

# Quebec Superior Court Concludes That Canada Carbon's Damage Claim Is Not a SLAPP Action

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VANCOUVER, Nov. 12, 2018 - Canada Carbon (the "Company") (CCB:TSX-V) (BRUZF:OTC) (U7N1:FF) &ndash; is pleased to announce that on Friday evening, November 9<sup>th</sup>, 2018 Canada Carbon (the "Company") received a positive ruling from the Superior Court in St. Jerome, Quebec.

The Judgement:

On Friday November 9<sup>th</sup>, 2018, a motion was presented at the Superior Court of Quebec by legal counsel for Grenville-sur-la-Rouge ("GSLR") to have Company's \$96 million damages claim against GSLR dismissed. GSLR counsel argued that the damages claim was a Strategic Lawsuit Against Public Participation ("SLAPP") lawsuit and was abusive. Additionally, GSLR requested legal costs of \$40,000 based on the assumption that the said damages claim "appeared" abusive.

After hearing arguments from counsel for both GSLR and Canada Carbon, Judge Danielle Turcotte of the Superior Court of Quebec rendered her judgement on the bench. Judge Turcotte rejected GSLR's motion to strike down the damages claim and also denied the request for legal costs. In explaining her decision, the Judge stated notably that:

- In view of section 1112.1 of Municipal code, the Company had the obligation to file its action in damages within a delay of 6 months in order to preserve its rights;
- The Company did not file their claim against the Mayor or the counsellors personally;
- The Company's damage claim does not meet the characteristics of a SLAPP action;
- The claim was not intended to silence but to eventually obtain compensation for damages caused by the Municipality; and
- There is lack of proof of abuse.

After dismissing GSLR's motion, the Judge granted the Company's application to suspend the damage claim until December 1<sup>st</sup>, 2019.

Coming Proceedings:

On March 2<sup>nd</sup>, 2018, the Company formally filed an application for Judicial review and Declaratory Judgment before the Superior Court, against GSLR, to 1) annul the resolution of non-compliance adopted on December 12<sup>th</sup>, 2017 by its Municipal Council, 2) to declare that the Company crystallized its right to a marble quarry from the moment it filed a request before the CPTAQ and 3) to declare that in view of Section 246 of the Act Respecting Land Use Planning and Development, GSLR's municipal regulation is not opposable to the Company's graphite mine project.

The graphite mine project and the marble quarry project are not subject to the same conditions: the mine project is protected by section 246 of the Planning Act and it does not require that the Company obtain an attestation of conformity from GSLR, as its regulation is not opposable to said project. As for the marble project, the said attestation of conformity is required, and it has been obtained but is contested by the current municipal council for GSLR.

Mayor Arnold of GSLR has publicly declared on numerous occasions that GSLR doesn't have the power to block the Miller graphite mine project because mining falls under provincial jurisdiction not municipal jurisdiction. On Friday, November 16, 2018, the Company will be presenting a motion to split the Judicial review into two components: 1) debate on the graphite mine project, which should be a simple and quick debate based on the fact that Section 246 of the Planning Act protects mining projects that are carried

out under the Quebec Mining Act and 2) debate on the marble quarry, which will be more complex since it deals with the issue of the conformity of the quarry project with the municipal regulation and the crystallization of rights.

R. Bruce Duncan, CEO of Canada Carbon stated, "To-date there have been three decisions rendered by the Quebec courts: two from Superior Court and one from the Appeal Court of Quebec. In the first decision, the Quebec Superior court refused to authorize GSLR to conduct a hydrogeological assessment. In the second decision, the Quebec Court of appeal refused to appeal the first decision. Judge Turcotte's latest judgement now confirms that the Company's damage claim is not abusive or a SLAPP action and that the Company acted reasonably to protect its rights." Mr. Duncan also added, "Since GSLR agrees that GSLR does not have the right to block the graphite mine project because of Section 246 of the Planning Act, the Company is now taking the necessary steps to be able to obtain the authorizations necessary to proceed with the mining project. The motion that will be presented in Superior Court this Friday is part of that strategy."

On Behalf of the Board of Directors

CANADA CARBON INC.

"R. Bruce Duncan";  
CEO & Director

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