

CLASS ACTION AGAINST CITY OF MONTRÉAL

IF YOU HAVE BEEN ARRESTED OR DETAINED ON MARCH 22, 2013 ON ST-TIMOTHÉE STREET, NEAR THE INTERSECTION WITH DE MAISONNEUVE BOULEVARD (NEAR THE SHELL GAS STATION)

SUPERIOR COURT
(Class action)
CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
NO.: 500-06-000665-139

BERNICE CHABOT-GIGUÈRE
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 arrested or detained in the kettle used by the Service de police de la City of Montréal on March 22, 2013 on St-Timothée street, near the intersection with de Maisonneuve boulevard, around 6:15 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 Ms. Bernice Chabot-Giguère.
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 arrested and detained, contrary to the *Charter of human rights and freedoms*, the *Canadian Charter of rights and freedoms* and the *International Covenant on Civil and Political Rights*?
 - Did the agents of the respondent commit an abuse (or abuses) of right or other faults toward the members of the group?
 - Did the faults committed by the agents of the respondent cause injury to the members of the group?
 - Are the agents of the respondent liable for the bodily, moral and material injury suffered by the members of the group during the aforementioned event?
 - Is the respondent liable for the injuries caused by its agents?
 - Should damages be awarded to compensate the injuries suffered by the members of the group? If so, what amount would be appropriate?

- Should exemplary damages be awarded for abuse of right and violation of fundamental rights per the *Charter of human rights and freedoms* and the *Canadian Charter of rights and freedoms*? If so, what amount would be appropriate?

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

- GRANT the action of petitioner on behalf of all members of the group;
- ORDER the respondent to pay the amount of two thousand and five hundred dollars (\$2500) in damages and the amount of two thousand and five hundred dollars (\$2500) in exemplary damages to any person arrested during the kettle used by the Service de police de la City of Montréal on March 22, 2013 on St-Timothée street, near the intersection with de Maisonneuve boulevard, around 6:15 p.m., the whole with interest plus the additional indemnity provided for under section 1619 of the *Civil Code of Quebec* from the date of service;
- ORDER the respondent to pay the amount of two thousand and five hundred dollars (\$2500) in damages and the amount of two thousand and five hundred dollars (\$2500) in exemplary damages to any person detained during the kettle used by the Service de police de la City of Montréal on March 22, 2013 on St-Timothée street, near the intersection with de Maisonneuve boulevard, around 6:15 p.m., the whole with interest plus the additional indemnity provided for under section 1619 of the *Civil Code of Quebec* from the date of service;
- ORDER the respondent to pay the amount of two thousand and five hundred dollars (\$2500) in damages and the amount of two thousand and five hundred dollars (\$2500) in exemplary damages to any person whose fundamental rights were violated during the kettle used by the Service de police de la City of Montréal on March 22, 2013 on St-Timothée street, near the intersection with de Maisonneuve boulevard, around 6:15 p.m., the whole with interest plus the additional indemnity provided for under section 1619 of the *Civil Code of Quebec* from the date of service;
- ORDER the respondent to pay the amount of five hundred dollars (\$500) in damages and the amount of five hundred dollars (\$500) in exemplary damages to any person who was cited into court following the issuance of a statement of offence under the *Code of Penal Procedure*, CQLR c. C-25.1 with respect to an infraction to the *By-law concerning the prevention of breaches of the peace, public order and safety, and the use of public property*, Consolidated By-laws of the City of Montréal, c. P-6, for having been found in the kettle used by the Service de police de la City of Montréal on March 22, 2013 on St-Timothée street, near the intersection with de Maisonneuve boulevard, around 6:15 p.m., the whole with interest plus the additional indemnity provided for under section 1619 of the *Civil Code of Quebec* from the date of service;
- ORDER the collective recovery of the claims;
- ORDER the individual liquidation of the claims of the members pursuant to sections 1037 to 1040 of the *Code of civil procedure*;
- ORDER the respondent to pay every member of the group, including the petitioner, the amount corresponding to his individual claim, with interest plus the additional

indemnity provided for under section 1619 of the *Civil Code of Quebec* from the date of service;

- THE WHOLE with costs, including notice fees, expert fees and fees of the administrator, 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 : Chabot-Giguère v. City of Montréal
File : 500-06-000665-139

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 :

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PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT.

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