

NOTICE TO THE MEMBERS CONCERNING THE AUTHORIZATION BY THE COURT OF A CLASS ACTION REGARDING CONFINEMENT AND LOCKING-UP MEASURES, SEXUAL ASSAULTS AND THE USE OF FORCE IN YOUTH PROTECTION CENTRES

500-06-001022-199

This notice concerns the class action authorized by the Honourable Justice Christian Immer of the Superior Court of Québec on September 7, 2022 against the Government of Québec (represented by the Attorney General of Québec), seven (7) integrated university health and social services centres (also known as IUHSSC or CIUSSS), and nine (9) integrated health and social services centres (also known as IHSSC or CISSS)², on behalf of the persons forming part of the following class:

Any person, save for an *excluded person*, who was placed, on or after October 1, 1950, in a *centre* as per a *youth protection law*, when he or she was 17 years old or less and who was subject to *measures* or who was sexually assaulted.

The italicized words have the following meaning:

Centre: means an industrial school, a youth protection school, a charitable institution, a reception centre, a secured unit, a detention centre, a transition centre, a child and youth protection centre, a rehabilitation center, a rehabilitation centre for young persons with adjustment problems, an intensive supervision unit and a youth centre. **It excludes** a hospital centre, a group home or a foster family.

Youth protection law: means the Youth Protection Schools Act or the Youth Protection Act. **It excludes** the Juvenile Delinquents Act, the Young Offenders Act and the Youth Criminal Justice Act.

Measures: means being placed in solitary confinement, confined in a common area, being locked up in a room or in a cell, being subject to the use of force, including by mechanical means or chemicals.

Excluded person:

- 1) A member of a First Nation, an Inuit or a Métis;
- 2) Any person who is part of the class on behalf of which a class action was authorized in connection with Mont d'Youville reception centre (200-06-000221-187), but this exclusion does not apply to any such person who was also admitted to reception centres other than Mont d'Youville;

² The Centre intégré de santé et de services sociaux du Bas-Saint-Laurent, the Centre intégré universitaire de santé et de services sociaux du Saguenay – Lac-Saint-Jean, the Centre intégré universitaire de santé et de services sociaux de la Capitale-Nationale, the Centre intégré universitaire de santé et de services sociaux de la Mauricie-et-du-Centre-du-Québec, the Centre intégré universitaire de santé et de services sociaux de l'Estrie – Centre hospitalier universitaire de Sherbrooke, the Centre intégré universitaire de santé et de services sociaux de l'Ouest-de-l'Île-de-Montréal, the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal, the Centre intégré de santé et de services sociaux de l'Abitibi-Témiscamingue, the Centre intégré de santé et de services sociaux de la Côte-Nord, the Centre intégré de santé et de services sociaux de la Gaspésie, the Centre intégré de santé et de services sociaux de Chaudière-Appalaches, the Centre intégré de santé et de services sociaux de Laval, the Centre intégré de santé et de services sociaux de Lanaudière, the Centre intégré de santé et de services sociaux des Laurentides, the Centre intégré de santé et de services sociaux de la Montérégie-Est and the Centre intégré de santé et de services sociaux de l'Outaouais.

3) Any person who received financial assistance and signed a release pursuant to the National Program of Reconciliation with the Duplessis Orphans or the National Reconciliation Program for Duplessis Orphans Who Were Residents of Certain Institutions (collectively, the "NPRDO"). This exclusion does not apply to any such persons if, beyond having been admitted to one of the institutions covered by the NPRDO between October 1, 1950 and December 31, 1964, (i) they were also admitted during this period to reception centres which are not covered by the NPRDO; or (ii) they were also admitted or readmitted, on or after January 1, 1965, to any reception centre.

This class action will be brought in the judicial district of Montréal.

Ms. Eleanor Lindsay has been appointed as the representative plaintiff for the class action.

Ms. Lindsay's and any class member's allegations and the defendants' purported liability remain to be proven.

WHO IS A CLASS MEMBER?

You are a class member if you meet the following criteria:

- You were born on or after October 2, 1932;

and

- You were under 18 years old when you were placed in a centre as per a youth protection law. In this context, a centre includes, among other types of institutions, a youth protection school or youth protection centre, a reception centre, a transition centre and a rehabilitation centre. A centre excludes a hospital centre, a group home or a foster family. The full list of the types of institutions included in the definition of centre is reproduced above. If you have any doubt as to whether the institution in which you were placed is a centre, you may contact counsel for the class by the means indicated below.

and

- During your placement at the centre:
 - you were sexually assaulted; and/or
 - you were subject to one or several of the following measures:
 - you were placed in solitary confinement;
 - you were confined in a common area of the centre;
 - you were locked up in your room;
 - you were locked up in another room or in a cell;
 - you were subject to the use of force, with or without the use of mechanical devices (for example, a straitjacket, handcuffs or shackles), of medication or of other chemical substances.

Some of the above measures may have been referred to as the "quiet room", the "QT", the "hole" or "*arrêt d'agir*".

WHO IS NOT A CLASS MEMBER?

Even if you meet the criteria mentioned above, you are not a class member if:

- You are a member of a First Nation, an Inuit or a Métis;

or

- You only were victim of sexual and/or physical and/or psychological abuse by the agents of Mont d'Youville center, including by the sisters of the congregation of the Soeurs de la Charité de Québec, while you were at Mont d'Youville center between 1925 and 1996;

or

- You received financial assistance and signed a release pursuant to the National Program of Reconciliation with the Duplessis Orphans or the National Reconciliation Program for Duplessis Orphans Who Were Residents of Certain Institutions (NPRDO) unless:
 - you were also admitted between October 1, 1950 and December 31, 1964 to reception centres which are not covered by the NPRDO; or
 - you were also admitted or readmitted, on or after January 1, 1965, to any reception centre.

WHAT IS THIS CASE ABOUT?

The representative plaintiff, Ms. Eleanor Lindsay, claims that the Government of Québec and the sixteen (16) defendant centres are responsible for systemic detention and abuse of the children admitted into centres. In particular, Ms. Lindsay seeks to prove that these children were and continue to be placed in solitary confinement, confined in common areas, locked up in rooms or cells, subjected to the use of force and medication, and sexually assaulted.

The Superior Court will be required to decide whether the defendants were at fault, whether and to what extent the members should be compensated, and whether and to what extent punitive damages should be paid by the defendants.

The principal questions to be decided in this action are the following:

1. Have Class Members been subject to the following measures or practices at the centers:
 - 1.1 prevented from leaving a common area?
 - 1.2 locked up in their room or in a cell?
 - 1.3 placed in solitary confinement?
 - 1.4 use of force, including by way of mechanical means?
 - 1.5 sexual assault?
 - 1.6 use of medication?

2. Do all or some of the measures or practices listed at paragraph 1 amount to a fault engaging the liability of the Attorney General of Quebec?
3. Do all or some of the measures or practices listed at subparagraph 1 amount to a fault engaging the liability of some or all of the other defendants?
4. Are certain types of pecuniary damages common to Class members as a result of a finding of fault as per subparagraph 2 and 3?
5. Are certain types of non pecuniary damages common to Class members as a result of a finding of fault as per subparagraph 2 and 3?
6. Are the Class members entitled to punitive damages for measures or practices which were taken, or which occurred prior to June 28, 1976?
7. Are the Class members entitled to punitive damages for measures which were taken or for practices which occurred after June 28, 1976?
8. Can such punitive damages be subject to collective recovery? If so, for what amount?
9. Are some or all of the claims of members prescribed?

Ms. Lindsay's and any class member's allegations and the defendants' purported liability remain to be proven.

WHAT COULD YOU GET?

The representative plaintiff, Ms. Eleanor Lindsay, seeks compensation for the class members and herself.

On behalf of the class members, she asks the Court to grant:

- pecuniary damages, which include financial compensation for loss of income, therapy and counselling fees;
- non-pecuniary damages, which include financial compensation for pain, suffering, loss of enjoyment of life and other moral damages; and
- punitive damages, which is financial compensation to punish the defendants for their conduct.

If the class action is successful, the Court will determine the amount of the damages.

LAWYERS' FEES will only be paid if the class action is successful. You will have nothing to pay unless you receive damages. If so, the lawyers' fees will correspond to a percentage of the damages paid to class members. This percentage will require the Superior Court's approval.

HOW TO OPT IN THE CLASS ACTION?

You are not required to do anything in order to become a member of this class action. You are automatically included in the class if you meet the criteria mentioned above.

Any member of the class who is not excluded from the class at the latest on **July 9, 2023** at 4:30PM in the manner indicated below will be bound by any judgment rendered in the class action.

Any member of the class who has introduced a personal action that would be disposed of by the final judgment in the class action is deemed to opt out of the class if he or she does not discontinue his or her personal action prior to the deadline for opting out of the class.

A member of the class other than the representative plaintiff cannot be required to pay the legal costs of the class action if the class action is dismissed.

HOW TO OPT OUT OF THE CLASS ACTION?

If you **do not want** to be included in the class action and to obtain a payment if the class action is granted or settled, you may **opt out** of the class by notifying the clerk of the Superior Court of Québec in the judiciary district of Montreal by registered or certified mail, prior to the deadline for opting out of the class, at the following address:

**Grefe civil de la Cour supérieure
Palais de justice de Montréal
1 Notre-Dame Street East,
Montréal (Québec) H2Y 1B6**

You must state that you wish to opt out of the class action of *Eleanor Lindsay v. Procureur général du Québec et al.* (case number: 500-06-001022-199).

A class member may seek to intervene in the class action. The intervention will be authorized if the Court is of the opinion that the intervention will be helpful to the class.

The deadline to opt out of the class action is **July 9, 2023** at 4:30PM.

FOR MORE INFORMATION ABOUT THIS CLASS ACTION

For information concerning this class action, you can contact counsel for the class by the following means:

E-mail: ELCA@alexeevco.com
Phone: 514 545-7080
Fax: 514 648-7700

Counsel for the representative plaintiff and the class members are:

M^{tre.} Lev Alexeev
M^{tre.} Élise Veillette
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2000 McGill College Avenue, suite 600
Montréal, Québec, H3A 3H3

M^{tre.} Jean-Philippe Groleau
M^{tre.} Julie Girard
M^{tre.} Joseph-Anaël Lemieux
M^{tre.} Guillaume Charlebois
DAVIES WARD PHILLIPS & VINEBERG S.E.N.C.R.L., S.R.L.
1501 McGill College Avenue, 26th Floor
Montréal, Québec, H3A 3N9

You may also consult the central registry of class actions at the following address:

<https://www.registredesactionscollectives.quebec/fr/Consulter/ApercuDemande?NoDossier=500-06-001022-199>

THE PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT.

N^o : 500-06-001022-199

C O U R S U P É R I E U R E

(Chambre des actions collectives)

District de Montréal

LE GROUPE

et

ELEANOR LINDSAY

Représentante

c.

PROCUREUR GÉNÉRAL DU QUÉBEC

et

**CENTRE INTÉGRÉ DE SANTÉ ET DE SERVICES
SOCIAUX DU BAS - SAINT- LAURENT et al.**

Défendeurs

**AVIS AUX MEMBRES EN ANGLAIS
CONCERNANT L'AUTORISATION PAR LE
TRIBUNAL D'UNE ACTION COLLECTIVE**

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