

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

(Class Action)
SUPERIOR COURT

NO: 500-06-000805-164

MUSTAPHA MAHMOUD

Applicant

-vs-

LA SOCIÉTÉ DES CASINOS DU QUÉBEC INC.,
legal person, having its head office at 500
Sherbrooke street West, Montreal, district of
Montreal, Province of Quebec, H3A 3C6

Defendant

**APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION
AND TO APPOINT THE STATUS OF REPRESENTATIVE PLAINTIFF
(ARTICLE 571 AND FOLLOWING C.C.P)**

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN AND FOR THE
DISTRICT OF MONTREAL, YOUR APPLICANT STATES AS FOLLOWS:**

I. GENERAL PRESENTATION

A) THE ACTION

1. Applicant wishes to institute a class action on behalf of the following class, of which he is a member, namely:

Every consumer, pursuant to the terms of Quebec's Consumer Protection Act (the "**CPA**"), who, since August 12th, 2013 (the "**Class Period**"), purchased any food or beverages from the Casino de Montréal, the Casino de Charlevoix, the Casino de Mont-Tremblant and/or of the Casino du Lac-Leamy, and who

was charged a higher price than that advertised on the menu;
or any other class to be determined by the Court.

(hereinafter referred to as the “Class”)

B) THE PARTIES

2. Applicant is a criminal defence attorney and a member in good standing of the *Barreau du Québec*;
3. Applicant is a consumer within the meaning of the *CPA*;
4. Defendant, *la Société des casinos du Québec inc.* (hereinafter the “**SCQ**”), is a subsidiary of Loto-Québec (a state-owned enterprise), responsible for the day-to-day management of Quebec’s four licensed casinos, as it appears from an extract of the enterprise’s information statement from the enterprise register (CIDREQ), Applicant disclosing **Exhibit P-1**;
5. Defendant is authorized to operate and manage the following four casinos in the province of Quebec:
 - a) **Casino de Montréal**, situated at 1 Avenue du Casino, Montreal, H3C 4W7;
 - b) **Casino du Lac-Leamy**, situated at 1 Boulevard du Casino, Gatineau, J8Y 6W3;
 - c) **Casino de Charlevoix**, situated at 183 Rue Richelieu, La Malbaie, G5A 1X8;
 - d) **Casino de Mont-Tremblant**, situated at 300 Chemin des Pléiades, Mont-Tremblant, J8E 0A7;
6. In the course of its business Defendant also manages several bars, restaurants and cabarets (all located within the aforementioned casinos), notably those located in the Casino de Montréal, including: (i) “*Valet de Carreau*”; (ii) “*La Dame de cœur*”; (iii) “*Le Roi de pique*”; and (iv) “*Bar Poker*”;

II. CONDITIONS REQUIRED TO AUTHORIZE THIS CLASS ACTION AND TO APPOINT THE STATUS OF REPRESENTATIVE PLAINTIFF (SECTION 575 C.C.P.):

1) THE FACTS ALLEGED APPEAR TO JUSTIFY THE CONCLUSIONS SOUGHT

7. On **Saturday, May 14th, 2016**, Applicant and several of his friends went for a night out at the Casino de Montréal;

8. Applicant and his friends arrived to the Casino de Montréal around 10:00 p.m. that Saturday evening;
9. Applicant went to the casino that night to socialize with his friends (Applicant very rarely gambles, and when he does he will budget approximately \$20-\$40 for the night);
10. Applicant and his friends stayed at the Casino de Montréal until approximately 2:00 a.m. the following day, **Sunday, May 15th, 2016**;
11. On **Sunday, May 15th, 2016**, at around 1:07 a.m., Applicant and his friends went to the “*Valet de carreau*” bar in the Casino de Montréal, located next to the dance floor at the main entrance level;
12. After consulting the bar’s menu, Applicant ordered two (2) “**Bloody Caesar**” drinks (which he saw advertised at \$5.75 plus taxes) and one (1) “**Virgin Caesar**” drink for his friends and himself from the *Valet de carreau* bar, Applicant disclosing his receipt as **Exhibit P-2**;
13. The prices advertised by the Casino de Montréal for a “*Bloody Caesar*” is reproduced below, the whole as is appears from a copy of the *Valet de carreau* bar’s menu, Applicant disclosing the two-sided menu as **Exhibit P-3**:

	FRIDAY-SATURDAY	SUNDAY TO THURSDAY
Bloody Caesar	\$7.25 (plus taxes)	\$5.75 (plus taxes)

14. Applicant purchased the drinks on **Sunday, May 15th, 2016**, as it clearly appears from the *Valet de carreau* receipt, Exhibit P-2;
15. **May 15th, 2016, was a Sunday**, as it appears from a copy of the 2016 *Gazette Officielle du Québec* calendar,¹ Applicant disclosing the calendar as **Exhibit P-4**;
16. The price advertised by the Defendant at the *Valet de carreau* bar (as well as at the other bars at the Casino de Montréal) for a Bloody Caesar purchased on a **Sunday** is **\$5.75 plus taxes**, as it clearly appears from the Defendant’s menu, Exhibit P-3, a portion of which is reproduced below:

¹ <http://www2.publicationsduquebec.gouv.qc.ca/documents/gazette/pdf/calendriers/gazette-p1-complet-2016.pdf>



17. According to paragraph **c of section 224 CPA**, it is a prohibited business practice for any merchant to, by any means whatever, charge, for goods or services, a higher price than that advertised;
18. Defendant commits prohibited business practices as defined in the *CPA*;
 - (i) **Applicant's claim for a reduction of his obligation (paragraph c of section 224 and paragraph c of section 272 CPA)**
19. Defendant unlawfully charged Applicant, on Sunday, the higher "Friday-Saturday" price of **\$7.25 plus taxes**, instead of the **\$5.75 plus taxes** price advertised for Sundays;
20. Applicant (and likely others) also gave a gratuity of 15% based on the higher amount of \$16.66 appearing on his receipt (15% gratuity on \$16.66 = **\$2.50**), instead of on the advertised amount of \$13.22 (15% gratuity on \$13.22 = **\$1.98**);
21. Quebec consumer law is a matter of public order;

22. Defendant operates its bars in the province of Quebec by unlawfully derogating from the *CPA* and is therefore in violation of paragraph c of section 224 *CPA*;
23. Consequently, Applicant is entitled to demand the reimbursement of the surplus paid, itemized as follows:
- **\$16.66** (price paid for two Bloody Caesars)² - **\$13.22** (price advertised)³ = **\$3.44**
 - **\$2.50** (gratuity paid on price charged) - \$1.98 (gratuity on advertised price) = **\$0.52**
- Total: \$3.96**

(ii) Applicant's claim for punitive damages (paragraph c of s. 224 and s. 272 *CPA*)

24. Upon receiving his receipt, Applicant immediately asked his bartender about the pricing discrepancies;
25. Applicant requested from his bartender that he be charged the lower price advertised for Sundays (because it was Sunday), but was told by his bartender that all casinos in the province of Quebec are programmed to automatically charge the Saturday price until 3:00 a.m. on Sunday, and that the Sunday price only goes into effect on Sunday at 11:00 a.m.;
26. It is reasonable for Applicant to suggest that Saturday evenings are the busiest nights for the Casino de Montréal and its bars (both in terms of traffic from tourists/locals and in terms of revenue);
27. Loto-Québec is a state-owned enterprise and the Defendant, as a subsidiary of Loto-Québec, ought to lead by example in respecting laws in force in the province of Quebec, which it does not;
28. This nonchalance on the part of the Defendant is in and of itself an important reason for this Court to enforce measures that will punish the SCQ, as well as deter and dissuade other entities from engaging in similar reprehensible conduct to the detriment of Quebec consumers;
29. The punitive damages provided for in section 272 *CPA* have a preventive objective, that is, to discourage the repetition of such undesirable conduct (even more so when committed by a state-owned enterprise);
30. Not only does the SCQ violate the *CPA* by charging consumers the higher price into

² \$7.25 plus GST/PST = \$8.33 (Applicant purchased two Bloody Caesars for a total of \$16.33).

³ \$5.75 plus GST/PST = \$6.61 (Applicant purchased two Bloody Caesars for what should have been a total of \$13.22).

Sunday morning, they refused to credit the Applicant even as he brought the prohibited business practice to their attention;

31. The SCQ's violation is intentional;
32. The SCQ demonstrated through its behavior that it was more concerned about its bottom line than about respecting consumers' rights under the *CPA*;
33. Considering the whole of the SCQ's conduct at the time of and after the violations, the record shows that the SCQ:
 - a) displays ignorance by programming its computers so that the more expensive Saturday price is charged through Sunday morning;
 - b) was careless by not charging the Applicant the correct amount once the unlawful amount was brought to their attention;
 - c) was negligent overall with respect to its obligations and consumers' rights under the *CPA*;
34. In these circumstances, Applicant's claim for punitive damages, in an amount to be determined, is justified;

2) THE CLAIMS OF THE MEMBERS OF THE CLASS RAISE IDENTICAL, SIMILAR OR RELATED ISSUES OF LAW OR FACT:

35. The claims of every member of the Class are founded on very similar facts to the Applicant's claim;
36. Every member of the Class purchased a beverage from the Defendant **on a Sunday** at an unlawfully inflated price;
37. The prohibited practices committed the SCQ was virtually identical vis-a-vis each Class member (the only variable being the specific beverage purchased);
38. The term "day" (or "jour" in French) is defined by Me Hubert Reid in the 5th edition of the "*Dictionnaire de droit québécois et canadien 2015*" as follows:⁴

Jour (n.m.)

*Espace de temps de vingt-quatre heures, **de minuit à minuit**, servant à la computation des délais qui se calculent par jour et non par heure. [our emphasis in bold].*

⁴ <http://dictionnaireid.caij.qc.ca/recherche#q=jour&t=edictionnaire&sort=relevancy&m=search>

39. *An Act Respecting Liquor Permits, (Loi sur les permis d'alcool, CQLR c P-9.1)* provides at its section 59 as follows (English and French versions reproduced):

59. *A permit authorizing alcoholic beverages to be sold or served for consumption on the premises may be used every day, from 8:00 a.m. until 3:00 a.m. the following morning.*

However, the sale of alcoholic beverages, for take out or delivery, authorized by the restaurant sales permit may take place only during the period between 8 a.m. and 11 p.m...

59. *Un permis autorisant la vente ou le service de boissons alcooliques pour consommation sur place peut être exploité tous les jours, de huit heures à trois heures le lendemain.*

Toutefois, la vente de boissons alcooliques, pour emporter ou livrer, autorisée par le permis de restaurant pour vendre ne peut avoir lieu que durant la période comprise entre huit heures et vingt-trois heures.

[our emphasis underlined in bold].

40. The *Larousse* French dictionary defines the term “***lendemain***” as:

Le jour qui suit immédiatement celui dont on parle, situé dans le passé ou le futur : Il avait différé jusqu'au lendemain la décision à prendre.

41. Section 59 of *An Act Respecting Liquor Permits* confirms that drinks sold between midnight and 3:00 a.m. are in fact sold on the following day (i.e. “*le lendemain*” ou *le jour qui suit immédiatement celui dont on parle*);
42. On Sundays, the Defendant has the obligation to sell its drinks at the “Sunday” advertised price;
43. Consequently, the Defendant defaults on its obligation to sell the goods at the advertised price, every time that it charges a Class member the Saturday price, when it is in fact Sunday;
44. The SCQ fails in its obligation not to charge a higher price than that advertised for its beverages (in French “***exiger pour un bien un prix supérieur à celui qui est annoncé***”), pursuant to paragraph c of section 224 CPA;
45. By reason of the SCQ’s unlawful conduct, Applicant and members of the Class have suffered damages, which they may collectively claim against the SCQ;
46. Each member of the Class has suffered damages equivalent to the difference

between the more expensive Saturday price and the less expensive Sunday price;

47. In taking the foregoing into account, all members of the Class are justified in claiming the sums which represent the difference between the Saturday price and the Sunday price (including the higher gratuity), as well as punitive damages;
48. All of the damages to the Class members are a direct and proximate result of the Defendant's misconduct;
49. Individual questions, if any, pale by comparison to the common questions that are significant to the outcome of the present Application;
50. **The recourses of the Class members raise identical, similar or related questions of fact or law, namely:**
 - a) Are purchases made after 11:59 p.m. on Saturdays (that is, as of 12:00 a.m. on Sundays) made on a Sunday?
 - b) If so, should the SCQ's bar charge the lower Sunday prices as of midnight?
 - c) Did the SCQ violate paragraph c of section 224 CPA?
 - d) Are the Class members entitled to compensatory damages and, if so, in what amount?
 - e) Are the Class members entitled to punitive damages and, if so, in what amount?
 - f) Should an injunctive remedy be ordered to force the SCQ to cease charging the Saturday price on Sundays?

3) THE COMPOSITION OF THE CLASS

51. 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;
52. According to Loto-Quebec's 2015-2016 Annual Report (page 8), close to 9 million people visited the four (4) casinos managed by the SCQ in Quebec, Applicant disclosing the Annual Report as **Exhibit P-5**;
53. Loto-Quebec's 2015-2016 Annual Report, Exhibit P-5, further states that the revenue for the four (4) casinos managed by the SCQ in Quebec totaled **\$770,621,000.00**, with Loto-Quebec noting at page 26 that: "*L'augmentation de l'achalandage (+5,9 %) est plus importante que l'augmentation des revenus de jeu, ce qui démontre la*

popularité du positionnement axé sur le divertissement”;

54. The number of persons included in the Class could be in the **hundreds of thousands, if not millions** (many Class members purchased more than one beverage);
55. It is impossible for the Applicant to know the exact number of drinks sold during the Class Period as of midnight on Sundays, however, the Defendant is in possession of this information;
56. The names and addresses of all persons included in the Class are not known to the Applicant, as Class members are very numerous and are dispersed across the province, across Canada and elsewhere;
57. These facts demonstrate that it would be impractical, if not impossible, to contact each and every Class member to obtain mandates and to join them in one action;
58. In these circumstances, a class action is the only appropriate procedure for all of the members of the Class to effectively pursue their respective rights and have access to justice without overburdening the court system;

4) THE CLASS MEMBER APPOINTED AS REPRESENTATIVE PLAINTIFF IS IN A POSITION TO PROPERLY REPRESENT THE CLASS MEMBERS:

59. Applicant requests that he be appointed the status of representative plaintiff;
60. Applicant is a member of the Class;
61. Applicant is a criminal defence attorney practicing in the province of Quebec and is passionate about ensuring that the state protect the basic rights of its citizens;
62. Following the incident of May 15th, 2016, the Applicant contacted his attorneys, because he knew that they have experience with consumer protection-related class actions;
63. Applicant has given the mandate to his attorneys to obtain all relevant information with respect to the present action and intends to keep informed of all developments;
64. Applicant was shocked to learn that a state-owned enterprise operates in the province of Quebec with such complete disregard to the CPA;
65. Applicant realizes that on its own his claim is minor, but nonetheless feels that the SCQ should be held accountable for its misconduct. Applicant is taking this action so that he and the Class members can recover sums unlawfully charged, as well as to

ensure that the SCQ adopts a new policy that is in conformity with the *CPA*;

66. Applicant also feels that an example should be made of how the SCQ handled this situation, notably by: (i) programming their systems to deceitfully charge a higher price into Sunday morning; and (ii) not reimbursing the Applicant once he brought the violation to their attention;
67. As for identifying other Class members, the Applicant draws certain inferences from the situation, and this based on the information provided by Loto-Quebec in its 2015-2016 Annual Report, Exhibit P-5, that more than 9 million people visited its casinos in the last year alone. Applicant assumes that the casinos see the most traffic on Saturday nights and realizes that by all accounts, there are an important number of consumers that find themselves in an identical situation and that it would not be useful for him to attempt to identify them given their sheer number;
68. Applicant is ready and available to manage and direct the present action in the interest of the members of the Class that he wishes to represent and is determined to lead the present dossier until a final resolution of the matter, the whole for the benefit of the Class, as well as, to dedicate the time necessary for the present action and to collaborate with his attorneys;
69. Applicant has the capacity and interest to fairly and adequately protect and represent the interest of the members of the Class;
70. Applicant, with the assistance of his attorneys, is ready and available to dedicate the time necessary for this action and to collaborate with other members of the Class and to keep them informed;
71. Applicant is in good faith and has instituted this action for the sole purpose of having his 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 the SCQ's misconduct;
72. Applicant understands the nature of the action;
73. Applicant's interests are not antagonistic to those of other members of the Class;
74. Applicant's interest and competence are such that the present class action could proceed fairly;

III. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

75. The action that the Applicant wishes to institute on behalf of the members of the

Class is an action in damages, injunctive relief and declaratory judgment;

76. The conclusions that the Applicant wishes to introduce by way of an Application to institute proceedings are:

GRANT Plaintiff's action against the Defendant on behalf of all the members of the Class;

DECLARE the Defendant liable for the damages suffered by the Applicant and each of the members of the Class;

ORDER the Defendant to cease charging the Saturday prices on Sundays;

CONDEMN the Defendant to pay Mustapha Mahmoud the amount of \$3.96 itemized as follows:

▪ \$16.66 (paid for two Bloody Caesars) - \$13.22 (price advertised)	=	\$3.44
▪ \$2.50 (gratuity on Saturday price) - \$1.98 (gratuity on Sunday price)	=	\$0.52

	Total =	\$3.96

CONDEMN the Defendant to pay to each member of the Class a sum to be determined in compensation of the damages suffered, and **ORDER** collective recovery of these sums;

CONDEMN the Defendant to pay to each of the members of the Class punitive damages, in an amount to be determined, and **ORDER** collective recovery of these sums;

CONDEMN the Defendant to pay interest and the additional indemnity on the above sums according to law from the date of service of the Application to authorize a class action;

ORDER the Defendant to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendant to bear the costs of the present action including the cost of notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective recovery orders;

RENDER any other order that this Honourable Court shall determine;

77. The interests of justice favour that this Application be granted in accordance with its conclusions;

IV. JURISDICTION

78. The Applicant suggests that this class action be exercised before the Superior Court of the province of Quebec, in the district of Montreal, for the following reasons:
- a) Applicant's purchases were made in the Casino de Montréal, in the district of Montreal;
 - b) A great number of the members of the Class, including the Applicant, reside in the district of Montreal;
 - c) Defendant conducts business in the district of Montreal, notably at the Casino de Montréal;
 - d) Defendant's head office is in the district of Montreal;
 - e) Applicant's attorneys practice their profession in the district of Montreal;

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present application;

AUTHORIZE the bringing of a class action in the form of an Application to institute proceedings in damages and for injunctive relief;

APPOINT the Applicant the status of representative plaintiff of the persons included in the Class herein described as:

Class:

Every consumer, pursuant to the terms of Quebec's Consumer Protection Act (the "**CPA**"), who, since August 12th, 2013 (the "**Class Period**"), purchased any food or beverages from the Casino de Montréal, the Casino de Charlevoix, the Casino de Mont-Tremblant and/or of the Casino du Lac-Leamy, and who was charged a higher price than that advertised on the menu;

or any other class to be determined by the Court.

(hereinafter referred to as the "**Class**")

IDENTIFY the principle questions of fact and law to be treated collectively as the following:

- a) Are purchases made after 11:59 p.m. on Saturdays (that is, as of 12:00 a.m. on Sundays) made on a Sunday?
- b) If so, should the SCQ's bar charge the lower Sunday prices as of midnight?
- c) Did the SCQ violate paragraph c of section 224 CPA?
- d) Are the Class members entitled to compensatory damages and, if so, in what amount?
- e) Are the Class members entitled to punitive damages and, if so, in what amount?
- f) Should an injunctive remedy be ordered to force the SCQ to cease charging the Saturday price on Sundays?

IDENTIFY the conclusions sought by the class action to be instituted as being the following:

GRANT Plaintiff's action against the Defendant on behalf of all the members of the Class;

DECLARE the Defendant liable for the damages suffered by the Applicant and each of the members of the Class;

ORDER the Defendant to cease charging the Saturday prices on Sundays;

CONDEMN the Defendant to pay Mustapha Mahmoud the amount of \$3.96 itemized as follows:

- **\$16.66** (paid for two Bloody Caesars) - **\$13.22** (price advertised) = **\$3.44**
 - **\$2.50** (gratuity on Saturday price) - **\$1.98** (gratuity on Sunday price) = **\$0.52**
- **Total: \$3.96**

CONDEMN the Defendant to pay to each member of the Class a sum to be determined in compensation of the damages suffered, and **ORDER** collective recovery of these sums;

CONDEMN the Defendant to pay to each of the members of the Class punitive damages, in an amount to be determined, and **ORDER** collective

recovery of these sums;

CONDEMN the Defendant to pay interest and the additional indemnity on the above sums according to law from the date of service of the Application to authorize a class action;

ORDER the Defendant to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendant to bear the costs of the present action including the cost of notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective recovery orders;

RENDER any other order that this Honourable Court shall determine;

DECLARE that all members of the Class that have not requested their exclusion, be bound by any judgement to be rendered on the class action to be instituted in the manner provided for by the law;

FIX the delay of exclusion at thirty (30) days from the date of the publication of the notice to the members, date upon which the members of the Class that have not exercised their means of exclusion will be bound by any judgement to be rendered herein;

ORDER the publication of a notice to the members of the Class in accordance with article 579 C.C.P. within sixty (60) days from the judgement to be rendered herein in the "News" sections of the Saturday editions of LA PRESSE, LE JOURNAL DE MONTRÉAL and the MONTREAL GAZETTE;

ORDER that said notice be published on the Defendant's various websites, Facebook pages and Twitter accounts, in a conspicuous place, with a link stating "Notice of a Class Action";

ORDER the Defendant to send their clients and/or members an Abbreviated Notice by e-mail, to their last known e-mail address, with the subject line "Notice of a Class Action";

ORDER the Defendant to send their clients and/or members an Abbreviated Notice by regular mail, to their last known physical address, with the subject line "Notice of a Class Action";

RENDER any other order that this Honourable Court shall determine;

The whole with costs including publications fees.

Montreal, August 12th, 2016

(s) Joey Zukran

LE GROUPE LPC, S.A.

Per: Me Joey Zukran

Attorneys for Applicant

SUMMONS
(ARTICLES 145 AND FOLLOWING C.C.P)

Filing of a judicial application

Take notice that the Applicant has filed this Application for Authorization to Institute a Class Action and to Appoint the Status of Representative Plaintiff in the office of the Superior Court in the judicial district of Montreal.

Defendant's answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montreal situated at 1 Rue Notre-Dame E, Montréal, Quebec, H2Y 1B6, within 15 days of service of the Application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the Applicant's lawyer or, if the Applicant is not represented, to the Applicant.

Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of answer

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code, cooperate with the Applicant in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Change of judicial district

You may ask the court to refer the originating Application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the plaintiff.

If the application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating application.

Transfer of application to Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Calling to a case management conference

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted.

Exhibits supporting the application

In support of the Application for Authorization to Institute a Class Action and to Appoint the Status of Representative Plaintiff, the Applicant intends to use the following exhibits:

Exhibit P-1: Copy of the extract of the enterprise's information statement from the enterprise register (CIDREQ) for *la Société des casinos du Québec inc.*;

Exhibit P-2: Applicant's receipt #1429 from Bar valet de carreau, dated Sunday, May 15th, 2016, in the amount of \$21.20;

Exhibit P-3: Copy of the *Valet de carreau* bar's menu with a list of prices;

Exhibit P-4: Copy of the 2016 Gazette Officielle du Québec calendar;

Exhibit P-5: Copy of Loto-Quebec's 2015-2016 Annual Report;

These exhibits are available on request.

Notice of presentation of an application

If the application is an application in the course of a proceeding or an application under Book III, V, excepting an application in family matters mentioned in article 409, or VI of the Code, the establishment of a case protocol is not required; however, the application must be accompanied by a notice stating the date and time it is to be presented.

Montreal, August 12th, 2016

(s) Joey Zukran

LE GROUPE LPC, S.A.

Per: Me Joey Zukran

Attorneys for Applicant

NOTICE OF PRESENTATION
(articles 146 and 574 al. 2 N.C.P.C.)

TO: LA SOCIÉTÉ DES CASINOS DU QUÉBEC INC.

500 Sherbrooke street West

Montreal (Quebec) H3A 3C6

Defendant

TAKE NOTICE that Applicant's *Application for Authorization to Institute a Class Action and to Appoint the Status of Representative Plaintiff* will be presented before the Superior Court at **1 Rue Notre-Dame E, Montréal, Quebec, H2Y 1B6**, on the date set by the coordinator of the Class Action chamber.

GOVERN YOURSELVES ACCORDINGLY.

Montreal, August 12th, 2016

(s) Joey Zukran

LE GROUPE LPC, S.A.

Per: Me Joey Zukran

Attorneys for Applicant

N° : 500-06-000805-164

(Class Action)
SUPERIOR COURT
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

MUSTAPHA MAHMOUD

Applicant

-VS-

LA SOCIÉTÉ DES CASINOS DU QUÉBEC
INC., legal person, having its head office at
500 Sherbrooke street West, Montreal, district
of Montreal, Province of Quebec, H3A 3C6

Defendant

APPLICATION FOR AUTHORIZATION TO
INSTITUTE A CLASS ACTION AND TO
APPOINT THE STATUS OF
REPRESENTATIVE PLAINTIFF
(ARTICLE 571 AND FOLLOWING C.C.P.)

COPY

LE GROUPE JURIDIQUE LPC S.A.
AVOCATS - ATTORNEYS
1224, rue Stanley, bureau 215
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Tél: 514.985.0995 x 712 • Fax: 514.985.0944
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ME JOEY ZUKRAN
CODE: AZ 00X4

N/D: 06-111