

C A N A D A
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

No : 500-06-001022-199

(Class Action)
SUPERIOR COURT

ELEANOR LINDSAY

Plaintiff

c.

ATTORNEY GENERAL OF QUÉBEC

and

CENTRE INTÉGRÉ DE SANTÉ ET DE SERVICES SOCIAUX DU BAS-SAINT-LAURENT, a public corporation having an office at 355 Saint-Germain Blvd. West, City of Rimouski, Province of Québec, G5L 3N2

and

CENTRE INTÉGRÉ UNIVERSITAIRE DE SANTÉ ET DE SERVICES SOCIAUX DU SAGUENAY – LAC-SAINT-JEAN, a public corporation having an office at 930 Jacques-Cartier Street East, City of Chicoutimi, Province of Québec, G7H 7K9

and

CENTRE INTÉGRÉ UNIVERSITAIRE DE SANTÉ ET DE SERVICES SOCIAUX DE LA CAPITALE-NATIONALE, a public corporation having an office at 2915 du Bourg-Royal Avenue, City of Québec, Province of Québec, G1C 3S2

and

CENTRE INTÉGRÉ UNIVERSITAIRE DE SANTÉ ET DE SERVICES SOCIAUX DE LA MAURICIE-ET-DU-CENTRE-DU-QUÉBEC, a public corporation having an office at 858 Terrasse Turcotte, City of Trois-Rivières, Province of Québec, G9A 5C5

and

CENTRE INTÉGRÉ UNIVERSITAIRE DE SANTÉ ET DE SERVICES SOCIAUX DE L'ESTRIE – CENTRE HOSPITALIER UNIVERSITAIRE DE SHERBROOKE, a public corporation having an

office at 375 Argyll Street, City of Sherbrooke,
Province of Québec, J1J 3H5

and

**CENTRE INTÉGRÉ UNIVERSITAIRE DE SANTÉ
ET DE SERVICES SOCIAUX DE L'OUEST-DE-
L'ÎLE-DE-MONTRÉAL,** a public corporation
having an office at 160 Stillview Avenue, City of
Pointe-Claire, Province of Québec, H9R 2Y2

and

**CENTRE INTÉGRÉ UNIVERSITAIRE DE SANTÉ
ET DE SERVICES SOCIAUX DU CENTRE-SUD-
DE-L'ÎLE-DE-MONTRÉAL,** a public corporation
having an office 155 St-Joseph Blvd. East, City of
Montréal, Province of Québec, H2T 1H4

and

**CENTRE INTÉGRÉ DE SANTÉ ET DE
SERVICES SOCIAUX DE L'OUTAOUAIS,** a
public corporation having an office at 80 Gatineau
Avenue, City of Gatineau, Province of Québec,
J8T 4J3

and

**CENTRE INTÉGRÉ DE SANTÉ ET DE
SERVICES SOCIAUX DE L'ABITIBI-
TÉMISCAMINGUE,** a public corporation having an
office at 1 9th Street, City of Rouyn-Noranda,
Province of Québec, J9X 2A9

and

**CENTRE INTÉGRÉ DE SANTÉ ET DE
SERVICES SOCIAUX DE LA CÔTE-NORD,** a
public corporation having an office at 835 Jolliet
Blvd., City of Baie-Comeau, Province of Québec,
G5C 1P5

and

**CENTRE INTÉGRÉ DE SANTÉ ET DE
SERVICES SOCIAUX DE LA GASPÉSIE,** a
public corporation having an office at 215 de York
Blvd. West, City of Gaspé, Province of Québec,
G4X 2W2

and

CENTRE INTÉGRÉ DE SANTÉ ET DE SERVICES SOCIAUX DE CHAUDIÈRE-APPALACHES, a public corporation having an office at 363 Cameron Road, City of Sainte-Marie, Province of Québec, G6E 3E2

and

CENTRE INTÉGRÉ DE SANTÉ ET DE SERVICES SOCIAUX DE LAVAL, a public corporation having an office at 1755 René-Laennec Blvd., City of Laval, Province of Québec, H7M 3L9

and

CENTRE INTÉGRÉ DE SANTÉ ET DE SERVICES SOCIAUX DE LANAUDIÈRE, a public corporation having an office at 260 Lavaltrie Street South, City of Joliette, Province of Québec, J6E 5X7

and

CENTRE INTÉGRÉ DE SANTÉ ET DE SERVICES SOCIAUX DES LAURENTIDES, a public corporation having an office at 290 de Montigny Street, City of Saint-Jérôme, Province of Québec, J7Z 5T3

and

CENTRE INTÉGRÉ DE SANTÉ ET DE SERVICES SOCIAUX DE LA MONTÉRÉGIE-EST, a public corporation having an office at 3120 Taschereau Blvd., Suite 7, City of Greenfield Park, Province of Québec, J4V 2H1

and

NUNAVIK REGIONAL BOARD OF HEALTH AND SOCIAL SERVICES, a public corporation having an office at CP 900, City of Kuujuaq, Province of Québec, J0M 1C0

and

CREE BOARD OF HEALTH AND SOCIAL SERVICES OF JAMES BAY, a public corporation

having an office at 277, Duke Street, City of Montreal, Province of Québec, H3C 2M2

Defendants

MODIFIED APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND OBTAIN THE STATUS OF REPRESENTATIVE AS OF JANUARY 17, 2020
(Article 575 of the *Code of civil procedure*)

IN SUPPORT OF HER APPLICATION, THE PLAINTIFF RESPECTFULLY SUBMITS AS FOLLOWS:

- 1. The Plaintiff wishes to institute a class action on behalf of natural persons forming part of the following classes hereinafter described and of which she is also a member, namely:**

All persons having been detained or confined in a youth “reception center” (“*centre d’accueil*”), as defined below, while they were children up to 17 years old inclusively, except persons who are part of the class proposed in matter 200-06-000221-187 (Superior Court of Québec) in connection with Mont d’Youville reception centre as of October 12, 2018, if authorized.

A “reception center” is a public institution defined as such in *An Act respecting health services and social services*, S.R.Q. Chapter 48 (as amended from time to time), and in *An Act respecting health services and social services for Cree Native persons*, S.R.Q. Chapter S-5, as well as predecessors and successors of such reception centers, including, without being limited to, the following:

Accueil Boyer, Accueil des Jeunes, Allancroft, Auberge des 4 Vents (also known as Centre de réadaptation des quatre-vents, Centre d’accueil des quatre-vents and Campus des quatre-vents), Batshaw Family Youth Centres (also known as Centres de la famille Batshaw), Berthelet, Boscoville, Boys’ Farm and Training School (also known as Shawbridge Boys Farm), Carrefour des Jeunes, Carrefour Jeunesse Rosemont, Carrefour St-Arsène, Carrefour St-Jérôme, Carrefour Sylvie, Carrefour des Vieilles Forges (also known as Pavillon Bourgeois), La Calèche (also known as Centre éducatif et de plein-air La Calèche inc.), Centre Cartier, Centre Familial Thérèse Martin, Centres Familiaux Lac St-Jean, Centre d’accueil Cité des Prairies, Centre d’accueil des Laurentides, Centre d’accueil Dixville, Centre d’accueil Godefroy Laviolette, Centre d’accueil Laurizon-Laurentien, Centre de réadaptation en déficience intellectuelle du Québec (CRDIQ), Centre de réadaptation La Triade, Centre de réadaptation pour les jeunes en difficulté d’adaptation de Gaspé, Centre de réadaptation pour les jeunes en difficulté de La Matanie, Centre de santé Inuulitsivik, Centre de santé Tulattavik de l’Ungava, Centre d’Orientation, Centre Élan jeunesse, Centre jeunesse de Chaudière-Appalaches, Centre jeunesse de l’Abitibi-Témiscamingue, Centre jeunesse de la Montérégie, Centre jeunesse de la Montérégie de Salaberry-de-Valleyfield, Centre jeunesse de Lanaudière, Centre

jeunesse de Laval, Centre jeunesse de la Mauricie et du Centre-du-Québec, Centre jeunesse de Montréal, Centre jeunesse de Québec, Centre jeunesse de l'Estrie, Centre jeunesse du Bas-St-Laurent, Centre jeunesse du Saguenay-Lac-Saint-Jean, Centre jeunesse Gaspésie/Les Îles, Centre Rose-Virginie Pelletier, Clairséjour (also known as Clair séjour Marie-Joseph), Cinquième Saison, Crescent House, Dominique Savio, Dominique Savio-Mainbourg, L'Étape, Mount Bruno Girls' Cottage School, Habitat Soleil, Hochelaga-Maisonneuve, Jeunesse de Tilly, La Chesnaie, Centre d'accueil Laurentien, Centre d'accueil Laurizon, La Clairière, L'Escale, Le Mainbourg, Le Phare, Maisons Familiales d'Youville, Maisons Marie-Fitzbach, Maison Rouyn Noranda, Maison Sacré-Cœur, Maplemount Home, Marian Hall, Marie Vincent, Monseigneur Forget, Monseigneur Guay, Mont Saint-Antoine, Mont Saint-Aubert, Mont Saint-Patrick, (...), Mont Villeneuve, Notre-Dame du Bel Amour, Notre-Dame de la Garde, Notre-Dame de Laval, Notre-Dame de l'Enfant, Notre-Dame du Perpétuel Secours, Pavillon Bois-Joly, Pavillon de l'Enfance, Pavillon des Jeunes, Pavillon Jeunesse, Pavillons Laforest, Pavillons du Parc, Pavillon Richelieu, Providence St-Joseph, Pavillon Toupie, Relais (Le), Relais Laval, Relais St-François, Saint-Charles, Services Barbara Rourke, St-Georges, St-Jean-Baptiste, St-Vallier, Ste-Agnès, Ste-Domitille, Ste-Hélène, Summerhill Homes, La Terre, Teen Heaven, Val-du-Lac, Val Estrie, Val Séjour, Vert Pré d'Huberdeau, La Vigie, Villa Dion, Villa Notre-Dame de Grâce, Villa Joie St-Dominique (also known as Ville-Joie St-Dominique), Ville-Marie Social Services, Unité La Rade, Unité Le Rivage, (...) Weredale House and Youth Horizons.

(the "Detained Children Class")

- and -

All persons having been subject to abuses, including, without being limited to, solitary confinement (isolation), assault, sexual assault, unnecessary medication, inducement to develop a nicotine addiction (smoking), during their admission at a youth "reception center" ("*centre d'accueil*"), as defined for the purposes of the Detained Children Class, while they were children up to 17 years old inclusively.

(the "Abused Children Class" and collectively with the Detained Children Class, "Class Members")

2. **The facts that give rise to an individual action on behalf of the Plaintiff against the Defendants, are as follow:**

- 2.1. The Plaintiff, Ms. Eleanor Lindsay, is 59 years old.
- 2.2. Eleanor Lindsay was 7 years old when she immigrated from Scotland to Canada with her family.
- 2.3. The family established itself in the City of Montréal, Province of Québec, where Eleanor grew up.
- 2.4. From age of 8 onwards, Eleanor Lindsay was sexually abused by her father.

- 2.5. When Eleanor Lindsay was 12 years old, youth protection services (Ville Marie Division) started inquiring about the family's situation.
- 2.6. In the course of this inquiry, Eleanor Lindsay was sent to a group home, Crescent House, located in the City of Westmount, where she stayed for a few months.
- 2.7. While at Crescent House, Eleanor Lindsay was enrolled at Westmount High School but had a difficult time being accepted by other students once it was known that she came from a group home.
- 2.8. As a result, Eleanor Lindsay started avoiding going to school.
- 2.9. This led to Eleanor Lindsay being labelled as a "trouble maker" and being sent to Notre-Dame de Laval youth reception center.
- 2.10. Immediately upon arriving at Notre-Dame de Laval, Eleanor Lindsay, then 13 years old, was dragged into an isolation cell located in the basement of the reception center and placed in solitary confinement.
- 2.11. The isolation cell was small, with a foam mattress (with a strapping mechanism) on cement slab, and a steel sink over toilet. The guards would watch Eleanor Lindsay when she used the toilet.
- 2.12. Eleanor Lindsay spent days crying, hitting on the door and imploring the guards to let her out of the isolation cell. They would not.
- 2.13. After 3 days in solitary confinement, Eleanor Lindsay, broken, was transferred upstairs to a "room" with a barred window and a steel grid door with an outside lock. This "room" was no different from a prison cell.
- 2.14. The rectangular area formed by Eleanor Lindsay's cell and the cells of the other children in the unit was called the "common area". The common area was a space where the children belonging to the same unit (approximately fifteen) could spend time together and eat when they were not locked up in their cells or held in solitary confinement.
- 2.15. While at Notre-Dame de Laval, Eleanor Lindsay and the other children were not allowed to spend more than an hour per day in the outdoor yard. Thus, even when these children "behaved" up to their guards' standards, they were still locked inside the common area.
- 2.16. Getting out of one cell's into the common area depended on the guards' mood.
- 2.17. During her several months stay at Notre-Dame de Laval, Eleanor was systematically locked up in her cell for the most trivial "offenses", including the 'offense' of not feeling well.
- 2.18. Worse, Eleanor Lindsay had been sent to solitary confinement on a recurrent basis, to punish her for "offenses", such as crying, causing a disturbance, having nightmares and waking other children.

- 2.19. While at Notre-Dame de Laval, Eleanor Lindsay witnessed other children being sexually touched, caressed and kissed on the lips by a male guard. This would mostly happen at the end of the day, during the guard's "good night" round.
- 2.20. After Notre-Dame de Laval, Eleanor Lindsay, was transferred to another youth reception center, Marian Hall, where she would spend approximately 3 years (until the age of 16).
- 2.21. When Eleanor Lindsay saw that Marian Hall had a pool and a recreation room, she was full of hope that this center would be better than Notre-Dame de Laval.
- 2.22. As subsequent events demonstrate, her hopes were vain.
- 2.23. A few days after her arrival at Marian Hall, Eleanor Lindsay was given the order to take Valium and sleeping medication. Heavily medicated, she felt constantly "like a zombie" and could not concentrate while attending classes in the basement. She was often locked up in her room.
- 2.24. At age 15, Eleanor Lindsay was given a new medication and experienced severe side effects, that caused jaw misalignment and severe drooling. She saw another child, who was taking the same medication, experience the same side effects.
- 2.25. While at Marian Hall, Eleanor Lindsay witnessed on a recurrent basis children trying to run away or hurt themselves in order to escape, even for a short period of time. Lockdowns and solitary confinement were a routine practice, with children being handcuffed or tied to the beds.
- 2.26. Indeed, while at Marian Hall, Eleanor Lindsay had been repeatedly sent to solitary confinement for trivial "offenses".
- 2.27. The isolation cells at Marian Hall were similar to the isolation cells at Notre-Dame de Laval but had a pot instead of a toilet.
- 2.28. In one instance, Eleanor Lindsay, then 15 years old, was sent to solitary confinement for 3 days because she was upset by the death of one of her friends and could not stop crying.
- 2.29. That time, upon release from solitary confinement and out of despair, Eleanor Lindsay cut her wrist veins for the first time.
- 2.30. Each occurrence of solitary confinement caused Eleanor Lindsay tremendous physical and psychological suffering and pain. She lost all sense of dignity and self-worth.
- 2.31. Eleanor was released from Marian Hall at the age of 16, but she never recovered from the abuses she suffered as a child at Notre-Dame de Laval and at Marian Hall.
- 2.32. The years following Eleanor Lindsay's release from Marian Hall were marked by shame, inability to have a stable employment, homelessness, severe depression, anxiety, nightmares and panic attacks.

- 2.33. For most of her adult life, Eleanor Lindsay tried to bury the memories of what happened to her at Notre-Dame de Laval and at Marian Hall by resorting to severe alcohol and substance abuse. When this was not enough, Eleanor Lindsay attempted to end her life.
 - 2.34. After years of struggle, Eleanor Lindsay is now able to come forward and, for the first time, to publicly reveal, by way of an interview given to a public television program and by way of these proceedings, the traumatic treatments inflicted upon her and the other children at the reception centers.
 - 2.35. In sum, Eleanor Lindsay has endured most cruel and debilitating treatments in the hands of institutions whose role was to protect her. As a result, her life, as the life of many other children, have been forever crippled.
3. **The facts that give rise to an individual action on behalf of each member of the Detained Children Class and of the Abused Children Class against the Defendants, are as follow:**
- 3.1. Eleanor Lindsay's tragedy is not an isolated case.
 - 3.2. As evidenced by the investigation of Ms. Gillian Cosgrove and the ensuing public inquiry, children were systematically detained and subject to most debilitating treatments at the reception centers.
 - 3.3. In year 1974, Gillian Cosgrove, then a journalist with the *Montreal Gazette*, contacted Notre-Dame de Laval reception center with a request for an interview and a visit of the center. Her request was denied by the director of Notre-Dame de Laval, on the pretext that the center was not open to the public.
 - 3.4. In December 1974, Gillian Cosgrove obtained an employment at Notre-Dame de Laval and spent 2 weeks inside the center while working as an "educator".
 - 3.5. During this period, Gillian Cosgrove witnessed first-hand child abuses similar to those suffered by Eleanor Lindsay.
 - 3.6. Lockdowns in cells, solitary confinement, beatings, indiscriminate medication and inducement to develop a nicotine addiction (by giving cigarettes to children who did not smoke upon admission) were systematic at Notre-Dame de Laval.
 - 3.7. For instance, in December 1974, Gillian Cosgrove witnessed a young girl being held in solitary confinement. She was strapped to a filthy mattress, could not use the toilet and was left laying in her own feces, urine and menstrual blood for days.
 - 3.8. In another instance, Gillian Cosgrove witnessed all the children held in a unit being collectively medicated with Valium, without having been seen by a nurse or a physician. Such medication occurred on an indiscriminate basis in order to "calm" (subdue) a group of children whose behaviour seemed turbulent to the guards.
 - 3.9. Gillian Cosgrove later described the widespread horror she witnessed at Notre-Dame de Laval in a series of articles published in the *Montreal Gazette* on January

2nd and 3rd, 1975, **Exhibits P-1** (entitled “*Jail handcuffs girls and straps them to concrete bed*”) and **P-2** (entitled “*Architecture masks aim*”).

- 3.10. Further to the publication of these articles, a public commission of inquiry took place.
- 3.11. The final report of this commission of inquiry, titled *Rapport du comité d'étude sur la réadaptation des enfants et adolescents placés en centre d'accueil* (the “**Batshaw Report**”), **Exhibit P-3**, confirmed, among other things, appalling detention and solitary confinement practices at the reception centers:

“Telle qu'elle se pratique actuellement, la détention donne lieu à des pratiques aberrantes. Les jeunes sont placés en détention pour toutes sortes de raisons dont la plupart nous semblent inacceptables. Dans l'état actuel des choses, il est permis de croire que les séjours en détention ne font aucun bien à l'enfant et ils risquent de lui causer un tort irréparable. Les jeunes placés en détention n'ont pas commis, pour la plupart, des délits suffisamment graves pour justifier un hébergement sécuritaire.”

Summary of the Batshaw Report, **Exhibit P-4**, p. 6.

“(…) lors de nos visites, la période la plus longue d'isolement dont nous avons entendu parlé a été de 21 jours (…)”

The Batshaw Report, Exhibit P-3, p.103.

- 3.12. The Batshaw Report also stated that despite media revelations related to solitary confinement of children and the public condemnation thereof, “educators” continued to use this method nonetheless, Exhibit P-3, section 2.6.4, p. 102.
- 3.13. Thus, as Eleanor Lindsay, boys and girls who had been detained and abused at the reception centers had endured tremendous physical and psychological pain and suffering and, in many cases, the adults they have become must confront severe consequences of these abuses to this day.

a) The Attorney General of Québec

- 3.14. Since the reception centers are public institutions and since the detention and abuses occurred while the Class Members were entrusted to the care of the State, the latter is liable to the Class Members for all the resulting compensatory damages.
- 3.15. Given the nature of the abuses and of the rights violated, the State is also liable to the Class Members for punitive damages.

b) The integrated health and social services centres

- 3.16 Over the years, youth reception centres went through a series of amalgamations in the context of the changes to the structure of the health and social services system in Québec.
- 3.17 The latest round of amalgamations of operating youth reception centres occurred pursuant to *An Act to modify the organization and governance of the health and social services network*, Chapter O-7.2, in April 2015.
- 3.18 As a result of these amalgamations, most of Québec youth reception centres have been integrated into the following institutions:

Centre intégré de santé et de services sociaux du Bas-Saint-Laurent;

Centre intégré universitaire de santé et de services sociaux du Saguenay-Lac-Saint-Jean;

Centre intégré universitaire de santé et de services sociaux de la Capitale-Nationale;

Centre intégré universitaire de santé et de services sociaux de la Mauricie-et-du-Centre-du-Québec;

Centre intégré universitaire de santé et de services sociaux de l'Estrie – Centre hospitalier universitaire de Sherbrooke;

Centre intégré universitaire de santé et de services sociaux de l'Ouest-de-l'Île-de-Montréal;

Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal;

Centre intégré de santé et de services sociaux de l'Outaouais;

Centre intégré de santé et de services sociaux de l'Abitibi-Témiscamingue;

Centre intégré de santé et de services sociaux de la Côte-Nord;

Centre intégré de santé et de services sociaux de la Gaspésie;

Centre intégré de santé et de services sociaux de Chaudière-Appalaches;

Centre intégré de santé et de services sociaux de Laval;

Centre intégré de santé et de services sociaux de Lanaudière;

Centre intégré de santé et de services sociaux des Laurentides;

Centre intégré de santé et de services sociaux de la Montérégie-est;

(the « **Integrated health and social services centres** »).

3.18 Since the Integrated health and social services centres acquired all the rights and obligations of amalgamated youth reception centres pursuant to the *Act respecting health services and social services*, S.R.Q. Chapter S-4.2, they are liable to the Class Members for the damages resulting from the faults alleged in this application.

c) The Nunavik Regional Board of Health and Social Services

3.19 The Nunavik Regional Board of Health and Social Services (the "**Regional Board**") has been established by the Government of Québec pursuant to the *Act respecting health services and social service*, S.R.Q. Chapter S-4.2, on May 25, 1994.

3.20 The Regional Board operates youth reception centres located within its territorial jurisdiction and, hence, is liable to the Class Members for the damages resulting from the faults allegedly committed at these reception centres.

d) Cree Board of Health and Social Services of James Bay

3.21 The Cree Board of Health and Social Services of James Bay (the "**CBHSSJB**") has been established by the Government of Québec pursuant to the *Act respecting health services and social service*, S.R.Q. Chapter S-4.2, on April 20, 1978, in order to provide health and social services to the nine communities of the Cree Territory of James Bay.

3.22 Under the *Act respecting health services and social services for Cree Native persons*, S.R.Q. Chapter S-5, the CBHSSJB operates youth reception centres located within its territorial jurisdiction and, hence, is liable to the Class Members for the damages resulting from the faults allegedly committed at these reception centres.

4. The composition of the Detained Children Class and of the Abused Children Class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings, in that:

4.1. The Batshaw Report states that in year 1975 alone, five thousand children were held in youth reception centers, Exhibit P-3, p. xvii.

4.2. Since the facts described in sections 2 and 3 above have taken place over a period of several years at numerous reception centers, the Class Members probably count by tens of thousands.

4.3. The nature of the abuses inflicted on these children and the ensuing traumas make it extremely difficult for individual plaintiffs to come forward and to institute individual legal proceedings.

- 4.4. In these circumstances, it is impossible or, at the very least difficult and impracticable, to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings, while assuring access to justice that the victims deserve.
5. **The Plaintiff seeks to have the following questions of fact and law, which are identical, similar or related, decided by this class action:**
 - 5.1. Have the following practices occurred at the reception centers on a systemic basis:
 - 1) detention consisting in preventing the Detained Children Class members from leaving the reception center?
 - 2) detention consisting in preventing the Detained Children Class members from leaving the common area?
 - 3) detention consisting in locking up the Abused Children Class members in their cells?
 - 4) assault of the Abused Children Class members?
 - 5) sexual assault of the Abused Children Class members?
 - 6) solitary confinement of the Abused Children Class members?
 - 7) unnecessary medication of the Abused Children Class members?
 - 8) inducement to develop a nicotine addiction by the Abused Children Class members?
 - 5.2. Do all or some of the impugned practices listed at paragraph 5.1 amount to a fault engaging the liability of the Defendants?
 - 5.3. What type of damages are common to the Detained Children Class as a result of the impugned practices?
 - 5.4. What type of damages are common to the Abused Children Class as a result of the impugned practices?
 - 5.5. Are Detained Children Class members entitled to punitive damages?
 - 5.6. What is the amount of such punitive damages for the purpose of collective recovery?
 - 5.7. Are Abused Children Class members entitled to punitive damages?
 - 5.8. What is the amount of such punitive damages for the purpose of collective recovery?
 - 5.9. What are the factors common to the Class Members with respect to the impossibility to act?

6. **The nature of the action that the Plaintiff seeks to institute is**

6.1. An action in compensatory and punitive damages.

7. **The Plaintiff seeks the following conclusions on the merits on the class action:**

GRANT the Plaintiff's action;

CONDEMN the Defendants to pay to the Plaintiff, at the recovery stage, the amount of \$ 500,000 on account of non-pecuniary damages;

CONDEMN the Defendants to pay to the Plaintiff, at the recovery stage, an amount to be determined on account of pecuniary damages;

CONDEMN the Defendants to pay to the Plaintiff, at the collective recovery stage, an amount to be determined on the account of punitive damages;

GRANT the Plaintiff's action on behalf of all Class Members;

CONDEMN the Defendants to pay to each member of the *Detained Children Class* an amount on account of *non-pecuniary damages*, the quantum of such amount to be determined in accordance with parameters to be established at the collective issues stage, including, without limitation, for pain, suffering, loss of enjoyment of life and other moral damages;

CONDEMN the Defendants to pay to each member of the *Detained Children Class* an amount on account of *pecuniary damages*, the quantum of such amount to be determined in accordance with parameters to be established at the common issues stage, including, without limitation, for loss of income, therapy and counselling fees;

CONDEMN the Defendants to pay to each member of the *Abused Children Class* an amount on account of *non-pecuniary damages*, the quantum of such amount to be determined in accordance with parameters to be established at the common issues stage, including, without limitation, for pain, suffering, loss of enjoyment of life and other moral damages;

CONDEMN the Defendants to pay to each member of the *Abused Children Class* an amount on account of *pecuniary damages*, the quantum of such amount to be determined in accordance with parameters to be established at the common issues stage, including, without limitation, for loss of income, therapy and counselling fees;

CONDEMN the Defendants to pay to the members of the *Detained Children Class* an amount to be determined on account of *punitive damages*, and **ORDER** the collective recovery of such amount;

CONDEMN the Defendants to pay to the members of the *Abused Children Class* an amount to be determined on account of *punitive damages*, and **ORDER** the collective recovery of such amount;

THE WHOLE with interest and additional indemnity provided for in the *Civil Code of Québec* calculated from the date of the service of the *Application for authorization to institute a class action and obtain the status of representative*, and with costs, including costs of all experts, notices, fee and expenses of the administrator of the plan of distribution of the recovery in this action.

8. **The Plaintiff is in a position to properly represent the class members.**

- 8.1. Eleanor Lindsay found the courage to come forward and to publicly expose traumatic treatments inflicted upon her and the other children at the reception centers.
- 8.2. She also took the initiative to find certain other Class Members who had been held at reception centers.
- 8.3. Now sober, she is willing, motivated and available to represent the interest of all Class Members and to fully assist and cooperate with her attorneys to diligently carry out the action.

9. **The Plaintiff proposes that the class action be brought before the Superior Court, sitting in the district of Montréal, for the following reasons:**

- 9.1. The reception centers concerned by this class action were and are situated throughout the province of Québec.
- 9.2. The location of the Class Members is not limited to a specific district within the Province of Québec, since their place of residence could have changed since they were released from the reception centers.
- 9.3. However, given the concentration of population in and near to Montréal, it is likely that a significant number of class members reside within or near the district of Montréal.
- 9.4. The Defendants has its offices throughout the Province of Québec.
- 9.5. The Plaintiff's attorneys have their office and practice in the district of Montréal.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the Plaintiff's *Application for authorization to institute a class action and obtain the status of representative*;

AUTHORIZE the class action hereinafter described as:

an action in compensatory and punitive damages;

APPOINT Mrs. Eleanor Lindsay as representative plaintiff for all Class Members forming part of the classes hereinafter defined as:

the Detained Children Class:

All persons having been detained or confined in a youth “reception center” (“*centre d’accueil*”), as defined below, while they were children up to 17 years old inclusively, except persons who are part of the class proposed in matter 200-06-000221-187 (Superior Court of Québec) in connection with Mont d’Youville reception centre as of October 12, 2018, if authorized.

A “reception center” is a public institution defined as such in *An Act respecting health services and social services*, S.R.Q. Chapter 48 (as amended from time to time), and in *An Act respecting health services and social services for Cree Native persons*, S.R.Q. Chapter S-5, as well as predecessors and successors of such reception centers, including, without being limited to, the following :

Accueil Boyer, Accueil des Jeunes, Allancroft, Auberge des 4 Vents (also known as Centre de réadaptation des quatre-vents, Centre d’accueil des quatre-vents and Campus des quatre-vents), Batshaw Family Youth Centres (also known as Centres de la famille Batshaw), Berthelet, Boscoville, Boys’ Farm and Training School (also known as Shawbridge Boys Farm), Carrefour des Jeunes, Carrefour Jeunesse Rosemont, Carrefour St-Arsène, Carrefour St-Jérôme, Carrefour Sylvie, Carrefour des Vieilles Forges (also known as Pavillon Bourgeois), La Calèche (also known as Centre éducatif et de plein-air La Calèche inc.), Centre Cartier, Centre Familial Thérèse Martin, Centres Familiaux Lac St-Jean, Centre d’accueil Cité des Prairies, Centre d’accueil des Laurentides, Centre d’accueil Dixville, Centre d’accueil Godefoy Laviolette, Centre d’accueil Laurizon-Laurentien, Centre de réadaptation en déficience intellectuelle du Québec (CRDIQ), Centre de réadaptation La Triade, Centre de réadaptation pour les jeunes en difficulté d’adaptation de Gaspé, Centre de réadaptation pour les jeunes en difficulté de La Matanie, Centre de santé Inuultisivik, Centre de santé Tulattavik de l’Ungava, Centre d’Orientation, Centre Élan jeunesse, Centre jeunesse de Chaudière-Appalaches, Centre jeunesse de l’Abitibi-Témiscamingue, Centre jeunesse de la Montérégie, Centre jeunesse de la Montérégie de Salaberry-de-Valleyfield, Centre jeunesse de Lanaudière, Centre jeunesse de Laval, Centre jeunesse de la Mauricie et du Centre-du-Québec, Centre jeunesse de Montréal, Centre jeunesse de Québec, Centre jeunesse de l’Estrie, Centre jeunesse du Bas-St-Laurent, Centre jeunesse du Saguenay-Lac-Saint-Jean, Centre jeunesse Gaspésie/Les Îles, Centre Rose-Virginie Pelletier, Claiséjour (also known as Clair séjour Marie-Joseph), Cinquième Saison, Crescent House, Dominique Savio, Dominique Savio-Mainbourg, L’Étape, Mount Bruno Girls’ Cottage School, Habitat Soleil, Hochelaga-Maisonneuve, Jeunesse de Tilly, La Chesnaie, Centre d’accueil Laurentien, Centre d’accueil Laurizon, La Clairière, L’Escale, Le Mainbourg, Le Phare, Maisons Familiales d’Youville, Maisons Marie-Fitzbach, Maison Rouyn Noranda, Maison Sacré-Cœur, Maplemount Home, Marian Hall, Marie Vincent, Monseigneur Forget, Monseigneur Guay, Mont Saint-Antoine, Mont Saint-Aubert, Mont Saint-Patrick, (...), Mont Villeneuve, Notre-Dame du Bel Amour, Notre-Dame de la Garde, Notre-Dame de Laval, Notre-Dame de l’Enfant, Notre-Dame du Perpétuel Secours, Pavillon Bois-Joly, Pavillon de l’Enfance, Pavillon des Jeunes, Pavillon Jeunesse, Pavillons Laforest, Pavillons du Parc, Pavillon Richelieu, Providence St-Joseph, Pavillon Toupie, Relais (Le), Relais Laval, Relais St-François, Saint-Charles,

Services Barbara Rourke, St-Georges, St-Jean-Baptiste, St-Vallier, Ste-Agnès, Ste-Domitille, Ste-Hélène, Summerhill Homes, La Terre, Teen Heaven, Val-du-Lac, Val Estrie, Val Séjour, Vert Pré d'Huberdeau, La Vigie, Villa Dion, Villa Notre-Dame de Grâce, Villa Joie St-Dominique (also known as Ville-Joie St-Dominique), Ville-Marie Social Services, Unité La Rade, Unité Le Rivage, (...) Weredale House and Youth Horizons.

- and -

the Abused Children Class:

All persons having been subject to abuses, including, without being limited to, solitary confinement (isolation), assault, sexual assault, unnecessary medication, inducement to develop a nicotine addiction (smoking), during their admission at a youth "reception center" ("*centre d'accueil*"), as defined for the purposes of the Detained Children Class, while they were children up to 17 years old inclusively.

IDENTIFY as follows the main questions of fact and law to be determined collectively:

1. Have the following practices occurred at the reception centers on a systemic basis:
 - 1.1. detention consisting in preventing the Detained Children Class members leaving the reception center?
 - 1.2. detention consisting in preventing the Detained Children Class members leaving the common area?
 - 1.3. detention consisting in preventing the Detained Children Class members leaving the common area?
 - 1.4. detention consisting in locking up the Abused Children Class members in their cells?
 - 1.5. assault of the Abused Children Class members?
 - 1.6. sexual assault of the Abused Children Class members?
 - 1.7. solitary confinement of the Abused Children Class members?
 - 1.8. unnecessary medication of the Abused Children Class members?
 - 1.9. inducement to develop a nicotine addiction by the Abused Children Class members?
2. Do all or some of the impugned practices listed at subparagraph 1 amount to a fault engaging the liability of the Defendants?
3. What type of damages are common to the Detained Children Class as a result of the impugned practices?
4. What type of damages are common to the Abused Children Class as a result of the impugned practices?
5. Are Detained Children Class members entitled to punitive damages?

6. What is the amount of such punitive damages for the purpose of collective recovery?
7. Are Abused Children Class members entitled to punitive damages?
8. What is the amount of such punitive damages for the purpose of collective recovery?
9. What are the factors common to the Class Members with respect to the impossibility to act?

IDENTIFY as follows the conclusions sought in relation thereof:

GRANT the Plaintiff's action;

CONDEMN the Defendants to pay to the Plaintiff, at the recovery stage, the amount of \$ 500,000 on account of non-pecuniary damages;

CONDEMN the Defendants to pay to the Plaintiff, at the recovery stage, an amount to be determined on account of pecuniary damages, with interest and the additional indemnity calculated from the date of the service of the *Application for authorization to institute a class action and obtain the status of representative*;

CONDEMN the Defendants to pay to the Plaintiff, at the collective recovery stage, an amount to be determined on the account of punitive damages, with interest and the additional indemnity calculated from the date the service of the *Application for authorization to institute a class action and obtain the status of representative*;

GRANT the Plaintiff's action on behalf of all Class Members;

CONDEMN the Defendants to pay to each member of the *Detained Children Class* an amount on account of *non-pecuniary damages*, the quantum of such amount to be determined in accordance with parameters to be established at the collective issues stage, including, without limitation, for pain, suffering, loss of enjoyment of life and other moral damages;

CONDEMN the Defendants to pay to each member of the *Detained Children Class* an amount on account of *pecuniary damages*, the quantum of such amount to be determined in accordance with parameters to be established at the common issues stage, including, without limitation, for loss of income, therapy and counselling fees;

CONDEMN the Defendants to pay to each member of the *Abused Children Class* an amount on account of *non-pecuniary damages*, the quantum of such amount to be determined in accordance with parameters to be established at the common issues stage, including, without limitation, for pain, suffering, loss of enjoyment of life and other moral damages;

CONDEMN the Defendants to pay to each member of the *Abused Children Class* an amount on account of *pecuniary damages*, the quantum of such amount to be determined in accordance with parameters to be established at the common issues stage, including, without limitation, for loss of income, therapy and counselling fees;

CONDEMN the Defendants to pay to the members of the *Detained Children Class* an amount to be determined on account of *punitive damages*, and **ORDER** the collective recovery of such amount;

CONDEMN the Defendants to pay to the members of the *Abused Children Class* an amount to be determined on account of *punitive damages*, and **ORDER** the collective recovery of such amount;

THE WHOLE with interest and additional indemnity provided for in the *Civil Code of Québec* calculated from the date of the service of the *Application for authorization to institute a class action and obtain the status of representative*, and with costs, including costs of all experts, notices, fee and expenses of the administrator of the plan of distribution of the recovery in this action.

ORDER the publication of a notice to the Class Members according to the terms to be determined by the Court;

ORDER the publication of the notice to the Class Members no later than thirty (30) days after the date of the judgment authorizing the class proceedings;

ORDER that the deadline for a Class Member to exclude herself from the class action proceedings shall be sixty (60) days from the publication of the notice to the Class Members;

ORDER the setting up of a bilingual website to be administered by the representative plaintiff and her attorneys for the benefit of Class Members;

ORDER the Defendants for pay the costs associated with the setting up and the maintenance of the website until the conclusion of the proceedings;

ORDER that this class action proceeds before the Superior Court, sitting in the district of Montréal;

ALLOW the use of aliases for the purpose of identification of Class Members in the proceedings, exhibits or any other document filed with the Court, in order to protect their identity;

THE WHOLE with costs, including the cost of all notices.

MONTREAL, January 17, 2020

NOVALEX LAW FIRM INC.

NOVALEX LAW FIRM INC.

Counsel for the Plaintiff

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O/File: 1860-00912

SUMMONS
(Articles 145 and following C.C.P.)

TAKE NOTICE that the Plaintiff has filed this **MODIFIED APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND OBTAIN THE STATUS OF REPRESENTATIVE** in the office of the Superior Court (Class Action Division) in the judicial district of Montréal.

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montréal situated at 1, Notre-Dame E. Street within 15 days of service of the application or, if you have no domicile, residence or establishment in Québec, within 30 days.

The answer must be notified to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff. If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs. In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code, cooperate with the plaintiff in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

You may ask the court to refer the originating application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the plaintiff.

If the application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating application.

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted. In support of the application, the plaintiff intends to use the following exhibits:

- EXHIBIT P-1:** Article entitled "*Jail handcuffs girls and straps them to concrete bed*" by Gillian Cosgrove, *Montreal Gazette*, January 2nd, 1975;
- EXHIBIT P-2:** Article entitled "*Architecture masks aim*" by Gillian Cosgrove, *Montreal Gazette*, January 3rd, 1975;
- EXHIBIT P-3:** *Rapport du comité d'étude sur la réadaptation des enfants et adolescents placés en centre d'accueil*, December 22, 1975;
- EXHIBIT P-4:** Summary of the *Rapport du comité d'étude sur la réadaptation des enfants et adolescents placés en centre d'accueil*, December 22, 1975.

These exhibits are available on request.

If the application is an application in the course of a proceeding or an application under Book III, V, excepting an application in family matters mentioned in article 409, or VI of the Code, the establishment of a case protocol is not required; however, the application must be accompanied by a notice stating the date and time it is to be presented.

MONTREAL, January 17, 2020

NOVALEX LAW FIRM INC.

NOVALEX LAW FIRM INC.

Counsel for the Plaintiff

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Me Marie-Pier Caza

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Montréal, QC H3C 1W1

O/File: 1860-00912

500-06-001022-199

SUPERIOR COURT
(Class Action Division)

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

ELEANOR LINDSAY

Plaintiff

v.

ATTORNEY GENERAL OF QUÉBEC et al.

Defendants

**MODIFIED APPLICATION FOR
AUTHORIZATION TO INSTITUTE A CLASS
ACTION AND OBTAIN THE STATUS OF
REPRESENTATIVE (Article 575 C.C.P.),
NOTICE OF PRESENTATION AND
SUMMONS (Art. 145 and following C.C.P.)**

ORIGINAL



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