

**English translation of the orders – Translated from the original French**

**FOR THE AFOREMENTIONED REASONS, THE COURT, UNANIMOUSLY:**

[1280] **ALLOWS** the appeals in part in files n<sup>os</sup> 500-09-025385-154, 500-09-025386-152 and 500-09-025387-150;

[1281] **REVERSES** the judgment of the Superior Court in part;

[1282] **STRIKES** paragraphs 1208 to 1213 of the judgment and **REPLACES** them with the following paragraphs :

[1208] **AMENDS** the class description as follows:

All persons residing in Quebec who satisfy the following criteria:

1) To have smoked, **between January 1, 1950 and** November 20, 1998, a minimum of 12 pack/years of cigarettes manufactured by the defendants (that is, the equivalent of a minimum of 87,600 cigarettes, namely any combination of the number of cigarettes smoked in a day multiplied by the number of days of consumption insofar as the total is equal to or greater than 87,600 cigarettes).

For example, 12 pack/years equals :

20 cigarettes a day for 12 years (20 X 365 X 12 = 87,600) or

30 cigarettes a day for 8 years (30 X 365 X 8 = 87,600) or

10 cigarettes a day for 24 years (10 X 365 X 24 = 87,600);

2) To have been diagnosed before March 12, 2012 with :

- a) Lung cancer or
- b) Cancer (squamous cell carcinoma) of the throat, that is to say of the larynx, the oropharynx or the hypopharynx or
- c) Emphysema.

The group also includes the heirs of the persons deceased after November 20, 1998 who satisfied the criteria mentioned herein.

Toutes les personnes résidant au Québec qui satisfont aux critères suivants :

1) Avoir fumé, **entre le 1<sup>er</sup> janvier 1950** et le 20 novembre 1998, au minimum 12 paquets-année de cigarettes fabriquées par les défenderesses (soit l'équivalent d'un minimum de 87 600 cigarettes, c'est-à-dire toute combinaison du nombre de cigarettes fumées dans une journée multiplié par le nombre de jours de consommation dans la mesure où le total est égal ou supérieur à 87 600 cigarettes).

Par exemple, 12 paquets/année égale :

20 cigarettes par jour pendant 12 ans (20 X 365 X 12 = 87 600) ou

30 cigarettes par jour pendant 8 ans (30 X 365 X 8 = 87 600) ou

10 cigarettes par jour pendant 24 ans (10 X 365 X 24 = 87 600);

2) Avoir **reçu un diagnostic d'une de ces maladies** avant le 12 mars 2012 :

- a) ~~un~~ cancer du poumon ou
- b) ~~un~~ cancer (carcinome épidermoïde) de la gorge, à savoir du larynx, de l'oropharynx ou de l'hypopharynx ou
- c) ~~de~~ l'emphysème.

Le groupe comprend également les héritiers des personnes décédées après le 20 novembre 1998 qui satisfont aux critères décrits ci-haut.

[1209] **CONDEMNS** the Defendants solidarily to pay as moral damages an amount of **\$6,857,854,080** plus interest and the additional indemnity **from the dates specified in the following table for each increment of the condemnation:**

<b>Year of diagnosis</b>	<b>Amount in capital</b>	<b>Date from which interests and the additional indemnity are to be calculated</b>
1995	\$353,485,440	November 20, 1998
1996	\$356,231,040	November 20, 1998
1997	\$360,103,040	November 20, 1998
1998	\$373,338,240	December 31, 1998
1999	\$381,575,040	December 31, 1999
2000	\$382,279,040	December 31, 2000
2001	\$398,541,440	December 31, 2001
2002	\$402,554,240	December 31, 2002
2003	\$405,863,040	December 31, 2003
2004	\$414,240,640	December 31, 2004
2005	\$416,634,240	December 31, 2005
2006	\$420,154,240	December 31, 2006
2007	\$431,629,440	December 31, 2007
2008	\$447,821,440	December 31, 2008
2009	\$443,597,440	December 31, 2009
2010	\$431,207,040	December 31, 2010
2011	\$438,599,040	December 31, 2011
Total :	\$6,857,854,080	

[1210] **CONDEMNS** the Defendants solidarily to pay the amount of \$100,000 as moral damages to each class member diagnosed with **lung cancer, cancer of the larynx, cancer of the oropharynx or cancer of the hypopharynx** who started to smoke before January 1, 1976, plus interest and the additional indemnity **calculated from the date of service of the Motion for Authorization to Institute the Class Action if the member's disease was diagnosed before January 1, 1998, or from December 31 of the year of the member's diagnosis if the member's disease was diagnosed on or after January 1, 1998;**

[1211] **CONDEMNS** the Defendants solidarily to pay the amount of \$80,000 as moral damages to each class member diagnosed with **lung cancer, cancer of the larynx, cancer of the oropharynx or cancer of the hypopharynx** who started to smoke as of January 1, 1976, plus interest and the additional indemnity **calculated from the date of service of the Motion for Authorization to Institute the Class Action if the member's disease was diagnosed before January 1, 1998, or from**

**December 31 of the year of the member's diagnosis if the member's disease was diagnosed on or after January 1, 1998;**

[1212] **CONDEMNS** the Defendants solidarily to pay the amount of \$30,000 as moral damages to each member diagnosed with emphysema who started to smoke before January 1, 1976, plus interest and the additional indemnity **calculated from the date of service of the Motion for Authorization to Institute the Class Action if the member's disease was diagnosed before January 1, 1998, or from December 31 of the year of the member's diagnosis if the member's disease was diagnosed on or after January 1, 1998;**

[1213] **CONDEMNS** the Defendants solidarily to pay the amount of \$24,000 as moral damages to each member diagnosed with emphysema who started to smoke as of January 1, 1976, plus interest and the additional indemnity **calculated from the date of service of the Motion for Authorization to Institute the Class Action if the member's disease was diagnosed before January 1, 1998, or from December 31 of the year of the member's diagnosis if the member's disease was diagnosed on or after January 1, 1998;**

[1283] **CONFIRMS** the judgment of the Superior Court in every other respect;

[1284] **THE WHOLE** with legal costs in favour of the respondents; and

[1285] **DISMISSES** the cross-appeal, without legal costs.