

**If you purchased Hydrogen Peroxide or Products containing or produced using  
Hydrogen Peroxide in Canada<sup>1</sup>  
between 1994 and 2005, your legal rights could be affected.**

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

### **Hydrogen Peroxide**

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

### **Background**

Class action lawsuits have been ongoing in Ontario, British Columbia and Quebec alleging that certain manufacturers of hydrogen peroxide conspired to fix prices.

On September 28, 2009, the Ontario action was certified in respect of a national class defined as follows:

All persons in Canada (excluding the defendants and their subsidiaries, affiliates and predecessors) who purchased hydrogen peroxide, products containing hydrogen peroxide, or products produced using hydrogen peroxide in Canada between January 1, 1994 and January 5, 2005.

Settlements have been reached with all defendants except FMC Corporation and FMC of Canada Ltd. For details of those settlements, please visit [www.classaction.ca/actions/Price-Fixing/Current-Actions/Hydrogen-Peroxide](http://www.classaction.ca/actions/Price-Fixing/Current-Actions/Hydrogen-Peroxide).

### **Amendment of Class Definition**

Class Counsel has brought a motion to amend the class definition by narrowing it to the following:

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

The proposed amendment narrows the class in two ways.

First, it excludes from the Class those persons who purchased products containing or produced using hydrogen peroxide. Only those persons who purchased hydrogen peroxide directly from a manufacturer of hydrogen peroxide or who purchased hydrogen peroxide from a chemical distributor of hydrogen peroxide during the new class period will remain in the Class.

Secondly, it will also shorten the class period. The new start date will be November 1, 1998 (instead of January 1, 1994), and the new end date will be December 31, 2003 (instead of January 5, 2005). Persons who purchased hydrogen peroxide from January 1, 1994 - October 31, 1999 or from January 1, 2004 - January 5, 2005 will be excluded from the Class.

The proposed amendment requires approval by the Ontario court before it becomes effective. The motion to amend the class definition will be heard by the Ontario Superior Court of Justice at **the Court House, 80 Dundas Street, London, Ontario** on **October 20, 2015** at **10:00 a.m.** If you have any questions about the proposed amendment, or wish to comment on it or object to it, please contact **Luciana Brasil of Branch MacMaster LLP** for independent legal advice as discussed below.

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<sup>1</sup> Products which contain or are produced using hydrogen peroxide include for example, paper, newsprint and treated water.

### **Limitation Period**

If the Ontario court approves the amendment to the class definition, the limitation period will begin to run again starting on **October 20, 2015** for:

- persons who purchased products containing or produced with hydrogen peroxide from January 1, 1994 – January 5, 2005; and
- persons who purchased hydrogen peroxide from January 1, 1994 – October 31, 1998 and from January 1, 2004 – January 5, 2005.

Persons affected by the proposed amendment who wish to pursue a claim should contact **Luciana Brasil** of **Branch MacMaster LLP** for independent legal advice as discussed below.

### **Independent Legal Advice**

**Luciana Brasil** of **Branch MacMaster LLP** has been appointed as independent counsel to provide independent legal advice and represent any class members who have questions or wish to comment on or object to the proposed amendment to the Class definition. This representation is at no cost to class members who contact **Luciana Brasil**. Please contact **Luciana Brasil** at **604-654-2999** or by email at **uherlev@branmac.com** before **September 18, 2015** if you have any questions or wish to object to the amendment.

### **Class Counsel**

The law firms of Siskinds LLP; Sutts, Strosberg LLP and Camp Fiorante Matthews Mogergerman are Class Counsel.

Questions? Call **604-654-2999** or email **uherlev@branmac.com**.