

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Class Action)

File No.: 500-06-001399-258

Alain Bestavros

Applicant

vs.

Bayer inc. et al.

Defendants

ANSWER

1. The Defendants, **The Scotts Company, LLC** and **Scotts Canada Limited**, are answering to the “*DEMANDE D'AUTORISATION D'EXERCER UNE ACTION COLLECTIVE ET POUR SE VOIR ATTRIBUER LE STATUT DE REPRÉSENTANT DATÉE DU 22 JUILLET 2025*” in this cause so as to contest and determine the protocol of the proceeding with the other parties, the whole under reserve of the Defendants' rights and defences, including with respect to jurisdiction.
2. The Defendants, **The Scotts Company, LLC** and **Scotts Canada Limited**, are represented by counsel, whose contact information is:

Mtre Nick Rodrigo

Mtre Faiz Lalani

Mtre Aliosha Hurry

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At Montréal, Québec on August 26, 2025

Davies Ward Phillips & Vineberg LLP

Davies Ward Phillips & Vineberg LLP

Lawyers for the Defendants, **The Scotts Company, LLC** and **Scotts Canada Limited**

PROOF REPORT (E-SERVICE)



Subject Please see the attached Answer.
Case name ALAIN BESTAVROS VS. BAYER INC. ET AL.
Court file number 500-06-001399-258
Generated on Tuesday, August 26 2025, at 11:42
Report number A686361R770865

Document(s) Notified

File Name	Pages	Document Integrity
2025-08-26-s-c-q-answer-500-06-001399-258-alain-bestavros-vs-bayer-inc-et-al.pdf	2	(SHA256 checksum): 1dd5bdf97774e0f941897214a104a9e27bd2fba710b0cd7cbad0c204690d3375

Message

Hello Gabriel Bois, you are hereby notified with the attached document(s). A confirmation report with a proof of notification has been provided to Dorothy Bienz (for Me Faiz Lalani) .

Sent from

Name	Dorothy Bienz (for Me Faiz Lalani)
Email	dbienz@dwvpv.com

Sent to

Name	Gabriel Bois
Email	gb@calex.legal

Proof of Transmission

Date & Time	Aug. 26, 25 - 11:41 AM
Status	Message successfully delivered to recipient
SMTP	250 2.0.0 OK 1756222896 6a1803df08f44-70dcd020153si9370026d6.147 - gsmtip
ID SMTP Message	vjlwyW9mRg6dFIBJsrKKsg.recvd-7f4fb8995-mlp7m-1-68ADD5AE-8.0
ID SMTP	<68add5ada0f29_11fe8709019d0@pronotif-sidekiq-8467fc45-79xpl.mail>

PROOF REPORT (E-SERVICE)



Subject Please see the attached Answer.
Case name ALAIN BESTAVROS VS. BAYER INC. ET AL.
Court file number 500-06-001399-258
Generated on Tuesday, August 26 2025, at 11:42
Report number A686361R770864

Document(s) Notified

File Name	Pages	Document Integrity
2025-08-26-s-c-q-answer-500-06-001399-258-alain-bestavros-vs-bayer-inc-et-al.pdf	2	(SHA256 checksum): 1dd5bdf97774e0f941897214a104a9e27bd2fba710b0cd7cbad0c204690d3375

Message

Hello Jean-Philippe Caron, you are hereby notified with the attached document(s). A confirmation report with a proof of notification has been provided to Dorothy Bienz (for Me Faiz Lalani) .

Sent from

Name	Dorothy Bienz (for Me Faiz Lalani)
Email	dbienz@dwvpv.com

Sent to

Name	Jean-Philippe Caron
Email	jpc@calex.legal

Proof of Transmission

Date & Time	Aug. 26, 25 - 11:41 AM
Status	Message successfully delivered to recipient
SMTP	250 2.0.0 OK 1756222909 41be03b00d2f7-b49cb9622c0si5923168a12.639 - gsmtip
ID SMTP Message	Wz6kCleGRgKxFWJ_NyLZog.recvd-7fd96f4944-hvvlc-1-68ADD5AE-14.0
ID SMTP	<68add5adde2c3_1402108902233@pronotif-sidekiq-8467fc45-79xpl.mail>

PROOF REPORT (E-SERVICE)



Subject Please see the attached Answer.
Case name ALAIN BESTAVROS VS. BAYER INC. ET AL.
Court file number 500-06-001399-258
Generated on Tuesday, August 26 2025, at 11:42
Report number A686361R770863

Document(s) Notified

File Name	Pages	Document Integrity
2025-08-26-s-c-q-answer-500-06-001399-258-alain-bestavros-vs-bayer-inc-et-al.pdf	2	(SHA256 checksum): 1dd5bdf97774e0f941897214a104a9e27bd2fba710b0cd7cbad0c204690d3375

Message

Hello Jonathan Pierre-Étienne, you are hereby notified with the attached document(s). A confirmation report with a proof of notification has been provided to Dorothy Bienz (for Me Faiz Lalani) .

Sent from

Name	Dorothy Bienz (for Me Faiz Lalani)
Email	dbienz@dwpv.com

Sent to

Name	Jonathan Pierre-Étienne
Email	jpierre-etienne@grondinsavarese.com

Proof of Transmission

Date & Time	Aug. 26, 25 - 11:41 AM
Status	Message successfully delivered to recipient
SMTP	250 2.6.0 <68add5ad9ecda_17d2082642e0@pronotif-sidekiq-8467fc45-zcdkk.mail> [InternalId=22956600217709, Hostname=YT3PR01MB8753.CANPRD01.PROD.OUTLOOK.COM] 61064 bytes in 0.166, 358.066 KB/sec Queued mail for delivery
ID SMTP Message	HD9N9-TRRaqrSMY0QhvNA.recvd-7fd96f4944-6kn6hv-1-68ADD5AD-3.0
ID SMTP	<68add5ad9ecda_17d2082642e0@pronotif-sidekiq-8467fc45-zcdkk.mail>

Open Details

Date & Time	Aug. 26, 25 - 11:42 AM
Status	Message successfully opened by recipient
SMTP	open
IP	4.204.72.49
ID SMTP Message	HD9N9-TRRaqrSMY0QhvNA.recvd-7fd96f4944-6kn6hv-1-68ADD5AD-3.0
Reader/Browser used	Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/109.0.0.0 Safari/537.36

Pronotif certifies that it has made this email and all attached documents available to the recipient. According to [article 134 of the Code of Civil Procedure of Quebec](#), this email and attached documents can be considered proof of notification by technological means.

Annex to the Proof Report - Additional Explanatory Document

The purpose of this document is to provide detailed explanations concerning the validity and legitimacy of electronic proofs of transmission generated via the Pronotif tool. This tool enables you to send notifications by secure e-mail, ensuring full traceability of dispatches and secure archiving of proofs.

This document accompanies the proof report issued by Pronotif, and aims to provide a comprehensive description of each step in the e-mail transmission process, as well as the technical features that ensure the reliability of the tool.

Operation and Guarantees of Pronotif

1. Email Address Verification:

Before sending emails, Pronotif verifies the existence of the recipient's email address. This verification is performed through a query to the mail server to ensure that the email address is valid and capable of receiving messages. This guarantees that emails are not sent to non-existent or incorrect addresses.

2. Data Encryption:

To ensure the security of transmitted information, Pronotif uses advanced encryption protocols. This encryption protects the content of the emails sent, thereby guaranteeing the confidentiality and integrity of sensitive data during transmission. This measure prevents unauthorized access to the information.

3. Traceability of Transmissions:

Each email sent through the Pronotif tool is precisely traceable and time-stamped. The integrated tracking system relies on the use of tracking pixels inserted into the emails, **allowing for the accurate recording of the date and time the message was transmitted to the recipient**, as well as all actions taken on the message. All actions related to the notifications are logged with precise timestamps, providing clear evidence of the actions taken.

4. Time-Stamped Proofs:

Each step of the transmission process is accompanied by a time- stamped proof. These proofs confirm that the actions were carried out properly and in due form.

5. Mail Server Responses:

Pronotif analyzes the responses from mail servers to verify that the email was successfully transmitted to the recipient. In the case of a rejection or error, such as an incorrect email address, a notification is sent to the sender, allowing corrective measures to be taken. This process ensures the effectiveness of email delivery and guarantees the detection and resolution of any potential delivery issues.

6. Secure Archiving of Proofs:

All generated proofs (sending, transmission, opening, errors, etc.) are archived in a secure space. These archives are stored and available for verification or disputes if needed. This archiving ensures that the proofs cannot be modified or altered after the fact.

Conclusion

Pronotif is a technological solution that ensures the security and traceability of communications, providing proof that notifications have been sent, received, opened, and that attachments have been downloaded. Through encryption, traceability, and time-stamping, Pronotif is a reliable tool for any electronic transmission with legal value. This document explains the legitimacy of the proof reports generated by Pronotif and guarantees that all critical steps of the transmission process are carried out rigorously and transparently.

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ANSWER

ORIGINAL

DAVIES

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