

C A N A D A

PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL

S U P E R I O R   C O U R T  
(Class Action Division)

No.: 500-06-001295-241

**BRIAN TIXADOR**

Plaintiff

c.

**THE ATTORNEY GENERAL OF QUÉBEC**

Defendant

**NOTICE CONCERNING THE AUTHORIZATION OF A CLASS ACTION AGAINST  
THE ATTORNEY GENERAL OF QUÉBEC**

If you have been held in preventive detention on any date since February 19, 2021,  
while awaiting trial, and you have not been separated at all times from prisoners  
serving a sentence:

**You should read this notice**

On June 11, 2024, the Superior Court of Québec authorized a class action against the Attorney General of Québec on behalf of the following individuals:

**“Any person detained in Québec since February 19, 2021 in a correctional facility awaiting the outcome of their trial (while not serving a prison sentence in another case) and who has not been kept apart, until final judgment, from prisoners serving a sentence.”**

All individuals who fall within this definition are automatically members of the class without having to take any steps to register (the “**Members**”).

The class action seeks monetary compensation for the damages suffered by the class members, in addition to \$25 million in punitive and exemplary damages.  
The class action will be instituted in the judicial district of Montreal, in the file bearing number 500-06-001295-241.

## QUESTIONS OF LAW AND FACT TO BE DEALT WITH COLLECTIVELY

The questions of fact and law that will be dealt with collectively in the class action are the following:

- a) Did the Defendant systematically violate the Class members' right to be kept apart from Prisoners pursuant to section 27 of the *Charter of human rights and freedoms*?
- b) Where does the obligation under section 27 of the *Charter of human rights and freedoms* extend to in the correctional facilities, and does it apply to the transport of members outside the correctional facilities, for example, to the courthouse?
- c) In the affirmative, are Class members entitled to compensatory damages?
- d) Did the Defendant unlawfully and intentionally infringe the rights of the Class members protected by the *Charter of human rights and freedoms*?
- e) In the affirmative, should the Defendant be ordered to pay punitive damages under section 49 paragraph 2 of the *Charter of human rights and freedoms*?
- f) What is the appropriate award of punitive damages to punish and deter the Defendant's conduct?

## CONCLUSIONS SOUGHT

The conclusions sought for the benefit of Members are the following:

**GRANT** the action of Plaintiff Brian Tixador;

**GRANT** the class action on behalf of all Class members;

**ORDER** the Defendant Attorney General of Québec, in its capacity as representative of the Ministère de la Sécurité publique, to pay to the Plaintiff Brian Tixador an amount of \$20,000 in damages and to each of the Class members an amount of \$20,000 in damages per stay in custody, with interest at the legal rate plus the additional indemnity provided for by law since the date of filing of the application for authorization to institute a class action;

**ORDER** the Defendant Attorney General of Québec, in its capacity as representative of the Ministère de la Sécurité publique, to pay a global amount of \$25,000,000 in punitive damages, with interest at the legal rate plus the additional indemnity provided for by law;

**ORDER** collective recovery;

**THE WHOLE WITH LEGAL COSTS**, including expert fees and fees for notices to Class members.

## **THE RIGHT TO OPT OUT**

If you are a Member, you do not need to do anything to benefit from the class action. Members will be able to benefit from and shall be bound by any judgment to be rendered in the context of the class action.

If you do not wish to be included in the class action, you may opt out by notifying the clerk of the Superior Court of the district of Montreal. You have until October 14, 2024 to do so.

If you choose to opt out, you will not be able to benefit from the class action, if there is a favourable judgment or out-of-court settlement.

If you have already filed an individual legal action having the same object as this class action, you are deemed to have opted out of the class action if you do not withdraw your individual action within sixty (60) days of the date of this notice.

## **INTERVENTION**

A Member may apply to the Court for leave to intervene in the class action if the Court is of the opinion that their intervention is useful to the class.

## **COSTS**

Members (other than the representative or an intervener) cannot be ordered to pay legal costs.

## **ADDITIONAL INFORMATION**

For any questions relating to the class action and/or your rights, please contact the Members' lawyers:

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**All communications are free, confidential, and covered by solicitor-client privilege.**

**Notice date: September 14, 2024**

The publication of this notice has been authorized by the Honourable Donald Bisson, J.C.S.