

CANADA

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

(Class Action)  
SUPERIOR COURT

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NO: 500-06-000826-160

STEVE ABIHSIRA

Applicant

-vs-

**SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUEBEC (« S.A.A.Q. »)**, legal person established in the public interest, having its head office at 333 Jean-Lesage boulevard, Quebec City, district of Quebec, province of Quebec, G1K 8J6

Defendant

-and-

**ATTORNEY GENERAL OF QUÉBEC**, having an establishment at 1 Notre-Dame Street East, 8<sup>th</sup> floor, Montreal, district of Montréal, province of Québec, H2Y 1B6

-and-

**DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS**, having an establishment at 1 Notre-Dame Street East, room 4.100, District of Montreal, province of Quebec, H2Y 1B6

Impleaded Parties

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

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

I. THE CLASS

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

**Class:**

All current or former residents of the province of Quebec who, since November 21<sup>st</sup>, 2013 (the "**Class Period**"), were holders of a driver's license of any class and, after being found guilty of an offence and/or having plead guilty to such an offence and punished for said offence, were required by the S.A.A.Q., upon renewing their license, to pay an additional amount as a result of the same offence;

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

or any other Class to be determined by the Court;

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

A) **THE FACTS ALLEGED APPEAR TO JUSTIFY THE CONCLUSIONS SOUGHT**

2. Invoking the rule against double jeopardy, protected by section 11(h) of the *Canadian Charter of Rights and Freedoms* (hereinafter the "**Charter**"), Applicant seeks reimbursement of the sum of **\$75.09** he paid to the S.A.A.Q. on August 15<sup>th</sup>, 2016, Applicant disclosing his *Avis de Paiement – Permis de conduire #14504 54193 44593 1* (hereinafter "**Notice**") as **Exhibit P-1**;
3. On **December 15<sup>th</sup>, 2015**, Applicant was issued a statement of offence by an agent of the *Service de Police de la Ville de Montréal* (hereinafter "**SPVM**") for using a hand-held device that includes a telephone function, while driving a road vehicle, as it appears from a copy of the statement of offence bearing number 818 976 012, disclosed as **Exhibit P-2**;
4. The charge Applicant was accused of carries a fine of \$80.00 and entails the accumulation of four (4) demerit points, as it appears from Exhibit P-2;
5. On **January 8th, 2016**, Applicant plead guilty to the offence described in Exhibit P-2,

- paid his fine and other fees totaling the amount of \$126.00, and was further penalized by the accumulation of 4 demerit points on his driving record;
6. Towards the end of June (or early July 2016), Applicant received the Notice from S.A.A.Q. dated June 17<sup>th</sup>, 2016;
  7. The S.A.A.Q.'s Notice details the amount that Applicant must pay in order to renew his license and includes an amount of \$124.15 for "CONTRIBUTION D'ASSURANCE" (hereinafter "**Insurance Contribution**"). Applicant paid an additional \$11.18 in provincial taxes added onto the amount of \$124.15 (9% taxes are imposed by Revenu Québec on the Insurance Contribution), the whole as it appears from Exhibit P-1;
  8. Applicant was forced to pay the amount of \$124.15 as an Insurance Contribution because he had accumulated 4 points as a result of pleading guilty to the offence he was accused of in the abovementioned statement of offence bearing number 818 976 012, Exhibit P-2, for which Applicant was already punished, had already paid \$126.00 in fines for, and for which he already accumulated 4 demerit points for, Applicant disclosing his proof of payment to the S.A.A.Q. on August 15<sup>th</sup>, 2016, in the amount of \$157.33, **Exhibit P-3**;
  9. Had Applicant never been accused of the offence described in statement of offence number 818 976 012, Exhibit P-2, or acquitted thereof, his insurance contribution would have been \$55.26 (plus 9% taxes) as it appears from the S.A.A.Q.'s chart titled "*Contribution annuelle en fonction du totale des points d'inaptitude*", Applicant disclosing **Exhibit P-4**;
  10. The S.A.A.Q. imposed an additional fee on Applicant in the amount of \$75.09 including the 9% tax (\$135.32 actually paid minus the \$60.23 he ought to have paid) for exact same facts underpinning the offence the *SPVM* accused Applicant of in Exhibit P-2, for which Applicant plead guilty to and was punished for, all of which contravenes the double jeopardy principle, because section 11(h) of the *Charter* provides as follows:

Proceedings in criminal and **penal matters**

11. Any person charged with an offence has the right:

[...]

(h) if finally acquitted of the offence, not to be tried for it again and, **if finally found guilty and punished for the offence, not to be tried or punished for it again;**

**[our emphasis in bold].**

11. The key intent in section 11 (*h*) of the *Charter* is that there shall not be double punishment, which is precisely what the S.A.A.Q. imposed on Applicant by charging him an additional \$68.89 (\$75.09 after taxes), regardless of what terms the S.A.A.Q. uses on its Notice or even where this sum is invested;
12. In reality, the Insurance Contribution has a true penal consequence because, by its magnitude (Applicant paid almost double the original penalty of the fine appearing on statement of offence number 818 976 021, Exhibit P-2) it appears to be imposed for the purpose of redressing the wrong done to society at large rather than to the maintenance of internal discipline within the limited sphere of activity charged. This purpose is evidenced in a document prepared by the S.A.A.Q. in 2014 titled *Insurance Contributions - proposal for 2016-2018*, Applicant disclosing **Exhibit P-5**, in which the S.A.A.Q.'s President and CEO writes at page 7;

Our work, however, does not stop there. It is essential that we continue our efforts to improve the road safety record. The SAAQ will continue to innovate and search for new incentives to encourage **all road users** to adopt safe behaviour.

**[our emphasis in bold].**
13. The S.A.A.Q. cannot incentivize some road users, while violating the constitutional rights of others, including the Applicant;
14. Moreover, the Insurance Contribution of almost triple the initial price of Applicant's fine, is, by all accounts, abusive, exploitive and disproportionate, because Applicant ends paying the same fine almost 3 times (the Insurance Contribution resulting from his guilty plea to the accusation appearing on statement of offence number 818 976 012, Exhibit P-2, must be paid for 2 consecutive years);
15. Applicant's damages are a direct and proximate result of the S.A.A.Q.'s misconduct, that is clearly wrong;
16. If the S.A.A.Q.'s desire is for the Applicant (and others similarly accused and found guilty) to contribute towards an insurance fund based on his accumulation of 4 demerit points stemming from the offence charged on the statement of offence bearing number 818 976 012, the time to impose such fees would be at the issuance of the statement of offence;
17. In these circumstances, Applicant's claim for both compensatory and punitive damages against the S.A.A.Q. is justified, as is Applicant's constitutional challenge of section 151 (paragraphs 4 and 5) of the *Automobile Insurance Act*, chapter A-25, and the regulations related thereto violating section 11 (*h*) of the *Charter*, notably article 13 of the *Regulation respecting insurance contributions*, chapter A-25, r. 3.2;

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

18. All Class members are persons who have been charged with an offence;
19. All Class members were finally found guilty and punished for said offences;
20. The S.A.A.Q. punished all Class members for the exact same offences again;
21. In this case, the legal and factual backgrounds at issue are common to all the members of the Class, namely whether the S.A.A.Q.'s so-called Insurance Contribution is a punishment amounting to double jeopardy, in violation of section 11 (h) of the *Charter*;
22. The claims of every Class member are founded on very similar facts to the Applicant's claim;
23. By reason of the S.A.A.Q.'s unconstitutional conduct, Applicant and Class members have suffered damages, which they may collectively claim against the S.A.A.Q.;
24. All Class members have an interest that section 151 (paragraphs 4 and 5) of the *Automobile Insurance Act*, and certain regulations, notably article 13 of the *Regulation respecting insurance contributions*, be declared unconstitutional;
25. The damages sustained by the Class members flow, in each instance, from a common nucleus of operative facts, which occur from the moment they plead guilty to an offence (or are found guilty) and pay the fine associated thereto, up until the S.A.A.Q. sends the Notice imposing the second penalty (that is the Insurance Contribution, for almost double and triple the original fine);
26. All of the damages to the Class members are a direct and proximate result of the S.A.A.Q.'s misconduct and willful blindness with respect to its constitutional obligations;
27. In taking the foregoing into account, all Class members are justified in claiming the sums which they unlawfully paid to the S.A.A.Q., in addition to punitive damages pursuant to section 24 (1) of the *Charter*, as well as to seek a declaratory order concerning the constitutionality of the above-mentioned provisions (see paragraph 24 above);
28. Individual questions, if any, pale by comparison to the numerous common questions that are significant to the outcome of the present Application;

29. **The questions of fact and law raised and the recourse sought by this Application are identical with respect to each Class member, namely:**

- a) Does the imposition of the S.A.A.Q.'s Insurance Contribution on Class members tantamount to a second punishment, offending the principle of double jeopardy?
- b) In the affirmative, what is the appropriate and just remedy for a violation of section 11 (*h*) of the *Charter*?
- c) Are the Class members and the Applicant entitled to a declaratory judgment stating that section 151 (paragraphs 4 and 5) of the *Automobile Insurance Act*, and certain regulations related thereto violating section 11 (*h*) of the *Charter*, notably article 13 of the *Regulation respecting insurance contributions*, are unconstitutional?
- d) Should an injunctive remedy be ordered to force the S.A.A.Q. to immediately cease the unconstitutional practice?
- e) Is the S.A.A.Q. responsible to pay compensatory damages to Class members and, if so, in what amount?
- f) Was the S.A.A.Q. willfully blind with respect to its constitutional obligations?
- g) Is the S.A.A.Q. responsible to pay punitive damages to Class members and, if so, in what amount?
- h) Is the S.A.A.Q.'s Insurance Contribution, at almost triple the initial price of the original fines, abusive, exploitive and disproportionate?

**C) THE COMPOSITION OF THE CLASS**

30. 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;
31. According to its 2015 Annual Report, the S.A.A.Q. sent out nearly 20 million pieces of mail in 2015, the majority of which were notices of license renewal and vehicle registration, as well as payments of compensation payments, Applicant disclosing the Annual Report (see page 50) as **Exhibit P-6**;
32. By all accounts, there are likely tens of thousands of people, if not more, who are members of the Class;

33. The names and addresses of all persons included in the Class are not known to the Applicant, but are all in the possession of the S.A.A.Q.;
34. Class members are very numerous and are dispersed across the province, across Canada and elsewhere;
35. 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;
36. 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;

**D) THE CLASS MEMBER REQUESTING TO BE APPOINTED AS REPRESENTATIVE PLAINTIFF IS IN A POSITION TO PROPERLY REPRESENT THE CLASS MEMBERS**

37. Applicant requests that he be appointed the status of representative plaintiff;
38. Applicant is a member of the Class;
39. On **July 6<sup>th</sup>, 2016**, Applicant expressed his discontent publicly about the S.A.A.Q. charging him a second time for the same offence he already plead guilty to and paid for, by posting the following to his Facebook page, Applicant disclosing **Exhibit P-7**: *“Quelle bande de voleurs, pour une contravention que je mérite pas, je dois payer \$69 de plus (excluant les taxes!) pour renouveler (sic) mon permis de conduire!”*;
40. From the very moment that he received his Notice from the S.A.A.Q., Applicant feels that the S.A.A.Q. took advantage of him, as well as of others, and should be held accountable for its misconduct;
41. After communicating with several friends, work colleagues and relatives, Applicant realized that many drivers have encountered a similar experience with S.A.A.Q.;
42. As for identifying other Class members, Applicant draws certain inferences from the situation, and this based on the number of drivers he witnesses in Montreal and in the province of Quebec, as well as by the reoccurring news headlines of the *SPVM* issuing statements of offence to meet quotas. Applicant realizes that, by all accounts, there is a very important number of citizens 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;
43. In November of 2016, Applicant found out that his attorney recently launched a second law firm assisting individuals charged with traffic violations. As a result,

Applicant asked his attorney and his team to research the facts and law underpinning the present class action;

44. 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;
45. Applicant, with the assistance of his attorneys, 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;
46. Applicant has the capacity and interest to fairly and adequately protect and represent the interest of the Class members;
47. Applicant is prepared to dedicate the time necessary for this action and to collaborate with other Class members and to keep them informed, notably via his Facebook social media account, where he is very active;
48. 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 S.A.A.Q.'s misconduct and to put an end to the S.A.A.Q.'s unconstitutional behaviour;
49. Applicant understands the nature of the action;
50. Applicant's interests are not antagonistic to those of other Class members;
51. Applicant's interest and competence are such that the present class action could proceed fairly;

### **III. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT**

52. The action that the Applicant wishes to institute on behalf of the Class members is a constitutional challenge, with an action in damages, injunctive relief and declaratory judgment;
53. The conclusions that the Applicant wishes to introduce by way of an Originating Application are:

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



**DECLARE** unconstitutional section 151 (paragraphs 4 and 5) of the *Automobile Insurance Act*, and the regulations related thereto violating section 11 (h) of the *Charter*, notably article 13 of the *Regulation respecting insurance contributions*;

**ORDER** the Defendant to cease imposing additional fees, in any form whatsoever, on Class members who have previously pleaded guilty (or who were found guilty) and paid their fines for the charges they have been accused of;

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

**CONDEMN** the Defendant to pay to Steve Abihira the sum of **\$75.09** (representing the difference between the \$135.32 he paid Defendant and the \$60.23 he ought to have paid), which can be adjusted should Defendant impose same fee on Applicant in 2017, in compensation of the damages suffered;

**CONDEMN** the Defendant to pay to each Class member 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 the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff*;

**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 class counsel's professional fees and disbursements, 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;

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

#### **IV. JURISDICTION**

55. 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) A great number of the Class members, including the Applicant, reside in the district of Montreal;
  - b) The offence for which the Applicant was accused of took place in the district of Montreal;
  - c) Applicant paid the total amount appearing on his Notice to the S.A.A.Q. while in the district of Montreal;
  - d) It appears from its website that the S.A.A.Q. has more than 10 service centres (S.A.A.Q. offices), where it offers all of its services throughout the district of Montreal;
  - e) The 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 Originating Application in declaratory judgment, injunctive relief and damages;

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

**Class:**

All current or former residents of the province of Quebec who, since November 21st, 2013 (the "Class Period"), were holders of a driver's license of any class and, after being found guilty of an offence and/or having plead guilty to such an offence and punished for said offence, were required by the S.A.A.Q., upon renewing their license, to pay an additional amount as a result of the same offence;

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

or any other Class to be determined by the Court;

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

following:

- a) Does the imposition of the S.A.A.Q.'s Insurance Contribution on Class members tantamount to a second punishment, offending the principle of double jeopardy?
- b) In the affirmative, what is the appropriate and just remedy for a violation of section 11 (*h*) of the *Charter*?
- c) Are the Class members and the Applicant entitled to a declaratory judgment stating that section 151 (paragraphs 4 and 5) of the *Automobile Insurance Act*, and certain regulations related thereto violating section 11 (*h*) of the *Charter*, notably article 13 of the *Regulation respecting insurance contributions*, are unconstitutional?
- d) Should an injunctive remedy be ordered to force the S.A.A.Q. to immediately cease the unconstitutional practice?
- e) Is the S.A.A.Q. responsible to pay compensatory damages to Class members and, if so, in what amount?
- f) Was the S.A.A.Q. willfully blind with respect to its constitutional obligations?
- g) Is the S.A.A.Q. responsible to pay punitive damages to Class members and, if so, in what amount?
- h) Is the S.A.A.Q.'s Insurance Contribution, at almost triple the initial price of the original fines, abusive, exploitive and disproportionate?

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

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

**DECLARE** unconstitutional section 151 (paragraphs 4 and 5) of the *Automobile Insurance Act*, and the regulations related thereto violating section 11 (*h*) of the *Charter*, notably article 13 of the *Regulation respecting insurance contributions*;

**ORDER** the Defendant to cease imposing additional fees, in any form whatsoever, on Class members who have previously pleaded guilty (or who were found guilty) and paid their fines for the charges they have been accused of;

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

**CONDEMN** the Defendant to pay to Steve Abihira the sum of **\$75.09** (representing the difference between the \$135.32 he paid Defendant and the \$60.23 he ought to have paid), which can be adjusted should Defendant impose same fee on Applicant in 2017, in compensation of the damages suffered;

**CONDEMN** the Defendant to pay to each Class member 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 the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff*;

**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 class counsel's professional fees and disbursements, 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 website, Facebook pages and Twitter accounts, in a conspicuous place, with a link stating "Notice of a Class Action Concerning Insurance Contributions";

**ORDER** the Defendant to send an Abbreviated Notice by e-mail to each Class member, to their last known e-mail 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, November 21<sup>st</sup>, 2016



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**TICKET LÉGAL INC.**

Per: Me Joey Zukran

Attorney for Applicant

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

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**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 *Avis de Paiement – Permis de conduire* #14504 54193 44593 1, dated August 15<sup>th</sup>, 2016;
- Exhibit P-2:** Copy of statement of offence issued to Applicant, dated December 15<sup>th</sup>, 2015, bearing number 818 976 012;
- Exhibit P-3:** Copy of Applicant's proof of payment from his checking account to S.A.A.Q. on August 15<sup>th</sup>, 2016, in the amount of \$157.33;
- Exhibit P-4:** Copy of S.A.A.Q.'s chart titled "*Contribution annuelle en fonction du totale des points d'inaptitude*";
- Exhibit P-5:** Copy of S.A.A.Q. document titled "*Insurance Contributions - proposal for 2016-2018*";
- Exhibit P-6:** Copy of S.A.A.Q.'s 2015 Annual Report;

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

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**TO: Société de l'assurance automobile de Québec**  
333 Jean-Lesage boulevard  
Quebec City, Québec, G1K 8J6

**Defendant**

**Attorney General of Québec**  
1 Notre-Dame Street East, 8<sup>th</sup> floor,  
Montréal, Québec, H2Y 1B6

**Impleaded Party**

**Director of Criminal and Penal Prosecutions**  
1 Notre-Dame Street East, room 4.100  
Montréal, Québec, H2Y 1B6

**Impleaded Party**

**TAKE NOTICE** that Applicant's *Application to Authorize the Bringing of 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, November 21<sup>st</sup>, 2016



**TICKET LÉGAL INC.**

Per: Me Joey Zukran  
Attorney for Applicant



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

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**STEVE ABIHSIRA**

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Applicant

-vs-

**SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE  
DU QUÉBEC** (« S.A.A.Q. »), legal person  
established in the public interest, having its head  
office at 333 Jean-Lesage boulevard, Quebec  
City, district of Quebec, province of Quebec, G1K  
8J6

Defendant

and

**ATTORNEY GENERAL OF QUÉBEC**, having an  
establishment at 1 Notre-Dame Street East, 8th  
floor, Montreal, district of Montréal, province of  
Québec, H2Y 1B6

-and-  
**DIRECTOR OF CRIMINAL AND PENAL  
PROSECUTIONS**, having an establishment at 1  
Notre-Dame Street East, room 4.100, District of  
Montreal, province of Quebec, H2Y 1B6

Impleaded Parties

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

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**ORIGINAL**

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**TICKET LÉGAL INC.**

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