

## HEATERS CLASS ACTION – NATIONAL SETTLEMENT NOTICE

**If you purchased a construction heater or a heating appliance manufactured by Ouellet, Stelpro or Dimplex between 1989 and 2016, your rights could be affected by a national class action settlement**

In March 2019, certain construction heaters or heating appliances branded Ouellet, Electrimart, Global Commander, Stelpro Design, Uniwatt, Chromalox, Centurion, Electromode, Westcan and Dimplex manufactured between 1989 and 2016 (the “**Heaters**”) were recalled as a result of a safety issue and fire hazard that could result in severe damage to property or bodily injury (the “**Recalls**”).

By way of the Recalls, the owners and users of the Heaters were informed to immediately cease using and disconnect their devices.

Construction heaters and heating appliances are heating devices intended to provide a temporary or permanent additional source of heating for certain locations, including construction sites, workshops and garages.

The list of specific Heaters captured by the class action is included below and available at <https://constructionheaters-classaction.ca/>.

<p><b>If you are still owning one of the Heaters, you must immediately stop using and disconnect your device if you have not already done so as directed by the Recalls.</b></p>
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### **The Class Action**

The class action lawsuit was commenced in Quebec against Ouellet Canada Inc., Stelpro Design Inc., Glen Dimplex America Ltd and Thermon Group Holdings, Inc. (the “**Defendants**”) in furtherance to the Recalls (the “**Class Action**”).

By way of the Class Action, the Plaintiff is alleging, *inter alia*, that the Heaters were defective in their manufacture and that they presented dangerous safety issues and fire hazards.

The Class Action was not authorized or certified by the Court against any of the Defendants before this settlement was reached.

## **The Settlement**

Although the Defendants deny any wrongdoing or liability, a national settlement was reached with the Plaintiff for the global resolution of all claims pertaining to the Class Actions (the “**Settlement**”), subject to approval of the Court in Quebec (the “**Court**”).

The Settlement provides for the following benefits for the Settlement Class Members (see below) in exchange for a full release of claims against the Defendants and other related entities:

- a) Compensation by way of a discount for the purchase of a replacement heating device from the manufacturer having initially manufactured or sold it;
- b) The payment of the fees and disbursement to Class Counsel independently from the above up to \$500,000, inclusive of taxes, if approved by the Court.

If the Settlement is approved by the Court, this will put an end to the Class Action, which will resolve all claims in relation to the Heaters and entailing that no further claim could be brought in relation thereto.

## **Claiming your compensation for a replacement device**

If the Settlement is approved by the Court, further information about how to claim your compensation for the purchase of a replacement heating device will be made available.

At such time, another notice intended to the Settlement Class Members will be published containing all the relevant information.

If you would like to receive direct notice of any distribution efforts, please register at <https://constructionheaters-classaction.ca/>, or contact Class Counsel at the address below.

## **Authorization as Class Proceedings for Settlement Purposes**

In order to implement the Settlement, the Court has authorized the Class Action as class proceedings against the Defendants for settlement purposes only.

As the case may be, the refusal by the Court to approve the Settlement will entail its termination and that of all the benefits to the Settlement Class Members and resume the litigation between the parties.

**Who Are The Settlement Class Members?**

You are a Settlement Class Member, if on April 25, 2023, you owned in Canada one of the following Heaters:

<b>Manufacturer</b>	<b>Make</b>	<b>Model</b>	<b>Year sold</b>
<b>Ouellet Canada Inc.</b>	Ouellet	OCC4800 OCH4800 OAE5000T OCH4800WB OCH4800RF	Between 1989 and 2016
	Electrimart	CH48 ECH48	
	Global Commander	CHG4800 CCG4800	
<b>Stelpro Design Inc.</b>	Stelpro Design	PCH48T PCH4800T	Between 2000 and 2009
	Uniwatt	UCH48 UCH48T UCH4800 UCH4800T	
<b>Glen Dimplex Americas Ltd.</b>	Chromalox Centurion Electromode Westcan Dimplex	GCH4800 GCH4800B GCH4831 CCONS4800 ECH-48 ECH4800B BCH4800 DCH-4831 DCH4831A DCH4831R	Between 1992 and 2006

All Settlement Class Members are affected by this notice.

**Settlement Approval Hearings**

A hearing to consider the approval of the Settlement, the benefits for the Settlement Class Members and the approval of Class Counsel Fees will be heard on December 18, 2023 before the Superior Court of Quebec in Montreal, either in person or by virtual conferencing at the following coordinates:

[https://teams.microsoft.com//meetup-join/19%3ameeting\\_YzFIMDZIYTMtZWUxOS00ZTlzLWI4Y2ItYjlxMjl3MDJjN2Vm%40thread.v2/0?context=%7b%22Tid%22%3a%223f6dec78-7ded-4395-975c-6edbb7d10b16%22%2c%22Oid%22%3a%22f2de948d-851d-47f4-9953-579062f424eb%22%7d](https://teams.microsoft.com//meetup-join/19%3ameeting_YzFIMDZIYTMtZWUxOS00ZTlzLWI4Y2ItYjlxMjl3MDJjN2Vm%40thread.v2/0?context=%7b%22Tid%22%3a%223f6dec78-7ded-4395-975c-6edbb7d10b16%22%2c%22Oid%22%3a%22f2de948d-851d-47f4-9953-579062f424eb%22%7d)

Anyone can attend the hearing, but if you wish to speak to the Court, please kindly advise beforehand the Class Counsel at the address below.

If you wish to provide written comment on or objection to the Settlement, you must do so by delivering same to Class Counsel by writing at the address below. Comments or objections will be provided to the Court for consideration in whether to approve or reject the Settlement.

### **Participating in the Settlement**

If you qualify as a Settlement Class Members and wish to participate in the Settlement, you do not need to do anything at this time.

### **Opting Out of the Settlement and the Class Action**

The deadline to opt out of the Settlement and the Class actions is November 24, 2023.

### **Consequences of Opting Out**

By opting out, you are choosing:

- 1) **not** to take part in the Settlement;
- 2) **not** to participate in any way in the Class Action, AND
- 3) **not** to participate in any benefits arising from the Settlement or the Class Action.

Settlement Class Members **who opt out** will not be bound by the Settlement or the releases in the Settlement, but will also not be entitled to share in any of the proceeds that may become available to Settlement Class Members as part of the Settlement. Settlement Class Members who opt out will also not be entitled to participate in the prosecution of the Class Action, as the case may be.

Settlement Class Members who **do not opt out** will be bound by the Settlement and the releases in it, and will be entitled to the benefits that may become available as a result of the Settlement.

There will be no further opportunity to opt out of the Settlement or the Class Action.

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FOR MORE INFORMATION on the status of the approval hearing or on how to opt out of the Class Action, comment or object to the Settlement, or to view the Settlement Agreement and a list of other definitions that apply to this Notice, visit <https://constructionheaters-classaction.ca/>, which will be periodically updated with information on the Settlement approval process and the Class Action.

The lawyers advancing the Class Action are Roy Bastien Avocats Inc. and can be reached at:

Mr. Martin André Roy and/or Ms. Mélanie Bastien and/or Mr. Alexandre Drouin

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This notice has been approved by the Court.