoroalkylated Substances (the “**PFAS**”). The fire-fighter training program, which was conducted from the early 1980s to 2004, focused on responding to aircraft fires. Aviation fuel was pumped into an aircraft mock-up and ignited, allowing fire-fighters opportunity to practice extinguishing the fire using the chemical foam, AFFF. The release of AFFF was done without subsequent capture, containment or other precautions being taken to prevent the migration of PFAS into the groundwater below the Contaminated Site.
9. Upon conclusion of the fire-fighter training program in or about 2004, Transport Canada commenced a remediation project at the Contaminated Site. Environmental testing performed at the Contaminated Site identified the presence of various contaminants in groundwater, including PFAS. Data from the FCSI indicates Transport Canada’s implementation of its remedial action plan at the Contaminated Site, which is classified as a “High Priority for Action” site, is continuing as of the date of the filing hereof.
10. In or about 2011, the Government of Newfoundland and Labrador’s Department of Environment and Conservation’s Water Resource Management Division (“**WRMD**”) corresponded with Transport Canada in connection with the remediation project. In order to ensure that drinking water wells down-gradient from the Contaminated Site were not affected by contamination migrating from the site, the WRMD directed Transport Canada to undertake a study (i) to delineate the extent of the known contamination migrating from the Impacted Site, (ii) to collect water samples from shallow and deep monitoring wells

installed on lands adjacent to the Contaminated Site, between the site and the drinking water wells in the Impacted Area, and (iii) to produce a groundwater model to determine the future optimum sustainable pumping rate from the water supply without adversely affecting the quality and quantity of water in the existing drinking water wells.

11. Transport Canada contracted consultant environmental engineers in November 2011 to complete the required study. Transport Canada's consultants' report was submitted to WRMD in or about April 2012. The study was publicly reported as having concluded there was no detection of contaminant from the Contaminated Site in the deep aquifer used for drinking water supply, whereas water samples from shallow brooks originating at the Contaminated Site indicated significant water quality impacts.
12. The results of Transport Canada's periodic monitoring of the groundwater at the Contaminated Site and on the lands between the Contaminated Site and the Impacted Area since 2012 are unknown to the Plaintiffs and the proposed Class Members but known to Transport Canada.
13. Environmental testing performed on lands adjacent to the Contaminated Site and within the Impacted Area have determined there has been, and continues to be, a migration of PFAS contaminated groundwater from the Contaminated Site into the Impacted Area, and specifically into the drinking water wells of the Plaintiffs and the proposed Class Members.
14. Transport Canada is responsible for off-site impacts originating from the Contaminated Site, including off-site impacts in the form of PFAS contamination.

PFAS

15. PFAS are a family of highly fluorinated synthetic chemical compounds. PFAS do not occur in nature. Rather, they are stable, human-manufactured chemicals.
16. Perfluorooctanoic acid ("PFOA") and perfluorooctane sulfonate ("**PFOS**") are within a smaller subcategory of PFAS chemicals known as perfluoroalkyl acids ("**PFAAs**"). The properties and effects of PFOA and PFOS have been extensively researched. PFAAs are composed of a chain of carbon atoms in which one carbon atom is attached to a functional group while the rest are bonded to fluorine atoms. PFAAs are characterized by this carbon-

fluorine (“C-F”) bond, as it is one of the strongest chemical bonds that occurs. The chemical properties of PFAAs are, in part, related to the length of this C-F chain. As the size of the chain increases, the compound becomes more thermally, chemically, and biologically stable.

17. Once they enter the environment, “long-chain” PFAAs, such as PFOA and PFOS, can cause extensive and long-lasting environmental contamination due to their properties, including their:
 - a. Solubility: Once introduced into the environment, PFOA and PFOS dissolve in water easily and spread quickly.
 - b. Mobility: PFOA and PFOS do not absorb (stick) to sediments or soil, so they are readily transported through the soil and stay in the water column, where they can migrate long distances.
 - c. Persistence: PFOA and PFOS do not readily biodegrade or chemically degrade in the environment or in conventional treatment systems for drinking water.
18. Additionally, once they are in the environment, other PFAS compounds can transform into more stable and long-chain PFAAs such as PFOA and PFOS.
19. The presence of PFAS in drinking water presents a serious threat to human health.
20. PFOA and PFOS are bioaccumulative, meaning they are readily absorbed in human tissues after oral exposure, extremely stable and persistent once ingested, and resistant to metabolic degradation. Any newly ingested PFOA and PFOS will be added to whatever is already present in the body.
21. Short-term exposure to PFOA and PFOS can result in a body burden that persists for years and increases with additional exposures. In humans, PFOA and PFOS remain in the body for years. Ingestion is the form of exposure to PFAS with the most serious consequences. Ingestion of PFAS most commonly occurs by drinking well water in the vicinity of a source of local contamination.
22. PFOA and PFOS are toxic and can cause significant adverse health effects in humans, including testicular cancer, kidney cancer, liver damage, autoimmune and endocrine

disorders, preeclampsia, ulcerative colitis, thyroid disease, and others. These injuries may arise within months or years after exposure.

23. Government agencies, regulators and scientific experts have concluded that PFAS are human health hazards that present a substantial danger when released into the environment.

Off-Site Impacts Originating from the Contaminated Site

24. On or about January 1, 2024, Transport Canada commenced a water sampling program involving the collection of water samples from privately-owned drinking water wells located within the Impacted Area, including the drinking water well owned by the Plaintiffs, located on the Sheerrs' Property (the "**Sheerrs' Well**"). Transport Canada explained to the Plaintiffs and the other participants that the sampling program was being conducted as a precautionary measure, as Health Canada was in the process of developing a new PFAS objective for drinking water. The new objective is significantly lower than the previous guidance and screening values set out in Health Canada's *Guidelines for Canadian Drinking Water Quality*. Transport Canada explained to the Plaintiffs and the other participants that the new objective was being pursued to reduce the potential exposure to unsafe and unhealthy concentrations of PFAS through drinking water.
25. Transport Canada did not disclose to the Plaintiffs and the other participants Transport Canada's knowledge of the presence and extent of PFAS detected in the groundwater in the monitoring wells between the Contaminated Site and the Impacted Area, nor make any reference to the Contaminated Site as an originating site of PFAS contamination, in soliciting their consent to participate in the drinking water well sampling program.
26. As of the date of the filing hereof, Transport Canada has sampled at least 55 drinking water wells in the Impacted Area, and is continuing its water sampling program at additional properties in the Impacted Area.
27. The results of the water sampling program, including those relating to the sample taken from the Sheerrs' Well, established the presence of unhealthy and/or unsafe PFAS concentrations in the groundwater supplying the drinking water wells in the Impacted Area (the "**Off-Site PFAS Contamination**"). The full extent and geographic scope of the

migration of PFAS from the Contaminated Site throughout the Impacted Area, and potentially beyond the Impacted Area, is unknown to the Plaintiffs and the proposed Class Members.

28. In or about May 2024, Transport Canada began delivering bottled drinking water to the Plaintiffs and proposed Class Members whose drinking water well sample results showed unhealthy and/or unsafe PFAS concentrations. Transport Canada continues to supply bottled drinking water to these said residents of the Impacted Area as of the date of the filing hereof.
29. At an in-person meeting held on September 12, 2024, representatives of Transport Canada acknowledged and informed the Plaintiffs and the proposed Class Members that the originating source of the Off-Site PFAS Contamination is the Contaminated Site.
30. Transport Canada has failed to implement control and remedial measures at the Contaminated Site, the lands adjacent to the Contaminated Site, and the Impacted Area sufficient to prevent the continued migration of PFAS onto, under, into and through the Impacted Area, specifically into drinking water wells in the Impacted Area.
31. The fair market value of the properties owned by the Plaintiffs and the proposed Class Members in the Impacted Area have been significantly reduced because of the discovery of the presence and extent of PFAS in the groundwater supplying the drinking water wells in the Impacted Area. Proposed Class Members have listed their properties for sale but have been unable to sell their properties because of knowledge of the presence of unhealthy and/or unsafe PFAS concentrations in their drinking water wells, or because of the uncertainty about such presence, there being a stigma about the presence of PFAS contamination affecting the properties throughout the Impacted Area. Proposed Class Members have otherwise been impeded from planned sale or refinancing of their properties for the same reasons. These properties will continue to suffer a diminution in value in the future as a result of the Off-Site PFAS Contamination and associated stigma. The Plaintiffs and the proposed Class Members claim from Transport Canada this diminution in value and marketability as damages.

32. Since learning of the presence and extent of PFAS discovered to have migrated via the groundwater from the Contaminated Site to the Impacted Area, as well as the health and safety risks posed by same, and the effect of the Off-Site PFAS Contamination on the fair market values and marketability of their properties in the Impacted Area, the Plaintiffs and the proposed Class Members have experienced mental anxiety, stress and psychological upset. These circumstances have negatively impacted, and continue to negatively impact, the Plaintiffs' and the proposed Class Members' enjoyment of life.
33. As a result of Transport Canada's actions and inactions, the Plaintiffs and the proposed Class Members have suffered, and continue to suffer, interference with their use and enjoyment of their properties within the Impacted Area, diminution of value and marketability of their properties, as well as inconvenience, discomfort and distress.
34. Further particulars of Transport Canada's liability to the Plaintiffs and the proposed Class Members include as follows:

Nuisance

35. At all material times, Transport Canada's actions and inactions, including *inter alia* Transport Canada's failure to implement timely, complete and effective controls and remedial measures at the Contaminated Site, the lands adjacent to the Contaminated Site, and the Impacted Area sufficient to prevent the initial and continued migration of PFAS onto, under, into and through the Impacted Area, specifically into the drinking water wells in the Impacted Area, have caused and continue to cause substantial interference with the Plaintiffs' and the proposed Class Members' use and enjoyment of their properties, which is private nuisance, as well as substantial interference with the Plaintiffs' and the proposed Class Members' common right to clean water, which is public nuisance.

Strict Liability (doctrine of *Rylands v. Fletcher*)

36. At all material times, Transport Canada's actions and inactions regarding its non-natural or special use of the Contaminated Site as a site for fire-fighter training involving the release of AFFF, being a PFAS-containing product, without subsequent capture and containment, which use Transport Canada knew or ought to have known was likely to do mischief to the lands adjacent to the Contaminated Site and the Impacted Area if the PFAS escaped the Contaminated Site, and which did in fact escape resulting in the Off-Site

PFAS Contamination, have caused and continue to cause damage and loss to the Plaintiffs and the proposed Class Members, for which Transport Canada is strictly liable according to the doctrine of *Rylands v. Fletcher*.

Negligence

37. At all material times, Transport Canada owed a duty of care to the Plaintiffs and the proposed Class Members because it knew that its actions and inactions regarding the Contaminated Site, including Transport Canada's use of the Contaminated Site as a site for fire-fighter training involving the release of AFFF as described above, and Transport Canada's failure to implement timely, complete and effective controls and remedial measures as described above, could cause damage and loss to the Plaintiffs' and the proposed Class Members if done without sufficient care.

38. Transport Canada breached its duty of care in its use of the Contaminated Site as a site for fire-fighter training, and its failure to implement timely, complete and effective controls and remedial measures, the particulars of which negligence are as follows:
 - a. Transport Canada failed to implement timely, complete and effective methods to capture and contain the AFFF after its release at the Contaminated Site;
 - b. Transport Canada failed to take proper precautions to prevent the migration of PFAS into the groundwater below the Contaminated Site;
 - c. Transport Canada failed to implement timely, complete and effective controls and remedial measures at the Contaminated Site, the lands adjacent to the Contaminated Site, and the Impacted Area sufficient to prevent the initial and continued migration of PFAS onto, under, into and through the Impacted Area, specifically into the drinking water wells in the Impacted Area;
 - d. Transport Canada failed to provide the Plaintiffs and the proposed Class Members timely, complete and effective warning of the presence and extent of PFAS discovered to have migrated via the groundwater from the Contaminated Site to the Impacted Area;
 - e. Transport Canada failed to provide the Plaintiffs and the proposed Class Members timely, complete and effective warning of the risks to their health and safety posed by the presence and extent of PFAS discovered to have migrated via the groundwater from the Contaminated Site to the Impacted Area; and

- f. Transport Canada failed to take timely, complete and effective steps to remediate the Contaminated Site, the lands adjacent to the Contaminated Site, and the Impacted Area, upon learning of the presence and extent of PFAS discovered to have migrated via the groundwater from the Contaminated Site to the Impacted Area, and upon learning of the risks to human health and safety posed by the presence and extent of PFAS discovered to have migrated via the groundwater from the Contaminated Site to the Impacted Area.

Trespass

39. At all material times, Transport Canada's actions and inactions regarding the Contaminated Site, including Transport Canada's use of the Contaminated Site as a site for fire-fighter training involving the release of AFFF as described above, and Transport Canada's failure to implement timely, complete and effective controls and remedial measures at the Contaminated Site, the lands adjacent to the Contaminated Site, and the Impacted Area sufficient to prevent the initial and continued migration of PFAS onto, under, into and through the Impacted Area, specifically into the drinking water wells in the Impacted Area, without the Plaintiffs' and/or the proposed Class Members' consent, and which have caused and continue to cause damage and loss to the Plaintiffs and the proposed Class Members, constitute past and continuing trespass by Transport Canada of the properties owned by the Plaintiffs and the proposed Class Members in the Impacted Area.

Breach of Statutory Duty

40. At all material times, Transport Canada was dutybound pursuant to section 95 of the *CEPA* to take all reasonable measures consistent with the protection of the environment and public safety to remedy the danger to human health caused by the release of AFFF and the Off-Site PFAS Contamination as described above, and to notify the Plaintiffs and the proposed Class Members of such danger, in a timely, complete and effective manner. Transport Canada breached its statutory duties, the particulars of which are as follows:
 - a. Transport Canada failed to implement timely, complete and effective methods to capture and contain the AFFF after its release at the Contaminated Site;
 - b. Transport Canada failed to take proper precautions to prevent the migration of PFAS into the groundwater below the Contaminated Site;

- c. Transport Canada failed to implement timely, complete and effective controls and remedial measures at the Contaminated Site, the lands adjacent to the Contaminated Site, and the Impacted Area sufficient to prevent the initial and continued migration of PFAS onto, under, into and through the Impacted Area, specifically into the drinking water wells in the Impacted Area;
 - d. Transport Canada failed to provide the Plaintiffs and the proposed Class Members timely, complete and effective warning of the presence and extent of PFAS discovered to have migrated via the groundwater from the Contaminated Site to the Impacted Area;
 - e. Transport Canada failed to provide the Plaintiffs and the proposed Class Members timely, complete and effective warning of the risks to their health and safety posed by the presence and extent of PFAS discovered to have migrated via the groundwater from the Contaminated Site to the Impacted Area; and
 - f. Transport Canada failed to take timely, complete and effective steps to remediate the Contaminated Site, the lands adjacent to the Contaminated Site, and the Impacted Area, upon learning of the presence and extent of PFAS discovered to have migrated via the groundwater from the Contaminated Site to the Impacted Area, and upon learning of the risks to human health and safety posed by the presence and extent of PFAS discovered to have migrated via the groundwater from the Contaminated Site to the Impacted Area.
41. Transport Canada's breaches of its duties under the *CEPA* have caused damage and loss to the Plaintiffs and the proposed Class Members. Pursuant to section 40 of the *CEPA*, Transport Canada is liable to the Plaintiffs and the proposed Class Members for the damage and loss they have suffered as a result of the contraventions of the *CEPA* by Transport Canada.

Damages

42. As a result of Transport Canada's actions and inactions described herein, the Plaintiffs and the proposed Class Members have suffered, and will continue to suffer, damage and loss, as follows:
- a. Diminution in the fair market value of their properties in the Impacted Area, caused by the Off-Site PFAS Contamination in their drinking water wells and/or the stigma of the Off-Site PFAS Contamination in the Impacted Area;

- b. Loss of marketability of their properties in the Impacted Area, caused by the Off-Site PFAS Contamination in their drinking water wells and/or the stigma of the Off-Site PFAS Contamination in the Impacted Area;
 - c. An inability to obtain mortgage financing or re-financing, and/or increased financing costs;
 - d. Engineering and other professional costs in respect of the investigation of their properties in the Impacted Area, as may be necessarily incurred;
 - e. Engineering and other professional costs in respect of the remediation of their properties in the Impacted Area, as may be necessarily incurred;
 - f. Engineering and other professional costs in respect of monitoring of their drinking water wells, as may be necessarily incurred;
 - g. Inconvenience, discomfort and distress; and
 - h. Other expenses and losses, full particulars of which will be provided prior to trial.
43. The Plaintiffs and the proposed Class Members say that contaminated property such as theirs experience a loss in value due to the factor of stigma. Stigma is a market-imposed disadvantage that affects a property known to be contaminated, a property once contaminated and since cleaned, or a property neighbouring one that is contaminated. Properties with known or suspected contamination suffer in the marketplace due to limited knowledge of the kind and amount of contamination present, the unknown costs and timing of remediation, and a host of intangible factors, including fear of contaminant migration and additional health hazards. Before knowledge exists of contamination, a property perceived as clean may realize a value equal to its full uncontaminated market value. When a property is perceived to be a health risk because of contamination, its marketability suffers due to uncertainty of health hazards, and of costs and timing of remediation. The more uncertainty associated with a property, the greater the risk margin sought by the market, and the greater the value loss.
44. The Plaintiffs and the proposed Class Members are entitled *inter alia* to have their properties remediated to such state where the groundwater supplying the drinking water wells of the Impacted Area is clean and free of the Off-Site PFAS Contamination, and to be awarded the diminution of value and marketability resultant from the Off-Site PFAS Contamination.

Relief Sought

45. The Plaintiffs say that Transport Canada's actions and inactions have caused the Plaintiffs and the proposed Class Members to suffer the losses and/or damages described above, for which Transport Canada is liable, and for which the Plaintiffs and proposed Class Members seek this Honourable Court's award against Transport Canada as follows:
- a. An Order pursuant to Rules 334.16(1) and 334.17 of the *Rules* certifying this proceeding as a class proceeding and providing any ancillary directions;
 - b. An Order pursuant to Rules 334.12(3), 334.16(1)(e) and 334.17(1)(b) appointing the Plaintiffs as the representative plaintiffs of the Class;
 - c. A declaration that Transport Canada is liable to the Plaintiffs and the Class in nuisance, strict liability (doctrine of *Rylands v. Fletcher*), negligence, trespass, and breach of statutory duty under the *CEPA*;
 - d. A mandatory Order requiring Transport Canada to implement control and remedial measures at the Contaminated Site, lands adjacent to the Contaminated Site and the Impacted Area, in order to prevent the continued migration of PFAS onto, under, into or through the Impacted Area;
 - e. In the alternative to the relief claimed in paragraph 1(d) above, a declaration that the Plaintiffs and Class Members are entitled to remediate the properties they own in the Impacted Area to completely eliminate all traces of PFAS, and that Transport Canada must pay the cost of their so doing as damages;
 - f. General damages, representing *inter alia* interference with the Plaintiffs' and Class Members' use and enjoyment of their properties in the Impacted Area, as well as inconvenience, discomfort and distress;
 - g. Special damages, representing *inter alia* diminution in value and marketability of the Plaintiffs' and Class Members' properties in the Impacted Area, remediation costs, monitoring costs, engineering and other professional costs, and financing costs, as may necessarily be incurred;
 - h. An Order directing a reference or such other directions as may be necessary to determine the issues not determined at trial of the common issues;
 - i. Pre-judgment and post-judgment interest pursuant to sections 36 and 37 of the *Federal Courts Act*, R.S.C. 1985, c. F-7;
 - j. Costs of this proceeding;
 - k. Out of pocket expenses and disbursements; and

I. Such further and other relief as this Honourable Court deems just.

General

46. The Plaintiffs propose that this trial take place in St. John's.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 25th of November, 2024.



J. Alexander Templeton
McINNES COOPER


Counsel for the Plaintiffs and the proposed
Class Members

Whose address for service is:
10 Fort William Place, 5th Floor
Baine Johnston Centre
P.O. Box 5939
St. John's, NL A1C 5X4

I HEREBY CERTIFY that the above document is a true copy of
the original issued out of / filed in the Court on the 25

day of November A.D. 2024

Dated this 25 day of November 2024



Adam Young
Registry Officer
Agent du greffe

SCHEDULE "A" THE IMPACTED AREA

