

Questions and Answers: To know everything on the two class action lawsuits on behalf of smoking victims

What do these class action lawsuits consist of?

On May 27, 2015, Québec Superior Court Judge Brian Riordan awarded \$15 billion to some 100,000 Québec smokers and ex-smokers who were diagnosed with lung or throat cancer, or emphysema. The big tobacco companies convicted are Imperial Tobacco, Rothmans, Benson & Hedges and JTI-MacDonald.

This decision concerns two class action lawsuits (also called “class action”):

- The class action filed by the Conseil québécois sur le tabac et la santé and the late Jean-Yves Blais (CQTS-Blais class action) on behalf of some 100,000 sick or deceased victims.
- The class action filed by Cécilia Létourneau (Létourneau class action), which includes close to one million people with a dependence on cigarettes.

While the tobacco companies sued under the two class actions were convicted, the decision awards damages solely to the members of the CQTS-Blais class action. **You may read the [decision here](#). Part 1 of the document presents the English version of the decision, while the French version may be consulted on page 278.**

Who can join the CQTS-Blais class action?

You may join this class action if you meet the following four criteria:

1. You smoked at least 87,600 cigarettes before November 20, 1998.
2. You have developed one of the following diseases:
 - Lung cancer;
 - Throat cancer (larynx, oropharynx or hypopharynx). This cancer is also known as “squamous cell carcinoma”;
 - Emphysema.
3. You were diagnosed with your disease before March 12, 2012.
4. You were a resident of Québec at the time of the diagnosis.

This group also includes the heirs of members who meet the criteria cited above.

What compensation can the victims in the CQTS-Blais class action expect to receive?

The amount of the compensation awarded to each member of the class action is based on the victim's disease and the date on which he or she began smoking.

- Person with lung cancer or throat cancer (squamous cell carcinoma), that's to say cancer of the larynx, oropharynx or hypopharynx:
 - \$100,000 in moral damages (plus interest and an additional indemnity as of the date of the decision, if the person began smoking before July 1, 1976).
 - \$80,000 in moral damages (plus interest and an additional indemnity as of the date of the decision), if the person began smoking on or after January 1, 1976.

- Person with emphysema:
 - \$30,000 in moral damages (plus interest and an additional indemnity as of the date of the decision), if the person began smoking before January 1, 1976.
 - \$24,000 in moral damages (plus interest and an additional indemnity as of the date of the decision), if the person began smoking on or after January 1, 1976.

How to join the “CQTS-Blais” class action?

Tobacco victims who meet the group criteria cited above, or their heirs, may join this class action by completing the [claim form](#) issued by the lawyers representing the plaintiffs in this lawsuit: Trudel Johnston & Lespérance.

If you are already registered for the class action, you do not need to complete the form again. You may confirm your registration for the CQTS-Blais class action by going to www.recourstabac.com (bottom of page) and entering the file number sent to you by email, together with the victim's health insurance number. If you see that you are not registered, please complete the [online form](#).

When will you be contacted concerning your claim?

We want to respond in a timely manner to the many applications we continue to receive from people wishing to join the CQTS-Blais class action. However, delays beyond our control have led to slower processing times. These delays are due to the decision, by the

companies being sued, to appeal the Superior Court decision tabled in May 2015. This appeal on the part of tobacco companies was heard in November 2016, and we are awaiting the decision by the Court of Appeal, which is expected in 2017 or 2018. If the decision favours the tobacco victims, the Superior Court must then authorize the processing of victims' claims. All these steps inevitably entail months of wait time, which we are working to reduce as much as possible.

Thank you for your patience and collaboration.

Tobacco companies were sentenced in 2015. Why have I not received a cheque yet?

In May 2015, the tobacco companies appealed the decision in the Court of Appeal. The case was heard in November and December of 2016. The Court of Appeal is expected to table its decision in 2017 or 2018. These proceedings have caused delays, as we are not authorized by the court to process claims by members of the class action until the Court of Appeal renders its decision.

Will I be required to take further steps once the final judgment in the class action is tabled?

All members of the CQTS-Blais class action must demonstrate that they qualify to obtain the compensation set out. Since the court has not yet established what will be required to demonstrate each member's eligibility for the class action, we are unable to indicate the steps that will have to be taken following the final judgment. Until then, if you already have a medical document confirming your diagnosis of lung cancer, throat cancer or emphysema and the date thereof, you may forward it to us through the [class action website](#). If you have already provided this document, there is nothing else for you to do for the time being.

I completed the registration form to join the CQTS-Blais class action. Will I be compensated automatically?

No. Each file will be reviewed before it is approved.

How can I make changes to the class action claim form that I already completed?

You can make changes to the form you have already completed by using the file number sent to you. **If you do not have a file number or do not know your file number, do not complete the form.** Instead, contact the law firm Trudel Johnston & Lespérance by email at tabac@tjl.quebec or by telephone at 438-384-7230 or 1-888-880-1844 to obtain your file number.

One of my loved ones, a tobacco victim, does not have access to the Internet. How can he register to join the CQTS-Blais class action?

A tobacco victim may request that a trusted person complete the online registration form on his or her [behalf](#).

I meet the eligibility criteria cited above, but I have moved to another province or another country. Am I still entitled to join the CQTS-Blais class action?

Yes, on the condition that you lived in Québec at the time of your diagnosis.

I have not developed lung cancer, throat cancer or emphysema. However, I suffer from another disease caused by tobacco. Am I entitled to join the CQTS-Blais class action?

Unfortunately, you are not entitled to join the class action. The class action lawsuit was initiated on behalf of Quebecers suffering from lung cancer, throat cancer or emphysema caused by smoking.

I developed lung cancer, throat cancer or emphysema, but received my diagnosis after March 12, 2012. Am I entitled to join the CQTS-Blais class action?

No. You are required to have received your diagnosis **before March 12, 2012** (the date on which the trial started) in order to join the CQTS-Blais class action.

I am the heir of a tobacco victim. What steps do I need to take to join the CQTS-Blais class action?

Tobacco victims who meet the group criteria cited above or their heirs may join the class action by completing the [claim form](#).

I no longer wish to be a member of the CQTS-Blais class action. What should I do?

In order to modify or cancel your claim, you are required to contact the law firm Trudel Johnston & Lespérance by email at tabac@tjl.quebec or by telephone at 438-384-7230 or 1-888-880-1844.

[French Version](#)