

C A N A D A

**PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL**

NO : 500-06-001115-209

**(Class Action)
SUPERIOR COURT**

JANE DOE

Applicant

c.

9219-1568 QUÉBEC INC.

and

**AYLO FREESITES LTD, formerly known as
MG FREESITES LTD**

and

FERAS ANTOON

and

DAVID TASSILLO

and

COREY URMAN

[...]

Defendants

**[...] FIFTH AMENDED APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS
ACTION AND TO OBTAIN THE STATUS OF REPRESENTATIVE**

(as of April 1st, 2026)

(Sections 571 C.C.P. and following)

**TO THE HONOURABLE JUSTICE DONALD BISSON, S.C.J., DESIGNATED TO HEAR ALL
PROCEEDINGS IN THE PRESENT ACTION, THE APPLICANT STATES AS FOLLOWS:**

I. GENERAL PRESENTATION

0. The world's largest pornography websites systemically trafficked in non-consensual content. They profited from child rape, sexual assault, and many other forms of non-consensual intimate content. This action is by the Canadian survivors of that business for compensation arising from the defendants' failure to take even basic steps to protect against their non-consensual intimate images and videos from being uploaded, downloaded and offered up on the defendants' websites, which were among the most popular on the Internet;

A) THE CLASS ACTION

1. Applicant wishes to institute a class action on behalf of the natural persons forming part of the class hereinafter described, namely:

[...] All natural persons in Canada whose intimate videos or photos, (including child sexual abuse material, images of sexual assault and non-consensual intimate images) were posted without their consent on a website owned or operated by the defendants, [...] such as www.pornhub.com, www.redtube.com, www.youporn.com, www.tube8.com, www.pornmd.com, www.spankwire.com, www.extremetube.com, www.thumbzilla.com, www.keezmovies.com, www.gaytube.com, www.porniq.com, www.peeperz.com, www.sextube.com, www.xtube.com, www.youporngay.com, www.mofosex.com, www.pornxs.com, www.sextube.com, until the date of the authorization judgement;

(hereinafter referred to as the “**Class**”)

or any other Class to be determined by the Court;

- 1.1. The most popular of the above-mentioned websites is called Pornhub, but there are many other similar websites, such as RedTube, YouPorn, Tube8, PornMD, Thumbzilla, Xtube (which shut down in September 2021), and others (collectively with Pornhub, the “**offending websites**”);
- 1.2. Pornhub is a free pornographic and streaming website offering visitors the ability to view, download, and upload content. It gets 3.5 billion visits per month, more than Netflix, Yahoo, or Amazon, and is the 10th most visited website in the world (see P-12);
2. This action arises from the publication [...], on several offending websites [...] owned, operated or managed by the defendants, of intimate videos or photos that were posted without the consent of the subjects (the “**non-consensual content**”). This

includes, but is not limited to, the illegal dissemination by the defendants, directly or indirectly, of content for streaming and download that depicts child sexual abuse material, the sexual assault of non-consenting adults, and intimate images (“**non-consensual intimate images**”) of adults who have not consented to the public dissemination of such content;

2.1. After years from profiting from this conduct, a scandal hit the MindGeek group in December 2020. A *The New York Times* article titled “The Children of Pornhub” (P-12) reported how its flagship website is “infested with rape videos,” particularly child sexual abuse material (“**CSAM**”). Following the scandal, Mastercard and Visa ceased providing services to Pornhub. This affected the sales of videos as well as premium memberships (see P-10). New policies and procedures, including taking down approximately 80% of the site’s content, were quickly put into place. However, these new policies remain deeply flawed.

3. As a consequence of the foregoing, the Applicant, and the Class members, who featured in the non-consensual content published on the defendants’ websites, suffered, and continue to suffer damages for which they are entitled to receive compensation;

B) [...] THE HISTORY OF AYLO

3.1. [...];

3.1.1. [Previously para. 10]

The MindGeek group has incorporated hundreds of subsidiaries and related companies around the world over time. The structure of MindGeek has changed numerous times throughout the years. However, MindGeek, including the individual defendants, operate as a single business enterprise, commingling its funds and other assets to shelter and avoid liabilities and to hide the identity of its owners, treating each other’s assets as their own, issuing shares haphazardly and without authority, holding themselves out as being personally liable for the debts of each other, failing to maintain proper minutes and corporate records, using the same business locations and employing the same employees, failing to adequately capitalize the entities, failing to maintain arm’s length relationships among themselves, and diverting assets without consideration to the detriment of and are thus jointly and severally liable in this action as alter egos of the other;

3.1.2. This all started with a Montreal company named Mansef created in 2004 by Concordia University grads Stéphane Manos (the defendant Feras Antoon’s brother-in-law) Quissam Youssef, Hassan Youssef, Salam Said and Matt Keezer, as appear from

Exhibits P-10, P-11 and the article from La Presse “*Sexe, services secrets et crime organisé*” dated March 15, 2025, which will be produced as **Exhibit P-55**;

- 3.1.3. In 2007, this company launched the tube site Pornhub (see P-10 and P-11);
- 3.1.4. The defendants Feras Antoon and Davis Tassillo were both hired in 2008 by Mansef;
- 3.1.5. At the end of 2009, start of 2010, Mansef’s owners decided to get rid of Mansef and appointed the defendant Feras Antoon head of the company and task him with finding a buyer;
- 3.1.6. In 2010, Fabian Thylman, who owned other pornographic websites such as Xtube, acquired Mansef and changed its name to Manwin (see P-11);
- 3.1.7. During this period, the defendant Corey Urman was already working for Manwin and was involved in managing the offending websites, as appears from an excerpt of an article written by a former named employee in *the Verge*, titled “Inside Pornhub” and dated February 23, 2022, which will be produced as **Exhibit P-56**;
- 3.1.8. In 2013, following financial difficulties, Thylman sold Manwin to the defendants Antoon and Tassillo, who then became the directors of the Canadian-based defendant 9219-1568 Québec inc. (see P-10 and P-11), a position they held until June 2022;
- 3.2. In March 2023, Ethical Capital Partners, a private equity firm based in Ottawa, purchased MindGeek;
- 3.3. On August 17, 2023, it was announced that MindGeek was rebranded as Aylo, as appears from a press release dated August 17, 2023, which will be produced as Exhibit P-47;

3.4. [Previously para. 10.1]

As stated, the MindGeek group is composed of several subsidiaries. The purpose of these subsidiaries is to seek, to facilitate and to mask illegal conduct and to consequently insulate the MindGeek group, and its directors, from liabilities;

3.5. [Previously para. 10.3]

The MindGeek group deliberately uses a complex corporate structure which is an amalgam of at least 48 subsidiaries in Luxembourg, Cyprus, Ireland, the U.S., Canada and Romania, among other countries, as appears from the Globe and Mail article “Lifting the veil of secrecy on MindGeek’s online pornography empire”, dated February 4, 2021, which will be produced as **Exhibit P-10**;

3.6. [Previously para. 10.4]

Other analyses of the MindGeek group's complex corporate structure refer to a myriad of multiple companies in countries such as the British Virgin Islands, Canada, Curaçao, Cyprus, Germany, Ireland, Luxembourg, Mauritius, the Netherlands, the U.K and the United States, managing 172 companies in 11 countries, as appears from the online article "Offensive OSINT s01e05-OSINT & Corporate espionage. Tentacles of Mindgeek part 1." on the website "offensiveosint.io", dated May 20, 2020, which will be produced as **Exhibit P-11**;

3.7. [Previously para. 10.2]

For instance, as of 2018, the defendants 9219-1568 Québec Inc., Aylo Freesites Ltd, and 9279-2738 Québec Inc., were owned directly or indirectly by MindGeek s.a.r.l., located in Luxembourg, and all their financial statement were consolidated under it, as appears from the Consolidated Financial Statements for the financial year that ended December 31, 2018, which will be produced as **Exhibit P-9**;

3.8. [Previously para. 8.9]

It owns indirectly the defendant 9219-1568 Québec Inc. through 9279-2738 Québec Inc., a holding company incorporated in Québec, which is the majority owner of 9219-1568 Québec Inc., as appears from the État des renseignements d'une personne morale au registre des entreprises, which will be produced as **Exhibit P-3**;

3.9. It also owns indirectly the defendant Aylo Freesites Ltd through Aylo Group Ltd, and previously through MG Freesites s.a.r.l. (see P-53);

3.10. The parent company is also indirectly owned by the defendants Antoon and Tassillo;

3.11. [Previously para. 8.10]

Société de gestion FDCO Inc., previously known as MindGeek Holding Inc., is a holding company incorporated in Québec, as appears from the État des renseignements d'une personne morale au registre des entreprises, which will be produced as **Exhibit P-4**;

3.12. [Previously para. 8.11]

Société de gestion FDCO Inc. is the majority owner of MindGeek s.a.r.l. as appears from the Formulaire de réquisition filed on November 25, 2013 on the Registre de Commerce et des Sociétés du Luxembourg, which will be produced as **Exhibit P-5**.

MindGeek s.a.r.l., (formerly known as Manwin and now known as Aylo holdings s.a.r.l.), is a legal person having a place of business in Luxembourg;

3.13. [Previously para. 8.12]

9288-1259 Québec Inc. is a holding company incorporated in Québec, and the majority owner of Société de gestion FDCO Inc. Its majority owner is Feras Antoon, as appears from the État des renseignements d'une personne morale au registre des entreprises, which will be produced as **Exhibit P-6**;

3.14. [Previously para. 8.13]

9288-1275 Québec Inc. is a holding company incorporated in Québec and the second owner of Société de gestion FDCO Inc. Its majority owner is David Tassillo, as appears from the État des renseignements d'une personne morale au registre des entreprises, which will be produced as **Exhibit P-7**;

B.1) THE DEFENDANTS

4. The defendant 9219-1568 Québec Inc. (which used to carry on business as Entreprise MindGeek Canada) is a Montréal-based company with between 750 and 999 employees, as appears from the État des renseignements d'une personne morale au registre des entreprises which will be produced as **Exhibit P-1**, with a portfolio of pornographic websites;

4.1. The defendant 9219-1568 Québec Inc. is a service company as further described below;

5. [...];

6. The defendant, Aylo Freesites Ltd, formerly known as MG Freesites Ltd, (d/b/a Pornhub) is a private limited liability company incorporated under the laws of the Republic of Cyprus having a place of business at 195-197 Old Nicosia-Limassol Road, Block 1 Dali Industrial Zone, Cyprus 2540. Aylo Freesites Ltd. owns and operates [...] the offending websites;

6.1. Hereafter, the defendants Aylo Freesites Ltd. and 9219-1568 Québec Inc. will be collectively referred to as MindGeek;

7. [...];

8. [...];
- 8.1. [...];
- 8.2. [...];
- 8.3. [...];
- 8.4. [...];
- 8.5. The defendant Feras Antoon is a natural person who resides in Quebec and was the chief executive officer (CEO) of 9219-1568 Québec Inc., among other things;
- 8.6. The defendant David Tassillo is a natural person who resides in Quebec and was the chief operating officer (COO) of 9219-1568 Québec Inc., among other things;
- 8.6.1. On June 21, 2022, Feras Antoon and David Tassillo resigned from their position as CEO and COO of 9219-1568 Québec Inc., as appears from the Journal de Montréal article “*Le PDG de MindGeek démissionne 18 mois après la controverse de Pornhub*”, dated June 21, 2022, which will be produced as **Exhibit P-48**;
- 8.6.2. Under the leadership of the defendants Feras Antoon and David Tassillo, 9219-1568 Québec Inc. signed various agreement with the then named defendant MG Freesites and its predecessors to provide services including “website development and enhancement,” “search engine optimization” and “content management” as appears from the response to undertaking U-10 by Andreas Alkiviades Andreou during his pre-trial examination held on January 28, 2025 which will be produced as **Exhibit P-53**;
- 8.7. The defendant Corey Urman is a natural person who resides in Quebec and was the vice-president of product management, video-sharing platforms for 9219-1568 Québec Inc.;
- 8.8. The defendants Feras Antoon, David Tassillo, and Corey Urman together are referred to as “MindGeek Principals”;
- 8.9. [...]¹;
- 8.10. [...]²;

¹ (Moved to para. 3.8)

² (Moved to para. 3.11)

- 8.11. [...]³;
- 8.12. [...]⁴;
- 8.13. [...]⁵;
- 8.14. As stated above, the defendants Feras Antoon, David Tassillo own indirectly the MindGeek group. Together, the defendants Feras Antoon, David Tassillo, and a third party, Bernd Bergmair, owned more than 90 percent of MindGeek, as appears from the Globe and Mail article “MindGeek owner stymies multiple bids by investors to buy firm” dated October 4, 2021, which will be produced as Exhibit P-8;
- 8.15. The defendants Feras Antoon and David Tassillo were also direct shareholders of 9219-1568 Québec inc., from March 28, 2013, to June 6, 2022, as appears from the response of Andreas Alkiviades Andreou to undertaking U-6 attached to Exhibit P-53;
- 8.16. It also appears from the same exhibit that Corey Urman was a shareholder of 9219-1568 Québec inc. from March 28, 2013 to August 18, 2021;
9. [...];
10. [...];
- 10.1. [...]⁶;
- 10.2. [...]⁷;
- 10.3. [...]⁸;
- 10.4. [...]⁹;
11. [...];

³ (Moved to para. 3.12)

⁴ (Moved to para. 3.13)

⁵ (Moved to para. 3.14)

⁶ (Moved to para. 3.4)

⁷ (Moved to para. 3.7)

⁸ (Moved to para. 3.5)

⁹ (Moved to para. 3.6)

B.2) THE OPERATION OF THE OFFENDING WEBSITES

12. As part of its business, the MindGeek group actively solicits, promotes, and facilitates the payment for dissemination on its offending websites of explicit sexual images and videos, from which it generates significant profits;
13. Although the offending websites offer premium subscription plans, they offer free content for non-members (the majority of visitors), and profit from advertising, co-promotions, and other business arrangements;
 - 13.1. The offending websites are modeled after tube sites, meaning that a large part of the content offered and monetized by the defendants is user-generated;
 - 13.2. Additionally, the MindGeek Group owns several renowned production studios, as well as paid pornographic websites. The videos produced by these studios are distributed on the offending websites to attract users to its paid subscription services.
 - 13.3. Since most of the content is free, revenue is generated primarily through advertising. Advertisements are added to the content, and the resulting ad revenue is shared between the defendant entities and the uploader. Prolific content increases viewership and traffic on the offending websites, which in turn boosts advertising revenues. In short, more uploaded pornography means more content, more traffic, and consequently more money for the MindGeek group and its shareholders;
 - 13.4. The business model depends on large volumes of content and, since the creation of the MindGeek group, it has consistently operated with lax and ineffective policies regarding consent, moderation, and the removal of non-consensual content;
14. Pornhub, for example, is one of the most-visited websites in the world, attracting 3.5 billion visits a month and recording almost three billion ad impressions per day, as appears from The New York Times article “The Children of Pornhub” dated December 4, 2020, which will be produced as **Exhibit P-12**;
15. Pornhub has been visited 42 billion times in 2019, as appears from Le Journal de Montréal article “MindGeek: agir là où ça fait mal!” dated December 22, 2020, which will be produced as **Exhibit P-13**;
16. The offending websites enable visitors to upload pornographic photos and videos from the general public, including non-consensual content;
17. Until December 2020, anyone could upload pornographic content to Pornhub, which content was then available for streaming or download to save for viewing on a personal computer in perpetuity;

- 17.0.1. Indeed, as mentioned above, anyone could upload content to the offending websites without any prior verification. A person wishing to upload content simply had to confirm, by clicking a button, that they had obtained the consent of all individuals depicted in the material;
- 17.0.2. Users uploading content on the offending websites were required to categorize it by selecting tags from a predetermined list. Content categorization was necessary to track profits generated by the content and to collect data on the most popular search terms;
- 17.0.3. Accordingly, no procedure existed to validate whether the individuals depicted in the content had actually consented to its dissemination on the offending websites;
- 17.0.4. There was human moderation on the offending websites intended to review the content and ensure compliance with the terms of service, however, as demonstrated below, this moderation was deeply deficient;
- 17.0.5. Furthermore, a download button on the offending websites allowed users worldwide to download and retain content. This functionality enabled users to upload the content to other websites or even to re-upload content that had previously been removed;
- 17.0.6. Individuals seeking the removal of content from the offending websites could submit a takedown request. Users could also flag content they believed to be illegal. However, as explained below, these mechanisms were also deficient;
- 17.0.7. After December 2020, the download button was removed, preventing users from directly downloading content from the offending websites;
- 17.0.8. Additionally, only verified users are now permitted to upload content, meaning that an uploader must hold a verified account. While the content remains still accessible to both verified and non-verified users, only verified users may add new content;
- 17.0.9. Regarding the verification of consent by the individuals depicted in the content, only a statement from the verified user confirming that all individuals have consented is required, provided the uploader appears in the content;
- 17.0.10. If the verified uploaders do not appear in the content, they must provide verification documentation for the individuals depicted within two weeks, during which time the content remains accessible for viewing on the offending websites;
- 17.1. The content hosted on the offending websites are stored on servers located throughout the world, including in Los Angeles, New York, and Montréal, with backups in Amsterdam, as appears from a video interview with the previous owner of MindGeek

Fabian Thylmann during the 2017 edition of the event WHD.global (also known as Cloudfest), which will be produced as **Exhibit P-14**;

18. Despite knowing that there was a high risk that non-consensual content would be uploaded, MindGeek took no steps to ensure that only consensual images and videos would be allowed on the offending websites it owned or operated, directly or indirectly. Instead, MindGeek monetized the non-consensual images and videos for profit;

C) THE NON-CONSENSUAL CONTENT

- 18.1. Non-consensual content is pervasive on the offending websites. Even blatantly non-consensual content - that should not have escaped even the very lax moderation in place - could be found on the offending websites;

- 18.2. For example, the New York Times reported the presence on Pornhub of videos depicting unconscious women and girls, in which “rapists would open the eyelids of the victims and touch their eyeballs to show that they were nonresponsive”, as appears from Exhibit P-12;

19. A 2019 investigation by the United Kingdom’s Sunday Times discovered dozens of illegal videos of child sexual abuse on Pornhub within minutes, some of which depicted children as young as three years old, with some of this content having been posted on the platform several years earlier, as appears from the article “Unilever and Heinz pay for ads on Pornhub, the world’s biggest porn site” dated November 3, 2019, which will be produced as **Exhibit P-15**;

20. MindGeek also hosts content for streaming and downloading, which depict intimate representations, including sexual acts, featuring persons who never consented to such publication;

21. MindGeek knows that the offending websites host non-consensual content for streaming and download including, but not limited to, the sexual abuse of children and intimate depiction of adults, who have not consented to the public dissemination of the content;

- 21.1. On October 29, 2019, it was reported in an online Jezebel’s article “Hidden Camera Clips Popped Up on Pornhub – and the Problem Won’t Go Away”, which will be produced as **Exhibit P-16**, that five videos of women showering and changing in a locker room at South Carolina’s Limestone College in the United States, without their knowledge or consent, were hosted on Pornhub, and despite alerts from parents, MindGeek only took down the videos once the police became involved;

- 21.2. Following these events, a civil lawsuit was launched by nine plaintiffs in South Carolina on March 4, 2020, against multiple defendants, including MindGeek. The lawsuit alleges that MindGeek did not take any steps to remove the offending content even though it knew that the content was non-consensual as a result of the take down notices that it received, profiting from the non-consensual content, as described in the Complaint, which will be produced as **Exhibit P-17**;
- 21.3. On January 24, 2020, it was reported in the Insider’s article “The US Navy wants to know who secretly uploaded videos of sailors to Porn Hub” that dozens of service members of the US Navy were secretly filmed while showering and the videos were uploaded to Pornhub, which will be produced as **Exhibit P-18**;
- 21.4. In this article, MindGeek, via a representative, stated that “*Here at Pornhub, we immediately remove any content that violates our terms of use as soon as we are made aware of it.*”, which is false;
22. Other examples described in public news articles include:
- a) Pornhub hosted a video of a 14-year-old girl being raped, as appears from the BBC News article “I was raped at 14, and the video ended up on a porn site” dated February 10, 2020 which will be produced as **Exhibit P-19**;
 - b) The mother of a missing 15-year-old girl discovered many videos of her daughter’s rape and sexual abuse on Pornhub, as appears from The New York Times article P-10 and the article from the Sun Sentinel titled “58 porno videos of 15-year-old girl led to Davie man’s arrest” dated October 23, 2019 which will be produced **Exhibit P-20**;
 - c) Pornhub hosted the video of a 14-year-old Indigenous girl’s sexual assault and torture for months, despite requests for the video’s removal;
23. These examples are described in an open letter to Justin Trudeau, Prime Minister of Canada, dated March 9, 2020, from a group of Canadian Members of Parliament and Senators, which stated in part as follows:

“ Dear Prime Minister,

[...]

Pornhub, owned by Montréal-based MindGeek, is the largest website in the world producing, making available and distributing sexually explicit content, with 42 billion visits and 6.8 million videos uploaded per year. It has come to our attention that some of this content contains the real exploitation of women

and minors. In several cases, Pornhub has either refused to remove such videos, or has failed to remove them in a reasonable timeframe.

An investigation late last year by the Sunday Times UK found “dozens” of illegal videos of child sexual exploitation on Pornhub within “minutes”. Some of the illegal content had been on the platform for more than three years. Following this investigation, PayPal cut off its services to Pornhub in November 2019.

Over the last few months, the media has highlighted additional examples of content featuring victims of child sexual exploitation, sex trafficking, and sexual assault being published on Pornhub including:

- A 15-year-old girl who had been trafficked and missing for a year was found after 58 videos of her rape and sexual abuse were discovered online, many on Pornhub.*
- Twenty-two females were lured into filming sex acts and the videos subsequently uploaded to Pornhub. The perpetrators have been charged with sex trafficking.*
- A 14-year-old indigenous girl’s sexual assault and torture were filmed and uploaded to Pornhub which hosted her videos for months despite repeated requests to remove the videos.*
- A 14-year-old girl was filmed being raped by a 49-year old woman and videos of her rape were uploaded to Pornhub.*
- A victim of domestic violence was sexually assaulted, and the videos of her abuse uploaded to Pornhub.*

Each time these videos are viewed-and many have hundreds of thousands of views-the victims are revictimized. This is deeply harmful to those exploited in these videos.

The ability for Pornhub, and other online companies, to publish this content, and in some cases to profit off crimes committed against children, victims of sex trafficking and sexual assault, is fundamentally contrary to any efforts to increase gender equality in Canada and protect women and youth from sexual exploitation.

In addition, these videos are available online because Pornhub verifies the email address of the account creator and does not require verification of the age or consent of each person featured in subsequent videos that are uploaded.

The Government of Canada has a responsibility to ensure that people who appear in sexually explicit content that is uploaded and published online by companies operating in Canada are not children, nor victims of human trafficking or sexual assault. Further, the Government of Canada has a responsibility to investigate those who produce, make available, distribute and sell sexually explicit content featuring victims of child sexual exploitation, sex trafficking, and sexual assault.

We, the undersigned Senators and Members of Parliament, call upon the Government of Canada to:

[...]

2. Ensure that MindGeek's activities are in compliance with Canadian law including, Bill C-22, an Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service, which came into force on December 8, 2011, and Bill C-13, the Protecting Canadians from Online Crime Act, which came into force on March 10, 2015; and

3. Take whatever other steps are necessary at the federal level to ensure that companies that sell, produce, make available or publish sexually explicit content be required to verify the age and consent of each individual represented in such material.

We are committed to working with your government to protect women and youth, particularly those who are victims of child sexual exploitation, sex trafficking, and sexual assault from further exploitation online and addressing this issue in a timely manner.

Thank you for your immediate attention to this matter.

Sincerely,

*Senator Julie Miville-Dechéne
Independent Senator for Quebec*

*Senator Kim Pate
Independent Senator for Ontario*

*John McKay, MP
Scarborough-Guildwood*

*Stuator Frances Lankin
Independent Senator – Ontario*

*Rosemarie Falk, MP
Battlefords- Lloydminster*

*Dr. Colin Carrie, MP
Oshawa*

*Arnold Viersen, MP
Peace River – Westlock*

*Cathay Wagantall, MP
Yorkton – Melville*

*Tom Kmiec, MP
Calgary Shepard”*

- 23.1. Pornhub also hosted the video of a 16-year-old girl which was viewed 2,447 times since its upload by a verified account on February 27, 2018, as appears from the ABC News article “Tuscaloosa man charged for producing porn with a minor, uploading it to Pornhub” dated September 16, 2020, which will be produced as **Exhibit P-21**;
24. [...];
- 24.1 [...];
25. [...]¹⁰;
26. [...]¹¹;
27. [...]¹²;
- 27.1. On December 11, 2020, the Standing Committee on Access to Information, Privacy and Ethics of the House of Commons (“**ETHI**”) adopted a motion to study the “Protection of privacy and reputation on platforms such as Pornhub”;
- 27.2. On December 23, 2020, the website Cuestionone reported that REDIM, the Network for the Rights of Children in Mexico, has denounced the presence of [...] **CSAM** [...] to MindGeek on the offending websites for many years, but never received any response, as appears from the original article in Spanish “Pornhub recibió denuncias desde México sobre pronografía infantil en su sitio y las ignoró” and an automated

¹⁰ (Moved to para. 32.31.9)

¹¹ (Moved to para. 32.31.10)

¹² (Moved to para. 32.31.11)

English translation generated by the website, which will be jointly produced as **Exhibit P-25**;

27.3. On February 2, 2021, the ETHI held its first meeting on the “Protection of privacy and reputation on platforms such as Pornhub” and heard the testimony of Serena Fleites and her lawyer, Michael Bowe. Ms. Fleites is a 19-year-old woman whose intimate videos, while she was 13 years old, were posted on Pornhub and were repeatedly reposted on Pornhub even after they were initially removed;

27.4. In her testimony, Serena Fleites explained that despite the videos stating her age and multiple comments pointing that she was a minor, the videos persisted being hosted on the offending websites. Ms. Fleites also explained that Pornhub did not deal with her takedown requests in good faith, thus prolonging her torment, because Pornhub earned significant profits by hosting the videos:

“Ms. Serena Fleites: Basically, when the videos were first uploaded online and I didn't want to tell my mom about them—and I pretended to be my mom—they would say, like, “Oh, well, it's not actually you in the video, so to provide proof that's your daughter and that she's underage, you're going to have to provide....” like, pictures of me next to some sort of identification. They would ask for all these different things. Even after I sent one picture next to whatever identification they asked for, they would ask for another picture next to a different sort of identification, and so on and so forth. They were just dragging out the process for so long even though it was very obvious it was a child in the video. Even if, say, it wasn't me in the video, they could still tell that was a child in the video, yet they were still dragging out this process. They didn't want to take the video down because it had, at that point, millions of views. It was bringing them ad revenue and clicks to their site. It would be at the top of Google for the searches.”

as appears from the transcript of the first meeting, which will be produced as **Exhibit P-26**;

27.5. Michael Bowe provided testimony describing further details of child pornography hosted on the offending websites:

“To drive home how real it is, let me give you just a few examples of other victims we've talked to and verified.

A girl was raped at 15, and a video was posted on Pornhub and distributed through a community. Pornhub refused to remove the video for three weeks, then said it had been removed when in fact it wasn't removed for another two months, with several hundred thousand additional views, downloads and distribution in that community.

A child younger than 10 was sold into trafficking and was the subject of child pornography for almost 10 years. Those videos were distributed on various MindGeek platforms where they could remain at least until later last year.

A 15-year-old was secretly filmed via computer hack and then extorted to do other videos. Those videos were posted on Pornhub with her personal information, distributed widely, including to her community and to her family, and subjected her to long-term abuse and stalking. When she raised the issue at Pornhub, it refused to search for the videos or take any other proactive steps to prevent their distribution. The trauma led her to consider suicide.

A woman was raped on videotape and it was distributed on Pornhub, including through her community.

A 17-year-old was secretly recorded by an underage boyfriend, and it was posted to Pornhub and distributed throughout her school community and to her family, subjecting her to harassment and extortion.

A woman was drugged and raped after meeting someone on a date. The rape was videotaped and posted on Pornhub. We believe it was sold on Pornhub by the person who posted it.

A 14-year-old was secretly recorded by her boyfriend, who posted the video to Pornhub and distributed it, again, through her school and community.

Child pornography posted on Pornhub of an individual had hundreds of thousands of views and an unknown number of downloads. When confronted, Pornhub failed to report it to the authorities. That's something I'll talk about in a second.

A 16-year-old was coerced into a sexual act that was videotaped and posted on Pornhub without her knowledge or consent.

A 16-year-old girl was trafficked by two American men who filmed the sexual acts as part of the trafficking. In fact, that was what she was offered for. Those acts were posted to Pornhub. This individual is aware of other women in that trafficking ring who were sold for the same purpose.

An underage girl was trafficked for years by a business colleague of her father's. Videos were monetized on Pornhub. She reported the incident, but the videos were not taken down for an extended period of time.

An underage girl attempted suicide multiple times and turned to drugs after videos were posted on Pornhub.”

as appears from his testimony before the ETHI on February 2, 2021, Exhibit P-26;

- 27.6. The second meeting of the ETHI on the “Protection of privacy and reputation on platforms such as Pornhub” was held on February 5, 2021;
- 27.7. [...];
- 27.8. [...];
- 27.9. [...];
- 27.10. [...];
- 27.11. [...];
- 27.12. [...];
- 27.13. [...];
- 27.14. [...];
- 27.15. [...];
- 27.16. [...];
- 27.17. [...];
- 27.18. On March 9, 2021, Rose Kalemba, the woman appearing in the BBC article, Exhibit P-19, submitted a written testimony to the ETHI recounting her story and the refusal of MindGeek to remove the video of her rape and assault, while she was 14 years old, for more than half a year, as appears from her brief submission to the ETHI, which will be produced as **Exhibit P-31**;
- 27.19. On April 3, 2021, a CTV News article described the story of a Canadian woman who found a video of her assault while she was unconscious on Pornhub, as appears from the article “‘I will always be someone's porn': One woman's struggle to remove all traces of her videotaped sexual assault” dated April 3, 2021, which will be produced as **Exhibit P-32**;
- 27.20. Despite finally removing the video from Pornhub, still images of the videos remained on search engines, which MindGeek did little to resolve, allowed it to attract visitors to its offending websites;

- 27.21. In April 2021, an article from La Presse highlighted the story of a woman from Sherbrooke who tried to have intimate images of herself removed from Pornhub after her ex-boyfriend uploaded them without her consent. Even with the help of the police, it took many requests to MindGeek to have the content removed, as appears from the article “J’ai voulu mourir” dated April 26, 2021, which will be produced as **Exhibit P-33**;
- 27.22. [...];
- 27.23. On June 17, 2021, the ETHI presented their report “Ensuring the Protection of Privacy and Reputation on Platforms such as Pornhub” to the House of Commons;
- 27.24. In its report, the ETHI indicates to be “*of the view that the onus to protect individuals depicted in CSAM and non-consensual content from violations of their privacy and reputation online should lie with the platform hosting that content. Canadians’ privacy rights and by extension, their safety and dignity, should outweigh any profit motives that such platforms may have.*”;
- 27.25. On July 19, 2021, an article from the Independent reported the story of a Chinese woman who discovered a video of herself on Pornhub filmed without her consent while she was underage, as appears from the article “Chinese woman who found her video on Pornhub creates app to help victims” dated July 19, 2021, which will be produced as **Exhibit P-36**;
28. Despite all of the above, non-consensual content remains on the offending websites;
- 28.0.1. During the year 2021, several lawsuits were started in the United States against MindGeek for similar allegations as those stated in this application for authorization;
- 28.0.2. On November 17, 2023, the United States District Court for the Central District of California, central division, issued an order granting a motion for class certification against some of the MindGeek entities, including the defendants Aylo Freesites Ltd. and 9219-1568 Quebec inc., as appears from the order which will be produced as **Exhibit P-49**;
- 28.0.3. On December 19, 2023, the United States District Court for the Northern District of Alabama, western division, issued a memorandum of opinion and order granting a motion for class certification against some of the MindGeek entities, including the defendants Aylo Freesites Ltd. and 9219-1568 Quebec inc, as appears from the order which will be produced as **Exhibit P-50**;
- 28.0.4. On December 19, 2024, the United States District Court for the Northern District of Alabama, western division, issued a memorandum of opinion and order denying the motion for summary judgment of the MindGeek entities, as appears from the order which will be produced as **Exhibit P-54**;

- 28.0.5. The MindGeek entities were seeking a dismissal of the Plaintiff's claim based on an alleged immunity as computer service provider under section 230 of the Communications Decency Act (CDA) in the US and that some of the named entities had no involvement with the possession of distribution of the non-consensual content, among other things;
- 28.0.6. Their request was denied, the Court finding that the MindGeek entities were not only service providers, but also content providers, since they materially contribute to the provision of CSAM and other non-consensual content by generating thumbnails and images, all revealed by undisputed facts provided by the parties, as appears from Exhibit P-54;
- 28.0.7. In relation with the California class certification order (P-49) and according to an article of La Presse dated March 14, 2024 "Des questions au sujet d'une faille potentielle », on February 15, 2024, the U.S. Federal Court filed a motion for a rogatory commission before the Superior Court of Montreal to examine MindGeek Principals and a former MindGeek employee, as appears from the article which will be produced as **Exhibit P-52**;

D) CAUSES OF ACTION

- 28.0.8. The plaintiff seeks to hold the defendants liable for their actions – and omissions - in failing to ensure that non-consensual content did not appear on the offending websites;
- 28.0.9. Throughout the class period, the defendants failed to take reasonable steps to prevent the widespread distribution of non-consensual content on the offending websites, despite the significant and well-known risk of harm to class members.
- 28.0.10. But for these actions and omissions, the non-consensual content would not have been available on the offending websites, and the class members, including the plaintiff, would not have suffered damages;
- 28.1. Most of [...] the activities relating to the offending websites took place, and still take place, in Montréal;
- 28.2. [...];
- 28.3. The MindGeek Principals, who were the key representatives who are responsible for the direction and operation of [...] the defendant 9219-1568 Québec Inc., reside in Quebec;

- 28.4. The MindGeek group operates a complex web of shell and sham companies, as described above, but its offices in Montréal are legitimate offices with hundreds of employees and potential witnesses, as appears from an article from La Presse titled “Porno et Impôts” dated October 10, 2016, which will be produced as **Exhibit P-37**;
- 28.5. Therefore, the harm suffered by the members stems from [...] actions or omissions that occurred in the province of Québec;
29. The availability of non-consensual content, including but not limited to, photos and videos of sexual abuse and sexual assault, including those of minors, on the offending websites is a direct and foreseeable result of those sites’ failure to elicit the consent of persons in the photos and videos and to comply with the applicable legal obligations;

a) The faults and liability of Aylo Freesites Ltd. and 9219-1568 Québec Inc.

- 29.1. As stated above, the defendant Aylo Freesites Ltd. owns and operates the offending websites, as appears from Exhibit P-53;
- 29.2. The defendant Aylo Freesites Ltd. was, and remains, contractually linked to the defendant 9219-1568 Québec Inc. through service agreements, as appears from Exhibit P-53;
- 29.3. Accordingly, Aylo Freesites Ltd. requests and receives services from 9219-1568 Québec Inc. Together, the defendants 9219-1568 Québec Inc. and Aylo Freesites Ltd. actively contribute to the availability of content provided on the offending websites;
30. Until [...] December 2020, MindGeek had no policies or procedures or seriously inadequate ones that were not enforced, to [...] ensure that each video or image had been obtained and uploaded with consent before being published;
- 30.1. As stated above, at no time since the inception of the offending websites was consent sought from the individuals depicted in the intimate content. The upload procedure did not require uploaders to provide any evidence that consent had been obtained from those portrayed;
- 30.2. It is both absurd and reckless for MindGeek to believe that the uploaders’ mere “assurances” could substitute for the actual consent of individuals depicted in the content, particularly given that MindGeek knew, or could not reasonably ignore, that the offending websites were rife with “revenge porn”, CSAM, and other non-consensual content;
- 30.3. This unverified content represented the lion’s share of the offerings on the offending websites. Particularly, in December 2020, approximately 10 million videos from

unverified users were removed from Pornhub, which was more than 80% of Pornhub's entire content, as appears from P-24;

30.4. Furthermore, one of the services provide by 9219-1568 Québec Inc. is content management, as appears from Exhibit P-53;

30.5. One of the ways in which 9219-1568 Québec Inc. manages content on the offending websites is through moderation. In fact, the company employs a group of workers know as "content formatters" who moderate content upstream, before it appears on the offending websites, in order to filter content that is non-consensual or otherwise non-compliant with the Terms of Service, as appears from Exhibits P-10, P-38 and P-54;

30.6. Thus, MindGeek exercises control over what content may or may not appear on the websites. It is MindGeek that ultimately determines which material will be made accessible to the public on the offending websites;

31. MindGeek did not employ enough properly trained content moderators to review the footage on the offending websites, notably for acts of sex trafficking, rape or underage persons;

32. The non-consensual content would not have been accessible to the public but for MindGeek's breaches of its duties owed to the Class members to securely and responsibly ensure that images and videos are posted with consent;

32.1. MindGeek has never implemented, and still does not have in place, an appropriate system to verify and confirm the consent and age of the people involved in the content hosted on the offending websites;

32.2. Before December 2020, anyone could upload, anonymously, content on the offending websites. MindGeek only asked the uploader to click a button or a series of buttons to "confirm" consent and the age of persons involved in the content;

32.3. [...];

32.4. [...];

32.5. [...];

32.6. [...];

32.6.1. [...];

- 32.6.2. [...];
- 32.6.3. [...];
- 32.7. [...];
- 32.8. Some of the alleged moderation activities took place in Montreal, at MindGeek's headquarters;
- 32.9. [...];
- 32.10. [...];
- 32.11. Further, MindGeek's alleged team of moderators was instructed to review videos in bad faith, as appears from an article in the Daily Mail titled "Our job was to find weird excuses not to remove them': Pornhub moderators, who watched 1,200 videos A DAY, reveal lenient guidelines at the site being sued for \$80m for 'profiting from sex trafficking'" dated December 17, 2020, a former moderator working in Montreal revealed moderators had to meet content quotas to be reviewed each day and that they needed to find excuses to let suspicious content through, which will be produced as **Exhibit P-38**;
- 32.12. Further evidence of the lax moderation practices in relation to content uploaded on Pornhub is described in the news show W5, broadcasted on April 3, 2021, on CTV, which will be produced as **Exhibit P-39**;
- 32.13. An article from the Globe and Mail described further bad faith moderation efforts by MindGeek, based on information provided by former employees of MindGeek:

"MindGeek will not say how many moderators it employs, however. There is a group of employees in Montréal, known as content formatters, who prepare material to go online and also screen user-uploaded videos for inappropriate material. Formatters were told a team in Cyprus first flagged videos that did not meet MindGeek's terms of service such as material depicting children.

But if the content is not professionally produced, determining the ages of those in user-uploaded videos and whether it's even consensual is ultimately impossible according to former content formatters interviewed by the Globe, whose tenures spanned from 2012 to 2020.

On a typical day, a formatter could review between 100 and 200 videos. They don't watch videos from start to finish, but instead click through at various points. The amount of videos employees were expected to review could be

overwhelming, and one said formatters had around two minutes with each one. Any extra time spent assessing whether something violated the company's guidelines created a risk of falling behind.

If they encountered videos that were clearly illegal, the content was quickly removed, formatters said. But difficulties arose if a video fell into a grey area, such as if it looked homemade or when trying to assess if someone is intoxicated, which would violate the terms of service. In cases where a content formatter was uncertain, a senior employee would make the decision.

Two former employees said that more often than not, managers favoured approving the videos, rather than removing them. Sometimes managers would spot a tattoo, and use that as evidence that a person was of legal age and presumably consenting.

Occasionally, employees flagged content so egregious they recommended contacting the police. But two former formatters said they were discouraged by managers from doing so. One was told not to bother, since uploaders are typically anonymous and unlikely to be identifiable.”

as appears from the Globe and Mail's article “Lifting the veil of secrecy on MindGeek's online porn empire” dated February 4, 2021, as appears from article, Exhibit P-10;

32.14. [...];

32.15. [...];

32.16. [...];

32.17. [...];

32.18. [...];

32.19. Instead of doing everything in their power to ensure that non-consensual content is not hosted on the offending websites, MindGeek profits from this content by way of advertisement, the sale of user data, premium memberships, etc.;

32.19.1. MindGeek's involvement in upstream content moderation demonstrates that it had knowledge of the non-consensual content that it nevertheless allowed to appear on the offending websites;

32.19.2. [Previously para. 32.36]

However, since 2015, the website cybertip.ca Canada's tipline to report the online sexual exploitation of children, received more than 2,600 reports of CSAM or sexual exploitation regarding the offending websites, as appears from the C3P brief submitted to the ETHI on February 18, 2021, which will be produced as **Exhibit P-44**;

- 32.19.3. In this brief, the C3P reports that "in some of the material in circulation [...] the child is often fully visible and identifiable" and that "in some instances, the actual name of the child is posted along with the abusive imagery";
- 32.19.4. This lackadaisical attitude from MindGeek toward non-consensual content was reflected in the conduct of its employees. Conversations between moderators demonstrate that they encountered CSAM every day and that they would only "fingerprint" content if it was "really bad cp [child pornography]". Video titles, which its moderators supposedly screen, included "Degraded Teen" and "Screaming Teen", as appears from Exhibit P-54;
- 32.19.5. One employee joked to another when a CSAM-identifying tool detected a CSAM video in April 2020: "you guys want to laugh;" "it caught[t] a cp video from 2009;" "a full-on cp video on the site for 11 years.", as appears from Exhibit P-54;
- 32.19.6. Supervision of moderators was likewise inadequate. When moderators were uncertain about whether a video should be removed, the matter was escalated to a senior employee, who "more often than not" approved the videos. Managers also discouraged employees from reporting egregious content to the police, as appears from P-54;
- 32.19.7. Supervisors would also reprimand employees who removed too much content that appeared to violate Terms of Service, as appears from Exhibit P-55;
- 32.19.8. Even when videos were taken down, no procedure prevented their subsequent re-upload. An former employee stated that he "often encountered videos that were uploaded again and again, no matter how many times [he] removed them", including revenge porn and sexual assault, even after numerous removal request from victims, as appears from Exhibit P-55;
- 32.19.9. It is therefore evident that the procedures implemented fell drastically short of any reasonable standard of diligence;
- 32.19.10. Even if MindGeek had implemented reasonable measures - which it did not - these measures could never substitute for obtaining the consent of the individuals depicted. Moderation is, by its nature, retrospective; by the time it is applied, the harm is already done;

- 32.19.11. Moreover, even when informed by users or victims of the presence of non-consensual content on the offending websites, MindGeek did not act in a timely manner to remove such content;
- 32.20. MindGeek is not diligent in removing non-consensual content. It ignores or delays responding to victims' takedown requests, causing them undue harm;
- 32.21. In instances where MindGeek does act on takedown requests concerning non-consensual content, it only disables the content in question. The page, the title, the tags and the descriptions are still displayed on the offending websites and remain accessible to the visitors to generate traffic and profits for MindGeek[...];
- 32.21.1. Therefore, MindGeek continued to profit from non-consensual content on the offending websites even when it complied with takedown requests, since vestiges of the non-consensual content remained accessible, thereby continuing to cause harm to class members;
- 32.21.2. MindGeek's practices also allowed content to remain indexed by external search engines, which continued to drive traffic to the offending websites and, consequently, increased its profits;
- 32.21.3. This conduct is illustrated by the experience of a Canadian victim. In 2020, she succeeded in having a video of her sexual assault, recorded while she was unconscious, removed, only to discover that the page remained accessible, including thumbnails depicting her naked, thus continuing to attract visitors and generate revenue for Pornhub, as appears from Exhibit P-32;
- 32.22. The removed non-consensual content is not deleted. It is kept on servers and sometimes reuploaded by MindGeek on the offending websites to make it look like the content was uploaded by users;
- 32.23. MindGeek also allowed users to reupload non-consensual content that was removed through the flag system or the Content Removal Request Form;
- 32.23.1. MindGeek allowed non-consensual content to be viewed, downloaded, and reposted on the offending websites for years. Its failure to remove such material within a reasonable timeframe allowed non-consensual content to accumulate hundreds of thousands of views, each view constituting a new instance of harm to class members, as appears from Exhibit P-19;
- 32.23.2. Many non-consensually distributed videos remained publicly accessible for months or even years before they were removed; some accumulated more than a million views. A 2020 audit revealed over 10,000 CSAM videos that had been viewed more than half a billion times before their removal, as appears from Exhibit P-54;

32.23.3. For years, MindGeek dragged its feet - or outright refused - to respond to requests seeking the removal of non-consensual content from Pornhub :

- the Network for the Rights of Children in Mexico had denounced the presence of CSAM on Pornhub to MindGeek for years prior to the December 4, 2020 purge, yet MindGeek never responded, as appears from Exhibit P-25;
- Victims faced numerous obstacles in seeking to have non-consensual content removed, and in many cases it could not be removed unless law enforcement intervened, as appears from Exhibits P-26, P-32 and P-33;

32.23.4. Instead of cooperating with advocacy groups and law enforcement, MindGeek attempted to bury the problem;

32.23.5. [Previously para. 32.39]

Indeed, the RCMP never received any direct report of sexual exploitation of minors from MindGeek in the last 10 years, as appears from La Presse article “Démonstration d’exploitation sexuelle juvénile Pornhub au-dessus des Lois” dated March 10, 2021, which will be produced as **Exhibit P-45**;

32.23.6. [Previously para. 32.40]

MindGeek claimed in the past that, despite the *Act respecting the mandatory reporting of Internet child sexual abuse and exploitation material by persons who provide an Internet service*¹³ in force since 2011, it did not need to report cases of CSAM to the RCMP for alleged jurisdictional reasons, as appears from the article, Exhibit P-45;

32.23.7. Yet, beginning in April 2020, amid growing public scrutiny, MindGeek began reporting content to the National Center for Missing and Exploited Children (NCMEC), an American organization, but continued not to report to the RCMP, as appears from Exhibits P-45 and P-54;

32.23.8. When cases involve Canadians, it is NCMEC – not MindGeek - that forwards the relevant information to the RCMP. Between June 2020 and March 2021, NCMEC referred 120 cases related to MindGeek to the RCMP, as appears from Exhibit P-45;

32.23.9. Moreover, the services provided by the defendant 9219-1568 Québec Inc. include the creation of tags. Users seeking to upload content must select from a list of tags generated by the algorithms of the offending websites to categorize the videos they wish to publish, as appears from Exhibit P-54;

¹³ S.C. 2011, c. 4.

- 32.23.10. These algorithms generated tags, categories, keywords and thumbnails that were indicative of non-consensual content. This system facilitated both the promotion of such content by uploaders and its discovery by users seeking it. Pornhub also created classifications and recommendations suggestive of CSAM such as “teen”. Its search engine recommend terms connoting CSAM such as “young tiny teen”, “extra small petite teen”, and even “exploited teen”. Pornhub offered playlists with names including “less than 18”, “the best collection of young boys”, and “under- -age”, as appears from Exhibits P-12 and P-54;
- 32.23.11. For example, some of their own tags and keywords were highly suggestive of CSAM (Tags such as “girlunder18” or “14yo” led to over 100,000 videos) or “revenge porn” (“ex-gf” or “revenge” tags were found on Pornhub¹⁴);
- 32.23.12. Its search engine recommends terms connoting CSAM such as “young tiny teen”, “extra small petite teen”, and even “exploited teen” and offer playlists with names including “less than 18”, “the best collection of young boys”, and “under- -age”., as appears from Exhibit P-12;
- 32.23.13. The defendants knew that keywords, titles, and tags suggestive of non-consensual content existed on the offending websites, yet they took no action;
- 32.23.14. The defendants therefore created and maintained categories alluding to non-consensual content in order to attract users and increase traffic and revenue on the offending websites;
- 32.23.15. Furthermore, the team of content formatters could review and modify the titles or tags selected by users so that the content would not overtly reveal its non-consensual nature, thereby assisting uploaders in circumventing MindGeek’s own Terms of Service, concealing the illegality of the content, and facilitating its continued presence on the offending websites, as appears from Exhibit P-54;
- 32.23.16. For example, an employee advised an uploader whose video had been deactivated that this was likely due of two tags suggestive of CSAM (“young” and “teenager”). The employee offered to verify this and to remove one of the tags so that the video could be restored, as appears from Exhibit P-54;
- 32.23.17. Additionally, as part of the services provided, thumbnail images associated with non-consensual content were generated to assist users in locating such content on the offending websites, as appears from Exhibit P-54;

¹⁴ L’empire du sexe: la grande enquête sur Pornhub, Les éditions du journal, 2025, p. 307.

32.23.18. Accordingly, MindGeek actively participated in the creation, organization, and presentation of the content on the offending websites by acting, in effect, as an editor of the platforms;

32.23.19. MindGeek also generated specific content recommendations for users, including recommendations leading to non-consensual content, based on the users' prior viewing history;

b) The faults and liability of the MindGeek Principals

32.24. MindGeek Principals are personally liable for the class members damages as administrators or managers of [...] 9219-1568 Québec Inc.;

32.24.1. Based on their titles alone, it is clear that the defendants Antoon and Tassillo were involved in the day-to-day management of 9219-1568 Québec Inc., serving respectively as CEO and COO;

32.24.2. As for the defendants Urman, he was involved in the management of the offending websites - specifically the video-sharing platforms – including oversight of content moderation and takedown requests, as appears Exhibit P-55;

32.24.3. The “tube site” model used by MindGeek is designed to ensure that as much content as possible is uploaded to the websites to maximize traffic and views, which in turn generate revenue and profits for MindGeek;

32.25. MindGeek Principals knowingly oversaw and managed MindGeek with a view to maximize revenues and profits, with knowledge or wilful blindness as to compliance with the law or ensuring that non-consensual content is absent or eradicated from the offending websites;

32.26. [...];

32.27. To the contrary, MindGeek Principals took active steps through the MindGeek corporate network to generate, acquire and diffuse non-consensual content, and profit from it, and to take active steps to shield profits and assets from victims;

32.28. MindGeek Principals knew that the offending websites were rife with non-consensual content and that non-consensual content was routinely uploaded, but they knowingly and wilfully failed to take the necessary measures to curtail this content because it would negatively impact revenues and MindGeek's search engine rankings as the largest pornographic website in the world;

- 32.29. MindGeek Principals ensured that content posted on the offending websites be continuously scrutinized to ensure MindGeek's high impressions in search engines to drive traffic to the offending sites to generate revenues. At the same time, they knew that this scrutiny did not extend to ensure that non-consensual content was removed;
- 32.30. MindGeek Principals ensured that reports of non-consensual content were assigned to low-level employees to ensure plausible deniability and to cast blame on others, knowing that these employees routinely allowed non-consensual content to remain on the offending websites;
- 32.31. The sole purpose of MindGeek Principals was to drive maximum traffic to the offending websites to generate revenues and to persist with the monetization of non-consensual conduct for MindGeek's benefit and the benefit of MindGeek Principals, with complete disregard for compliance with the law;
- 32.31.1. Indeed, MindGeek Principals acted in a highly secretive and opaque manner, preventing the public and putative class members from obtaining the information they require. By way of example, they :
- used false name to maintain anonymity;
 - avoided media appearances; and
 - act in a manner that made communication with them exceedingly difficult,
- as appears from Exhibits P-10 and P-36;
- 32.31.2. It is nearly impossible to find out who represent MindGeek. Individuals publicly described as "Pornhub vice-president", such as Blake White and Corey Price, are occasionally quoted in media reports, yet it remains unclear whether these individuals actually exist, as appears from Exhibits P-10, P-16 and P-18;
- 32.31.3. This opaque mode of operation was also criticized by the former owner of the MindGeek group, Fabian Thylman, who stated: "MindGeek today ... is a lot more hidden than Manwin was [...].] They went completely under the radar, making themselves obscure and not really showing anyone what it is, and who it is, and who owns it.", as appears from Exhibit P-10;
- 32.31.4. In fact, before the sale to the defendants Antoon and Tassillo, Thylman did not avoid publicity. This changed once the company was renamed MindGeek under the new ownership, as appears from Exhibit P-10;

- 32.31.5. Notwithstanding this, it is clear that the instructions given to employees, including imposed guidelines for content removal, unattainable moderation quotas, and directives discouraging employees from reporting non-consensual content to the police, were unreasonable and fostered the continued presence of non-consensual content on the offending websites. These directives originated from management and executives, such as Antoon, Tassillo, and Urman, and were issued complete disregard for the victims, as evidenced by Exhibits P-10, P-12, and P-38;
- 32.31.6. Through their inaction, omissions, and failure to implement appropriate safeguards, MindGeek Principals played a direct role in the conduct of the defendant companies, allowing such content to be uploaded to and remain on the offending websites;
- 32.31.7. The policies and practices established by MindGeek Principals were consistently driven by profit. Only after the bombshell article (P-12) did MindGeek finally take steps, albeit flawed, to prevent non-consensual content from being uploaded to the offending websites;
- 32.31.8. They were able to take these steps in a few days, showing how easily this could have been done years earlier. This clearly demonstrates a lack of willingness to act to protect the class members;
- 32.31.9. [Previously para. 25]

They waited until December 2020 to block unverified users from uploading new content on Pornhub and to suspend millions of videos uploaded by non-verified users across its platforms, including Pornhub, as appears from the The Globe and Mail article “MindGeek suspends millions of videos uploaded by non-verified users across its platforms, including Pornhub” dated December 14, 2020 which will be produced as **Exhibit P-24;**

- 32.31.10. [Previously para. 26]

They should have taken these and other steps (many of which involve minimal and easily implementable processes) far earlier, in 2007, to ensure that non-consensual content was not posted on its offending websites;

- 32.31.11. [Previously para. 27]

Instead, it continued to make available its enormous pool of user-supplied free pornography offered to millions of Internet visitors, rather than make meaningful changes to ensure consent that would have threatened its profitable business model and generated significant revenue and profit from non-consensual intimate images and videos hosted on its offending websites;

- 32.31.12. Even with these new measures in place, non-consensual content continues to appear on the offending websites. The December 2020 purge applied only to content uploaded by unverified users. As a result, non-consensual content uploaded by verified users remains available on the offending websites;
- 32.31.13. Moreover, as stated above, verified users have a two-week period to provide verification documentation, during which the content remains accessible and continues to cause harm to class members who did not consent;
- 32.31.14. This demonstrates that MindGeek Principals consistently prioritized profits by allowing the greatest possible volume of content to remain on the websites - at the expense of, and in blatant violation of the rights of class members;
- 32.32. [...];
- 32.33. [...];
- 32.34. [...];
- 32.35. [...];
- 32.36. [...]¹⁵;
- 32.37. [...];
- 32.38. [...];
- 32.39. [...]¹⁶;
- 32.40. [...]¹⁷;
- 32.41. *[Previously para. 41]*

By its actions and omissions, and in the duties owed to the Class members, MindGeek has breached and violated Class members' rights and is responsible for the damages suffered, such breaches including;

¹⁵ (Moved to para. 32.19.2)

¹⁶ (Moved to para. 32.23.5)

¹⁷ (Moved to para. 32.23.6)

- a) failing to verify the consent and age of the persons depicted on the offending websites;
- b) failing to prohibit non-verified users to post content before December 2020;
- c) failing to have effective policies and procedures to avoid the dissemination of non-consensual content on its offending website;
- d) failing to have an effective takedown system in place by, among other things, failing to remove the non-consensual content from all websites and failing to remove the information associated with such content, once informed;
- e) failing to effectively and completely takedown images and videos posted on related websites or licensed for use on third party websites;
- f) failing to take steps to prevent non-consensual content from being re-posted on a particular website and/or from being posted on any of the other websites owned, operated and/or managed by MindGeek or licensed for use on third party websites;
- g) failing to advise Class members of the existence and availability of technology to prevent non-consensual content from being re-posted on a particular website and/or from being posted on any of the other websites owned, operated and/or managed by MindGeek;

c) The legal framework

- 33. It is a fundamental human right to have control over the dissemination of intimate images and videos of oneself. The right to privacy is internationally recognized in multiple instruments, including article 12 of the *Universal Declaration of Human Rights*, article 17 of the *International Covenant on Civil and Political Rights*, article 16 of the *Convention on the Rights of the Child*, article 8 of the *European Convention on Human Rights*, and article 11 of the *American Convention on Human Rights*;
- 34. Every province in Canada has similar legislation and rules of law that protects any individual's right to inviolability, dignity and to the protection of his or her privacy, among others;
- 35. In Québec, articles 3, 10, 35, 36, 37 and 1457 of the *Civil Code of Québec*, articles 1, 4 and 5 of the *Charter of human rights and freedom* and the *Act respecting the protection of personal information in the private sector*, CQLR c. P-39.1 protect the individual's rights to inviolability, to the safeguard of one's dignity, honor and reputation and to respect one's private life;

36. In several common law provinces, legislation has been enacted establishing a statutory cause of action for violation of privacy, which apply to individuals residing in those jurisdictions:
- British Columbia: *Privacy Act*, RSBC 1996, c. 373;
 - Manitoba: *Privacy Act*, CCSM c. P125;
 - Saskatchewan: *Privacy Act*, RSS 1978, c. P-24;
 - Newfoundland: *Privacy Act*, RSNL 1990, c. P-22;
37. Several provinces have also enacted legislation respecting civil remedies for the non-consensual distribution of intimate images, which apply to individuals residing in those jurisdictions:
- Manitoba: Intimate Image Protection Act, CCSM, c. 187;
 - Alberta: Protecting Victims of Non-Consensual Distribution of Intimate Images Act, RSA 2017, c. P-26.9;
 - Saskatchewan: The Privacy Amendment Act, 2018, SS 2018, c. 28;
 - Nova Scotia: Intimate Images and Cyber-protection Act, SNS 2017, c. 7;
 - Newfoundland: Intimate Images Protection Act, RSNL 2018, c. I-22;
38. The court may take judicial notice of the law of other provinces or territories of Canada and of that of a foreign state or require that proof be made of it;
39. In addition, the *Criminal Code*, R.C.S., 1985, c. C-46 and *An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service*, S.C. 2011, c. 4 apply to this case;
40. Among other things, it is an offence contrary to s. 162.1 of the *Criminal Code* to knowingly publish, distribute, transmit, sell or advertises an intimate image of a person knowing that the person did not give their consent, or being reckless as to whether or not that person gave their consent;
41. [...]¹⁸;

¹⁸ (Moved to para. 32.41)

- 41.1. [...];
- 41.2. [...];
- 41.3. The laws and provisions on privacy, inviolability, dignity, honor, and reputation are rules of public order and principles of basic human rights applicable to every person;
- 41.4. [...];
- 41.5. MindGeek is in no way exempt from, nor immunized against, these legal obligations;
- 41.6. MindGeek is much more than a service provider, acting as an intermediary and therefore cannot rely on sections 22 and 27 of the Act to establish a legal framework for information technology¹⁹ to evade liability;
- 41.7. MindGeek operates as an editor, given that it moderates and edits the content appearing on its platforms, as demonstrated above, as well as it re-uploads content from a website to another. By exercising editorial control over what content is permitted on the websites, it makes discretionary decisions regarding publication. This level of control disqualifies it from being characterized as a mere service provider;
- 41.8. Moreover, U.S. courts have found that MindGeek appeared, at first glance, to be acting as a content provider rather than solely as a provider of an interactive computer service, as appears from Exhibit P-54;

E) DAMAGES

42. The foregoing had devastating consequences for class members. The circumstances give rise to serious and far-reaching consequences on the Class members' personal lives, the full extent of which has yet to be determined. Beyond the loss of privacy, class members suffered additional harm, including bullying, harassment, and severe psychological distress, in some cases leading to suicide attempts. The spread of their intimate images is immeasurable, ongoing and unstoppable; the Internet never forgets;
- 42.1. Once content is posted the offending websites sites, it exists permanently on the Internet. There is no way to ensure the content removed from the offending websites will not resurface. The permanent loss of control over intimate images and videos has devastating effects on class members, including, among others but not limited to:

¹⁹ RLRQ, c. C-1.1.

- a. loss of time and money trying to get the non-consensual content removed from the offending websites;
 - b. living in a state of constant fear and anxiety that the non-consensual content could resurface at any time;
 - c. interference with social, occupational, or educational functioning, including loss of income;
 - d. negative effect on interpersonal relationships;
 - e. reputational harm;
 - f. bullying or harassment;
 - g. prolonged and severe psychological harm including depression and PTSD, sometimes requiring lengthy and costly therapy follow-ups;
 - h. revictimization and reliving past trauma; and
 - i. Suicidal ideation or attempted suicide.
- 42.2. The more people to whom the image is exposed, the greater the invasion of privacy, and the greater the harm caused to the class member is;
43. On behalf of herself and the Class members, the Applicant claims pecuniary and non-pecuniary damages and compensation, with respect to:
- 1. Breach of the *Universal Declaration of Human Rights*, article 17 of the *International Covenant on Civil and Political Rights*, article 16 of the *Convention on the Rights of the Child*, article 8 of the *European Convention on Human Rights*, and article 11 of the *American Convention on Human Rights*;
 - a. Breach of the Charter of Human Rights and Freedoms, CQLR c C-1, art. 1, 4 and 5;
 - b. Breach of the *Privacy Act*, RSBC 1996, c. 373, s. 1(1); breach of the *Privacy Act*, CCSM c. P125, s. 2(1); breach of the *Privacy Act*, RSS 1978, c. P-24, s. 2; breach of the *Privacy Act*, RSNL 1990, c. P-22, s. 3; and breach of the *Civil Code of Quebec* SQ 1991, c. 64 art. 3, 10, and 35-37;

- c. Breach of the *Intimate Image Protection Act*, CCSM, c. 187, s. 11(1); breach of the *Protecting Victims of Non-Consensual Distribution of Intimate Images Act*, RSA 2017, c. P-26.9, s. 3; breach of the *Privacy Amendment Act*, 2018, SS 2018, c. 28, s. 7.3(1); breach of the *Intimate Images and Cyber-protection Act*, SNS 2017, c. 7, s. 2; and breach of the *Intimate Images Protection Act*, RSNL 2018, c. I-22, s. 4(1);
 - d. Breach and loss of privacy including, but not limited to, the publication of embarrassing or private facts, without consent, publicly placing a person in a false light, and intrusion upon seclusion;
 - e. Breach of copyright and appropriation of likeness;
 - f. Defamation and damage to reputation;
 - g. Negligence; and
 - h. Inducing breach of confidence;
44. On behalf of herself and the Class members, the Applicant also claims aggravated, punitive, and exemplary damages, the particulars of which will be provided prior to trial;

II. FACTS GIVING RISE TO THE APPLICANT'S CLAIM

45. The facts on which the Applicant's personal claim against MindGeek is based, are as follows;
46. The Applicant is an adult female residing in Ontario;
47. As a child, the Applicant was a victim of sexual abuse, some of which was recorded and subsequently published online, including on the offending websites;
48. The Applicant is aware of a video depicting her abuse as a child that was disseminated on Pornhub's website. The video depicts the abuse of the Applicant when she was approximately 12 years old;
49. Indeed, between September and October 2019, she received a private message on her Twitter account from a man she knew, which said something to the effect that she was appearing on a link, which was also contained in the message;

50. The Applicant did not see this message until January of 2020;
51. Once she saw the message, the Applicant clicked on the link which took her to the video hosted on Pornhub;
52. While the videos behind a pay screen are not accessible to non-paying users, the link allows anyone who clicks on it to see the video title, a still image from the video and the comments underneath;
53. On the basis of the image, the Applicant was able to identify herself, and also identify the particular incident of abuse it depicted;
 - 53.1. The comments under the video mentioned that it had been posted before;
 - 53.2. The comments under the video also provided links to other videos of the Applicant and when she clicked on those links, she could each time be able to view a still image from the video and the comments underneath;
 - 53.3. In all these still images, she was between 12-14 years old;
54. Following the events described here above, the Applicant filled out a Content Removal Request Form to request removal of the video provided on the Defendants' website under the contact support section;
 - 54.1. The Form asked her to provide her name, email address and to choose a subject from a drop-down list of issues;
 - 54.2. Under the drop-down list, the Applicant selected "content removal request" and, under the comment section, she provided the original URL link sent to her, and stated that more videos of her were linked in the comments under that video, which she also wanted removed;
55. All the Applicant received was an automated response, 4-5 business days later and the Defendants have never followed up in any manner with the Applicant afterwards;
 - 55.1. Since the discovery of the images on Pornhub, the Applicant has felt as though every aspect of her privacy and dignity have been stripped away;
 - 55.2. Knowing that the images were viewed and probably downloaded from Pornhub by thousands of people around the world, and can never be deleted, took a severe mental toll on the Applicant. She lost a sense of safety or ability to trust others;

- 55.3. The Applicant continues to experience shame, disgust, and fear regarding the dissemination of the images by the defendants. She lives in fear of being recognized in the content by family members, friends, coworkers or strangers;
- 55.4. The Applicant made multiple suicide attempts as a result of the mental distress caused by the content posted on Pornhub. The Applicant incurred expenses for therapy as a result of this mental distress;

III. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY EACH CLASS MEMBER

56. The facts giving rise to the personal claim of each Class member against MindGeek are as follows:
- a) Each Class member has, at the relevant time, appeared in non-consensual content disseminated by MindGeek, on one or more offending websites it owns or hosts, directly or indirectly, for streaming and download;
 - b) Each Class member's rights to inviolability, to the safeguard of dignity, honor and reputation and to respect for one's private life were violated by MindGeek;
 - c) MindGeek owed duties to the Class members to protect their rights to inviolability, to the safeguard of one's dignity, honor and reputation and to respect for one's private life;
 - d) MindGeek and the MindGeek Principals who directed the actions of MindGeek breached its duties to the Class members, and took active steps to cause harm to the Class members, all in the in the province of Québec;
 - e) All the damages suffered by the Class members are a direct and proximate result of MindGeek's conduct and the breaches of its duties;
 - f) In consequence of the foregoing, the Applicant and Class members are justified in claiming the payment of all damages and losses they suffered and continue to suffer due to MindGeek's conduct;
 - g) Each Class member was the victim of an unlawful and intentional interference with his fundamental rights, thus giving rise to punitive damages;

IV. COMPOSITION OF THE CLASS

57. The composition of the 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, with respect to provision 575 (3) of the *Code of civil procedure*, for the following reasons:

- a) It is expected that there are numerous Class members;
- b) The names and addresses of people who can be part of the Class are unknown to the Applicant;
- c) The facts alleged in the foregoing paragraphs make it difficult, if not impossible, to contact each Class member to obtain a warrant or to proceed by way of joinder;

57.1. Since the filing of the application for authorization on December 29, 2020, until September 10, 2024:

- Eight hundred and eighty-three (883) Canadian individuals contacted the undersigned lawyers, or Sotos LLP in Ontario. These individuals are from Québec, and the rest of Canada;
- Eleven (11) potential Class members from Québec had contacted La Sortie, an organization based in Montréal and designed to help and support victims of sex trafficking, as appears from a letter dated October 19, 2021, from Ronald Lepage, director of La Sortie, which will be produced as **Exhibit P-46**. At the date of this application, two others person had contacted La Sortie;
- One (1) class member testified, orally, before the ETHI;

57.2. As mentioned in paragraphs [...] 32.19.2 of the present application, more than 2,600 reports of CSAM and other non-consensual content were made to cybertip.ca since 2015;

57.3. [...];

57.4. Other potential class members were also identified in the different articles produced in the section here above;

57.5. The number of class members in Canada is far larger than the Class members identified to date. However, it is impossible for the undersigned lawyers to estimate the number of Class members;

58. The class action is the only procedural vehicle that will enable all victims of MindGeek to access justice and get compensation for the harm suffered;
59. It would be impossible, as well as disproportionate, to require each individual member of the Class to institute an individual action, whereas a class action allows an economy of resources by having one judge hear all of the evidence and render a decision binding upon the defendants and all Class members;

V. QUESTIONS

60. The identical, similar, or related questions of law or fact between each member of the Class and MindGeek which the Applicant wishes to have decided by the class action are:
- a) Do the offending websites facilitate the dissemination of non-consensual content?
 - b) Did the defendants breach any of its duties to the Class members?
 - c) Did the defendants violate the Class members' rights to inviolability, to the safeguard of their dignity, honor and reputation and to respect for their private life?
 - d) Did the defendants fail to abide by the rules of conduct incumbent upon it, according to the circumstances, usage, or law, so as not to cause injury to the Class members, thereby causing injuries to the Class members as a result of its fault?
 - e) Are the defendants liable to pay any damages or compensation to the Class members?
 - f) If so, what kind of damages are commonly suffered by the Class members?
 - g) May the Court determine a minimum quantum of damage that the Class members suffered in common and/or set parameters for the damages suffered by the Class members, based on the gravity of the defendants' conduct and the consequence thereof?
 - h) Did the defendants unlawfully and intentionally interfere with the fundamental rights of the Class members?

- i) If so, what is an appropriate amount of punitive damages to which the defendants should be condemned in order to sanction and deter the conduct in question?
- j) Is it appropriate for punitive damages to be recovered collectively?

61. The questions of law or of fact which are particular to each of the members of the Class are:

- a) Did each Class member appear in non-consensual content published by the defendants, on one or more offending websites it owns or hosts, for streaming and download, that depicts the sexual abuse of children, the sexual assault of non-consenting adults, and/or non-consensual intimate images of adults who have not consented to the public dissemination of such content?
- b) What is the quantum of the pecuniary and non-pecuniary damages suffered by each of the Class members?

VI. NATURE OF THE ACTION

62. The action that the Applicant wishes to institute for the benefit of the Class members is a class action in civil liability for compensatory and punitive damages against the defendants;

VII. CONCLUSIONS SOUGHT

63. The conclusions sought by the Applicant against the defendants are as follows :

GRANT the Class Action;

CONDEMN the defendants to pay pecuniary and non-pecuniary damages temporarily evaluated at \$500 million, to be enhanced, plus interest at the legal rate as of the date of the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative*, as well as the additional indemnity provided by the law in virtue of article 1619 C.c.Q.;

CONDEMN the defendants to pay punitive damages temporarily evaluated at \$100 million, to be enhanced, plus interest at the legal rate as of the date of the *Application for Authorization to Institute a Class Action and to Obtain the Status of*

Representative, as well as the additional indemnity provided by the law in virtue of article 1619 C.c.Q.;

[...]

ORDER collective recovery of the punitive damages claimed herein, and the liquidation of the Class members claims pursuant to articles 595 to 598 C.C.P.;

[...]

CONDEMN the defendants to pay to Class members the costs of distributing the funds to Class members;

CONDEMN the defendants to any further relief as may be just and proper;

THE WHOLE with the legal costs, including the cost of all exhibits, reports, expertise, and publication of notices;

A) The Applicant requests the status of representative of the Class

64. Applicant, who seeks to obtain the status of representative, is able to adequately represent the Class members, for the following reasons:
- a) That person is a Class member, as she appeared in non-consensual content disseminated by MindGeek, on website(s) it owned or operated, directly or indirectly;
 - b) That person has the capacity and interest to fairly and adequately protect and represents the interest of the members;
 - c) That person acts in good faith and has instituted this action for the sole goal of having her rights, as well as the rights of other Class members recognized and protected so that they may be compensated for the damages that they have suffered as a consequence of MindGeek's conduct;
 - d) That person understands the nature of the action;
 - e) That person is available to dedicate the necessary time for an action and to collaborate with Class members; and
 - f) That person does not have any conflict of interests with the other Class members on the issues common to the Class members;

B) The Applicant suggests that this class action be exercised before the Superior Court of justice in the district of Montreal

65. The Applicant suggests that the class action should be brought before the Superior Court of the district of Montréal because MindGeek has its principal place of business in the judicial district of Montréal;
66. The Applicant adds that the Superior Court of Québec, district of Montréal, has competence over the proposed [...] national Class;
67. The present motion is well-founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

<p>GRANT the present [...] <i>Fifth amended Application for Authorization to Institute a Class Action and to Obtain the Status of Representative</i>;</p> <p>AUTHORIZE the institution of a Class Action;</p> <p>ASCRIBE the Applicant the status of representative of the persons included in the Class herein described as:</p> <p>[...] All natural persons in Canada whose intimate videos or photos, (including child sexual abuse material, images of sexual assault and non-consensual intimate images) were posted without their consent on a website owned or operated by the defendants, [...] such as www.pornhub.com, www.redtube.com, www.youporn.com, www.tube8.com, www.pornmd.com, www.spankwire.com, www.extremetube.com, www.thumbzilla.com, www.keezmovies.com, www.gaytube.com, www.porniq.com, www.peeperz.com, www.sextube.com, www.xtube.com,</p>	<p>ACCUEILLIR la présente <i>Demande pour obtenir l'autorisation d'exercer une action collective et pour obtenir le statut de représentante modifiée 5</i>;</p> <p>AUTORISER l'exercice d'une action collective;</p> <p>ATTRIBUER à la demanderesse le statut de <i>représentante des personnes incluses dans le groupe ci-après décrit</i> :</p> <p><u>Toutes les personnes physiques résidant au Canada, dont des vidéos ou photos intimes (y compris du matériel d'abus sexuels d'enfants, des images d'agression sexuelle et des images intimes non consensuelles) ont été publiées sans leur consentement sur un site Web détenu ou exploité par les défendeurs, tels que www.pornhub.com, www.redtube.com, www.youporn.com, www.tube8.com, www.pornmd.com, www.spankwire.com, www.extremetube.com, www.thumbzilla.com, www.keezmovies.com, www.gaytube.com, www.porniq.com, www.peeperz.com, www.sextube.com, www.xtube.com,</u></p>
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www.youporngay.com,
www.mofosex.com,
www.pornxs.com, www.sextube.com,
until the date of the authorization
judgement;

IDENTIFY the principal questions of fact and law to be dealt with collectively as the following:

- a) Do the offending websites facilitate the dissemination of non-consensual content?
- b) Did the defendants breach any of its duties to the Class members?
- c) Did the defendants violate the Class members' rights to inviolability, to the safeguard of their dignity, honor, and reputation and to respect for their private life?
- d) Did the defendants fail to abide by the rules of conduct incumbent upon them, according to the circumstances, usage, or law, so as not to cause injury to the Class members, thereby causing injuries to the Class members as a result of their fault?
- e) Are the defendants liable to pay any damages or compensation to the Class members?
- f) If so, what kind of damages are commonly suffered by the Class members?
- g) May the Court determine a minimum quantum of damage that the Class members suffered in common and/or set parameters for the damages suffered by the Class members,

www.youporngay.com,
www.mofosex.com, www.pornxs.com,
www.sextube.com, jusqu'à la date du
jugement d'autorisation;

IDENTIFIER comme suit les principales questions de faits et de droit qui seront traitées collectivement :

- a) Les Sites Web en cause facilitent-ils la diffusion de contenus non consensuels ?
- b) Les défendeurs ont-ils manqué à leurs obligations envers les membres du groupe ?
- c) Les défendeurs ont-ils violé les droits à l'inviolabilité des membres du groupe, à la protection de leur dignité, leur honneur et leur réputation et au respect de leur vie privée ?
- d) Les défendeurs ont-ils omis de respecter les règles de conduite qui leur incombaient, en fonction des circonstances, des usages et de la loi, de façon à ne pas causer de préjudice aux membres du groupe, causant ainsi des préjudices aux membres du groupe en conséquence de leur faute ?
- e) Les défendeurs sont-ils redevables de dommages-intérêts ou de compensation aux membres du groupe ?
- f) Si c'est le cas, quel type de dommages les membres du groupe ont-ils généralement subis ?
- g) La Cour peut-elle déterminer un quantum minimum des dommages-intérêts que les membres du groupe ont subis et/ou fixer des paramètres pour les dommages subis par les membres du groupe, fondés sur la gravité de la

<p>based on the gravity of the defendants' conduct and the consequence thereof?</p> <p>h) Did the defendants unlawfully and intentionally interfere with the fundamental rights of the Class members?</p> <p>i) If so, what is an appropriate amount of punitive damages to which the defendants should be condemned in order to sanction and deter the conduct in question?</p> <p>j) Is it appropriate for punitive damages to be recovered collectively?</p> <p>IDENTIFY the conclusions sought by the class action to be instituted as being the following:</p> <p>GRANT the Class Action;</p> <p>CONDEMN the defendants to pay pecuniary and non-pecuniary damages temporarily evaluated at \$500 million, to be enhanced, plus interest at the legal rate as of the date of the <i>Application for Authorization to Institute a Class Action and to Obtain the Status of Representative</i>, as well as the additional indemnity provided by the law in virtue of article 1619 C.c.Q.;</p> <p>CONDEMN the defendants to pay punitive damages temporarily evaluated at \$100 million, to be enhanced, plus interest at the legal rate as of the date of the <i>Application for Authorization to Institute a Class Action and to Obtain the Status of Representative</i>, as well as the additional indemnity provided by the law in virtue of article 1619 C.c.Q.;</p>	<p><u>conduite des défendeurs et les conséquences qui en ont résulté ?</u></p> <p>h) <u>Les défendeurs ont-ils porté atteinte de manière illicite et intentionnelle aux droits fondamentaux des membres du groupe ?</u></p> <p>i) <u>Si c'est le cas, quel est le montant approprié des dommages-intérêts punitifs auquel les défendeurs devraient être condamnés de manière à sanctionner et décourager la conduite en question ?</u></p> <p>j) <u>Est-il approprié de recouvrer collectivement des dommages-intérêts punitifs ?</u></p> <p>IDENTIFIER comme suit les conclusions que cherche à établir l'action collective :</p> <p><u>ACCUEILLIR l'action collective;</u></p> <p><u>CONDAMNER les défendeurs au paiement de dommages-intérêts pécuniaires et non pécuniaires, temporairement évalués à la somme de 500 millions de dollars, à parfaire, en plus des intérêts au taux légal calculés à partir de la date de la <i>Demande d'autorisation pour exercer une action collective et pour obtenir le statut de représentante</i>, ainsi que l'indemnité additionnelle prévue par la loi en vertu de l'article 1619 du <i>Code civil du Québec</i>;</u></p> <p><u>CONDAMNER les défendeurs au paiement de dommages-intérêts punitifs, temporairement évalués à la somme de 100 millions de dollars, à parfaire, en plus des intérêts au taux légal calculés à partir de la date de la <i>Demande d'autorisation pour exercer une action collective et pour obtenir le statut de représentante</i>, ainsi que l'indemnité additionnelle prévue par la loi</u></p>
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<p>[...]</p> <p>ORDER collective recovery of the punitive damages claimed herein, and the liquidation of the Class members claims pursuant to articles 595 to 598 C.C.P.;</p> <p>[...]</p> <p>CONDEMN the defendants to pay to Class members the costs of distributing the funds to Class members;</p> <p>CONDEMN the defendants to any further relief as may be just and proper;</p> <p>THE WHOLE with the legal costs, including the cost of all exhibits, reports, expertise, and publication of notices;</p> <p>DECLARE that all Class members that have not requested their exclusion from the Class in the prescribed delay will be bound by any judgement to be rendered on the Class action to be instituted;</p> <p>FIX the delay of exclusion at 60 days from the date of the publication of the notice to Class members;</p> <p>ORDER the publication of a notice to Class members pursuant to article 591 C.C.P.;</p> <p>PERMIT the use of pseudonyms for the identification of the Applicant and of the Class members in the proceedings, exhibits, and/or all other documents filed into the Court record, in order to protect their identities;</p>	<p><u>en vertu de l'article 1619 du Code civil du Québec;</u></p> <p><u>ORDONNER le recouvrement collectif des dommages-intérêts punitifs réclamés et la liquidation des créances des membres du groupe en vertu des articles 595 à 598 du Code de procédure civile;</u></p> <p><u>CONDAMNER les défendeurs à payer aux membres du Groupe les coûts de distribution des fonds aux membres du Groupe;</u></p> <p><u>CONDAMNER les défendeurs à toute autre mesure de redressement juste et appropriée;</u></p> <p><u>LE TOUT avec les frais de justice, y compris les frais relatifs à l'ensemble des pièces, rapports, expertises et publication des avis;</u></p> <p><u>DÉCLARER que tous les membres du Groupe qui n'ont pas demandé à être exclus du Groupe dans le délai prescrit seront liés par tout jugement rendu sur l'action collective à engager;</u></p> <p><u>FIXER le délai d'exclusion à 60 jours après la date de publication de l'avis aux membres du groupe;</u></p> <p><u>ORDONNER la publication d'un avis aux membres du groupe en vertu de l'article 591 du Code de procédure civile;</u></p> <p><u>PERMETTRE l'emploi de pseudonymes pour l'identification de la demanderesse et des membres du groupe dans les procédures, pièces à l'appui et/ou tous les autres documents déposés au dossier de la Cour, afin de protéger leurs identités;</u></p>
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THE WHOLE with costs, including the costs of all publications of notices and expert reports.

LE TOUT avec les frais de justice, y compris les frais de toutes les publications des avis et des rapports d'expert.

Québec, April 1st, 2026

Siskinds, Desmeules, Avocats

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CANADA
PROVINCE DE QUÉBEC
DISTRICT OF MONTREAL
(Class Actions)
COUR SUPERIOR COURT

NO : 500-06-001115-209

JANE DOE

Applicant

c.

9219-1568 QUÉBEC INC. & ALS.

Defendants

**FIFTH AMENDED APPLICATION FOR
AUTHORIZATION TO INSTITUTE A CLASS
ACTION AND TO OBTAIN THE STATUTS OF
REPRESENTATIVE
(as of April 1st, 2026)
(Sections 571 C.C.P. and following)**

N/D : 67-256 BB-6852 Casier 15

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