

CLASS ACTION AGAINST CITY OF MONTRÉAL
IF YOU HAVE BEEN ARRESTED OR DETAINED ON JUNE 7, 2012 ON
NOTRE-DAME STREET BETWEEN
DES SEIGNEURS AND RICHMOND IN MONTREAL

SUPERIOR COURT
(Class action)
CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
NO.: 500-06-000634-127

MARCEL SÉVIGNY
Petitioner

v.

CITY OF MONTRÉAL
Respondent

NOTICE TO THE MEMBERS
(Section 1006 C.C.P.)

1. Take notice that on August 22, 2014, a judgment of the Superior Court of Quebec authorized the institution of a class action against City of Montréal on behalf of persons who are part of the following group:

“Any person who was detained by the Service de police de la City of Montréal on June 7, 2012 on Notre-Dame street between des Seigneurs and Richmond in Montreal, around 6:00 p.m.”

2. The class action authorized by said judgment will be brought in the district of Montreal.
3. The status of representative for this class action was granted to Mr. Marcel Sévigny.
4. The principal questions of fact and law to be dealt with collectively are as follows:
 - Did the agents of the respondent infringe the constitutional and/or quasi-constitutional rights of the persons who were detained, contrary to the *Charter of human rights and freedoms* and to the *Canadian Charter of rights and freedoms*? If so, which rights were infringed?
 - Are the agents of the respondent liable for the moral injury suffered during the aforementioned event?
 - Is the respondent liable for the injury caused by its agents?
 - Should damages be awarded? If so, what amount should be awarded?
 - Should exemplary damages be awarded for abuse of right and for violation of fundamental rights contrary to the *Charter of human rights and freedoms* and to the *Canadian Charter of rights and freedoms*? If so, what amount should be awarded?
 - Is there causation between the faults committed by the agents of the respondent and the injury suffered by the members of the group?
5. The conclusions sought in relation to the above questions are as follows:

- ORDER the respondent to pay the amount of five hundred dollars (\$500) in damages, with interest at the legal rate plus the additional indemnity provided for under section 1619 of the *Civil Code of Quebec* from the date of service and the amount of one thousand dollars (\$1000) in exemplary damages, with interest at the legal rate plus the additional indemnity provided for under section 1619 of the *Civil Code of Quebec* from the date of judgment, to every person who has suffered an infringement of their right to liberty, security and inviolability of their person as a result of their arrest and detention because of the police intervention of June 7, 2012 on Notre-Dame street between des Seigneurs and Richmond in Montreal, around 6:00 p.m.;
 - ORDER the respondent to pay the amount of five hundred dollars (\$500) in damages, with interest at the legal rate plus the additional indemnity provided for under section 1619 of the *Civil Code of Quebec* from the date of service and the amount of one thousand dollars (\$1000) in exemplary damages, with interest at the legal rate plus the additional indemnity provided for under section 1619 of the *Civil Code of Quebec* from the date of judgment, to every person who has suffered an infringement of their right to freedom of opinion and to freedom of peaceful assembly as a result of their arrest and detention because of the police intervention of June 7, 2012 on Notre-Dame street between des Seigneurs and Richmond in Montreal, around 6:00 p.m.;
 - THE WHOLE with costs, including notice fees and expert fees, if applicable;
6. Please take notice that the amounts claimed could be amended.
 7. The class action instituted by the petitioner on behalf of the members of the group is an action in damages based on extracontractual liability under civil law and a claim for remedy under the *Charter of human rights and freedoms* and the *Canadian Charter of rights and freedoms*, including a claim for exemplary damages.
 8. Any member who is part of the group and who does not request his or her exclusion from the group in the manner described below will be bound by any judgment in this class action.
 9. The date after which a member will not be able to request his or her exclusion from the group (except with special authorization) has been fixed at **ninety (90) days** from the publication of this notice in the newspapers on December 6th, 2014.
 10. A member who has not yet brought a personal suit can request his or her exclusion from the group by notifying the clerk of the Superior Court of the district of Montreal by registered or certified mail before the expiry of the time limit for exclusion.
 11. Any member of the group who has brought a suit which the final judgment on the class action would decide is deemed to have requested his or her exclusion from the group if he or she does not discontinue said suit before the expiry of the time limit for exclusion.
 12. A member of the group cannot be called upon to pay the costs of the class action.

13. The court can admit the intervention of a member if it is of opinion that it is useful to the group. An intervening member can be subjected to an examination on discovery if the respondent requests it. A non-intervening member can only be subjected to such an examination if the court finds it necessary.
14. To be a member of the group:

If you wish to be included in the class action, you do not have to do anything.
Except with special authorization, any member who is part of the group will be bound by the judgment in this class action unless he or she requests his or her exclusion.

If you wish to **request your exclusion** from this class action, you must notify the clerk of the Superior Court of the district of Montreal by registered or certified mail at:

1, rue Notre-Dame Est
Montréal (Québec)
H2Y 1B6

Re : Sévigny v. City of Montréal
File : 500-06-000634-127

The exclusion notice must be filed at the latest on the ninetieth (90th) day from the date of publication of this notice by the newspapers on December 6th, 2014.

PLEASE ACT ACCORDINGLY.

Montreal, December 1st 2014

Attorneys for the representative and the group :

MELANÇON MARCEAU GRENIER ET SCIORTINO
1717, boulevard René-Lévesque Est, bureau 300
Montréal (Québec) H2L 4T3
Téléphone: 514-525-3414
Télécopieur: 514-525-2803
<http://www.mmgs.qc.ca/>
RLAURIN@MMGS.QC.CA

PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT.

A new notice will be published when final judgment is rendered.