

CANADA

PROVINCE OF QUÉBEC

N° : 755-06-000007-225

SUPERIOR COURT

(Class Action Division)

B.

Plaintiff

v.

LES FRÈRES MARISTES

-and-

ŒUVRES RIVAT (formerly LES
FRÈRES MARISTES IBERVILLE)

-and-

FONDS ARTHUR-CARON

-and-

FONDS BEDFORD

-and-

FONDATION MISSIONS MARISTES

-and-

ŒUVRE VIE NOUVELLE (formerly LES
FRÈRES MARISTES DE QUÉBEC)

Defendants

**NOTICE TO MEMBERS CONCERNING THE AUTORISATION OF A CLASS ACTION
AGAINST THE MARIST BROTHERS CONGREGATION
NOTICE OF MAY 31, 2023**

**IF YOU HAVE BEEN SEXUALLY ASSAULTED BY A RELIGIOUS MEMBER OF THE
RELIGIOUS CONGREGATION KNOWN AS THE MARIST BROTHERS, THIS NOTICE
MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.**

1. Take notice that by Judgement rendered on January 24, 2023, the Superior Court of Quebec authorized a class action on behalf of the victims of sexual assault perpetrated by the religious congregation The Marist Brothers;
2. The individuals concerned by this class action are the following:

“All individuals who were sexually assaulted by a religious member of the religious congregation known by the name The Marist Brothers at any place in Quebec, including but not limited to any institution,

training facility, school, college, recreational facility, recreation center, camp, residence, place of worship (the “Group”).

The Group excludes persons who are members and who have not excluded themselves from the class action Association of the friends of the Patro Lokal of St-Hyacinthe vs. The Marist Brothers et al, court file number: 750-06-000004-140, namely all persons, as well as their heirs and assigns, who were physically, sexually or psychologically abused by any religious member or employee of the religious congregation known as the Marist Brothers while attending or being housed at the Patro Lokal housing resource in St-Hyacinthe, between 1970 and 1986."

3. **The class action is authorized against the various entities through which the religious congregation THE MARIST BROTHERS have operated in Quebec. Thus, the defendants are: LES FRÈRES MARISTES, ŒUVRES RIVAT (formerly LES FRÈRES MARISTES IBERVILLE), FONDS ARTHUR-CARON, FONDS BEDFORD, FONDATION MISSION MARISTES and ŒUVRE VIE NOUVELLE (formerly LES FRÈRES MARISTES DE QUÉBEC);**
4. **In the case of this class action, the principal questions of fact or law that will be collectively addressed are the following:**
 - a) **Did the religious members of The Marist Brothers commit sexual assaults on the members of the Group?**
 - b) **Are the Defendants, who are the multiple faces of the Institute, responsible for the sexual assaults perpetrated by the Marist Brothers?**
 - c) **Are the Defendants solitarily responsible?**
 - d) **Can compensatory damage parameters be established for Class Members? If so, what are they?**
 - e) **Did the Defendants intentionally infringe on the rights of Class members protected by the Charter of Human Rights and Freedoms?**
 - f) **From which date can punitive damages be claimed?**
 - g) **What is the quantum of punitive and exemplary damages to be recovered collectively, the whole to punish and deter the Defendants' conduct?**

5. The conclusions sought in relation to the above issues are as follows:

ACCEPT the Plaintiff's action;

ORDER the Defendants jointly and severally to pay to the Plaintiff the sum of \$450,000 as non-pecuniary damages, with interest from the date of service of the Motion for Authorization to Institute a Class Action and to Obtain the Status of a Representative, as well as the additional indemnity provided for by law from that date;

ORDER the Defendants jointly and severally to pay to the Plaintiff the sum of \$500,000 as monetary damages, with interest from the date of service of the Motion for Authorization to Institute a Class Action and to Obtain the Status of a Representative, as well as the additional indemnity provided by law from that date;

ORDER the Defendants jointly and severally to pay a total of \$20,000,000 in punitive and exemplary damages on behalf of the Class, with interest from the date of service of the Motion for Authorization to Institute a Class Action and to Obtain the Status of a Representative, and additional statutory damages from that date;

ACCEPT the class action on behalf of all members of the Group;

DECLARE THAT:

- a) **The Defendants are jointly and severally liable for non-pecuniary damages suffered by Class members as a result of the sexual assaults, the quantification and recovery of which will occur at the individual claims stage;**
- b) **The Defendants are jointly and severally liable for monetary damages suffered by Class members as a result of the sexual assaults, including loss of income or earning capacity and out-of-pocket expenses, the quantification and recovery of which will occur at the individual claim stage;**

ORDER individual recovery of Class Members' claims for compensatory damages pursuant to the provisions set forth in Sections 599 through 601 *C.C.P.*;

ORDER the collective recovery of punitive and exemplary damages in accordance with the provisions of articles 595 to 598 *C.C.P.*

THE WHOLE with legal fees, including all expert fees, exhibits and notices to members.

6. The representative in this class action is "B.", whose name and personal information are covered by a confidentiality order issued by the Court. The class action will be brought in the judicial district of Iberville (St-Jean);
7. Class Members will be bound by any judgment entered and will be entitled to the benefit of any court-approved settlement agreement in the class action unless they opt out. It is not necessary for a member to opt in to the class action in order to be bound by the judgments to be entered or to benefit from any court-approved settlement agreement, if any.
8. Prior to opting out, it is strongly recommended that a Class Member contact Class Counsel at the contact information below to be properly informed of his or her rights and to fully understand the legal impacts of opting out. A Class Member who wishes to opt out must do so within sixty (60) days of this notice, which is by July 30, 2023, as follows:
 - a) A member who has not already commenced an individual lawsuit against the defendants seeking compensation for sexual assault-related injuries may opt out by notifying the Clerk of the Superior Court of the District of Iberville (St-Jean), all in accordance with Article 580 of the *Code of Civil Procedure*;
 - b) A member who has already filed an individual lawsuit against the defendants seeking compensation for sexual assault-related injuries that would be available to the judgment in the class action shall be deemed to exclude himself or herself if he or she does not discontinue his or her individual action before the expiration of the exclusion period.
9. A class member may have his or her intervention accepted by the court if it is considered useful to the class;
10. A member of the class action group, other than the class representative of intervenor, cannot be ordered to pay court costs;
11. The members of the class action are invited to communicate with the Attorneys for the Group for more information on the class action and to be advised of their rights. All communications are free, confidential, and protected by professional secrecy:

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12. The Court has authorized the use of pseudonyms for the identification of Plaintiff "B." and the members of the group in the proceedings, exhibits and any other document produced in the Court file in order to protect their identity.

This notice has been authorized by the Honourable Sylvain Lussier, Judge of the Superior Court of Quebec