

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000189-031

Date: May 26, 2005

PRESIDING: HONOURABLE MR. JUSTICE VICTOR MELANÇON, J.C.S.

NUTRI-MER INC.
Petitioner

vs.

AVANTAGE LINK INC. and
BENOIT LALIBERTÉ, and
MARCHÉS MONDIAUX CIBC INC. / CIBC WORLD MARKETS INC., and
LEDUC & ASSOCIÉS VALEURS MOBILIÈRES (CANADA) LTÉE. / LEDUC &
ASSOCIATES SECURITIES (CANADA) LTD., and
LA CORPORATION CANACCORD CAPITAL / CANACCORD CAPITAL
CORPORATION
Respondents

GENERAL NOTICE TO MEMBERS

1. **TAKE NOTICE** that the bringing of a class action has been authorized on the 27th day of April 2005 by judgment of the Honourable Mr. Justice Victor Melançon, of the Superior Court, for the benefit of the legal persons, partnerships and associations forming part of the group hereinafter described, namely:

All legal persons established for a private interest, partnerships or associations (provided that between January 1, and December 31, 2002 not more than 50 persons were bound to it by contract of employment and it was dealing at arm's length with the representative) which, at any time between the period of July 26, 2000 and November 9, 2000, were shareholders of Jitec Inc. ("JITEC"), presently known and designated as Avantage Link Inc., either directly or indirectly through mutual funds, and who sustained a loss as a result of Respondents' faulty actions and/or omissions.

Excluded from the class are Respondents, their officers, directors and any affiliates or corporate subsidiaries of the Respondents and the officers and directors thereof, as the case may be;

2. The Chief Justice has ordered that the class action authorized by the said judgment shall be brought in the district of Montreal;

3. For the purposes of the class action, the status of representative has been ascribed to Nutri-Mer Inc.;

4. The address of the representative Petitioner is as follows:

NUTRI-MER INC.
c/o Kugler Kandestin
1, Place Ville-Marie, Suite 2101
Montreal Quebec, H3B 2C6

5. The address of Respondent Avantage Link Inc. is as follows:

AVANTAGE LINK INC. (formerly known as JITEC INC.)

c/o McCarthy Tétrault
1170 Peel Street
Montreal, Quebec, H3B 4S8

6. The address of Respondent Benoit Laliberté is as follows

BENOIT LALIBERTÉ

c/o McCarthy Tétrault
1170 Peel Street
Montreal, Quebec, H3B 4S8

7. The address of Respondent CIBC World Markets Inc. is as follows

**MARCHÉS MONDIAUX CIBC INC. /
CIBC WORLD MARKETS INC.**

c/o Stikeman Elliott
1155 René-Lévesque Blvd. West
40th Floor
Montreal, Quebec, H3B 3V2

8. The address of Respondent Leduc & Associates Securities (Canada) Ltd. is as follows

**LEDUC & ASSOCIÉS VALEURS MOBILIÈRES (CANADA)
LTÉE. / LEDUC & ASSOCIATES SECURITIES (CANADA) LTD.**

c/o Lavery De Billy
1, Place Ville-Marie, Suite 4000
Montreal, Quebec, H3B 4M4

9. The address of Respondent Canaccord Capital Corporation is as follows

**LA CORPORATION CANACCORD CAPITAL /
CANACCORD CAPITAL CORPORATION**

c/o Heenan Blaikie
1250, boulevard René-Lévesque Ouest, bureau 2500
Montréal (Québec)
H3B 4Y1

10. The principal questions of law or fact to be dealt with collectively are as follows:

- a) Did Respondent Laliberté manipulate the trading volume and share price of Jitec's stock during the class period?
- b) Did Respondents Jitec and Laliberté authorize or issue the false and/or misleading first press release, second press release, third press release, fourth press release and fifth press release of Jitec?
- c) Did Respondent Laliberté commit a fault towards the Petitioners and the other class members by not filing trading reports with the regulatory authorities?
- d) Did Respondent Laliberté's actions artificially maintain the price of jitec's stock at a high level during the class period?

- d.1) Did Laliberté, in the context of the arrival of Jitec on the Montreal Stock Exchange on July 26, 2000, commit fault(s) for which he may be liable towards the class members;
- e) Was Jitec aware or deemed to be aware of Respondent Laliberté's actions and omissions described above such that it is also responsible?
- f) If the answer to any of Questions a) to e) is "Yes", did Jitec and Laliberté therefore commit a fault towards Petitioners and the class members, thereby engaging their liability?
- g) Can the knowledge of Respondent dealers' employees or representatives, of Laliberté's actions and omissions, be deemed to be the knowledge of the dealers?
- h) Were the Respondent dealers aware of the actions and omissions of Respondents Laliberté and Jitec relating to Jitec's stock?
- i) By accepting Laliberté's trade orders as those of 3733530 Canada Inc. and not divulging same, did the Respondent dealers commit a fault towards Petitioners and the class members?
- j) What prejudice was sustained by the Petitioners and the members as a result of Respondents' faults?
- k) Are the Respondents solidarily responsible for the damages sustained by each of the members?
- l) Did Respondent Canaccord committed a fault by failing to perform due diligence regarding the affairs of Jitec?
- m) If the answer to Question l) is "Yes", is Respondent Canaccord liable for the damages sustained by the members and Petitioner?
- n) Considering the number of shares that were purchased and the date when they were purchased, what is the amount of the damages sustained by each member?

11. The conclusions sought with relation to such questions are as follows:

- CONDEMN Respondents to pay solidarily to Petitioners damages in the amount of \$67,166.50, with interest thereon at the legal rate and the additional indemnity provided by law, calculated from the date of service of Motion for authorization to institute a class action;
- ORDER that the claims of all of the class members be the object of individual claims in accordance to Articles 1037 to 1040 C.C.P.;
- CONDEMN the Respondents solidarily to pay to each of the members of the group the amount of his/her respective claim for all of the damages that each has suffered as a result of Respondents' wrongful and illegal conduct;
- THE WHOLE as shall be determined by this Honourable Court and
- THE WHOLE with interest and the additional indemnity provided by law, calculated from the date of service of the Motion for Authorisation to institute a Class Action;
- ORDER collective recovery of the total amount of the claims;

- ORDER the Respondents to advise all of the members of the group as defined by the judgement on authorization;
- CONDEM the Respondents to any further relief as may be determined by the Court;
- THE WHOLE with costs, including the costs of Exhibits, expert fees and publication of notices.

12. The class action to be brought by the representative for the benefit of the group will be as follows:

An action in damages against the Respondents for the listing of Jitec Inc. on the Montreal Stock Exchange and to sanction the manipulation of the trading volume and price of the JITEC stock on the Montreal Stock Exchange;

13. Any member of the group who has not requested his exclusion in the manner hereinafter indicated, will be bound by any judgment to be rendered on the class action;

14. The date after which a member can no longer request his exclusion without special permission, has been set at sixty days from June 1st, 2005;

15. A member who has not already brought a suit in his own name, may request his exclusion from the group by advising the Clerk of the Superior Court of the district of Montreal by registered or certified mail, before the expiry of the delay for exclusion;

16. Any member of the group who has brought a suit which the final judgment on the class action would decide, is deemed to have requested his exclusion from the group if he does not, before the expiry of the delay for exclusion, discontinue such suit;

17. A member of the group other than the representative or an intervenant cannot be condemned to pay the costs of the class action;

18. The Superior Court, acting through the Honourable judge designated by the Chief Justice, may permit a member to intervene in the class action if it considers such intervention useful to the group. An intervening member may be bound to submit to examination on discovery, at the request of Respondents. A member who does not intervene in the class action can only be required to submit to an examination on discovery if the Court considers it useful.

(sgd) Victor Melançon

VICTOR MELANÇON, J.C.S.

For more information, we invite you to read the [information letter-companies](#) (in French only).