

CLASS ACTION AGAINST THE CITY OF MONTREAL
IF YOU WERE ARRESTED OR DETAINED ON MARCH 15th, 2011
IN FRONT OF 4411 SAINT-DENIS STREET, IN MONTREAL

[Class Actions]
SUPERIOR COURT
CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No. 500-06-000684-148

NOÉMIE CHAREST-BOURDON
Plaintiff

v.
VILLE DE MONTRÉAL
Defendant

and
PROCUREUR GÉNÉRAL DU QUÉBEC
Impleaded party

NOTICE TO MEMBERS

1. **BE ADVISED** that on September 22nd, 2017, the Honorable Marc-André Blanchard of the Superior Court of Quebec authorized the bringing of a class action on behalf of the following group of persons, namely:

Any person who was present, arrested or detained during the kettling carried out by the Police Service of the City of Montreal on March 15th, 2011 at around 6:20 PM in front of 4411 Saint-Denis Street, in Montreal.

2. The class action will be heard in the District of Montreal.
3. The status of class representative for the class action has been ascribed to: Noémie Charest-Bourdon.
4. The questions of facts and law that will be dealt with collectively are as follows:
 - Did the defendant's employees infringe on the constitutional and/or quasi-constitutional rights of the persons arrested and detained, as set out in the *Quebec Charter of Human Rights and Freedoms*, the *Canadian Charter of Rights and Freedoms* and the *International Covenant on Civil and Political Rights*?
 - Did the defendant's employees act the way a normally prudent police officer would act given the circumstances?
 - Did the defendant's employees commit one or many abuses of right?

- Did the defendant's employees' faults cause damages to the members of the group?
- Are the defendant's employees responsible for the physical, moral and material damages which the members of the group suffered during the above-mentioned event?
- Is the defendant liable for the damages caused by its employees?
- Should damages be awarded? If so, what would the appropriate amount be?
- Should punitive damages be awarded for the abuse of right and violation of fundamental rights according to the *Quebec Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms*? If so, what would the appropriate amount be?
- Is the prescription under section 586 LCV valid and applicable to a claim for compensation based on the *Canadian Charter of Rights and Freedoms* and the *Charter of Human Rights and Freedoms*?

5. The related conclusions sought are:

GRANT the class action of the plaintiff on behalf of the members of the group;

DECLARE that the statute of limitation of article 586 LCV is invalid and inapplicable to a claim for reparations based on the *Canadian Charter of Rights and Freedoms* and the *Quebec Charter of Human Rights and Freedoms*;

CONDEMN the City of Montreal to pay \$2500 in damages and \$2500 in punitive damages to anyone arrested during the kettling carried out by the Police Service of the City of Montreal on March 15th, 2011 at around 6:20 PM in front of 4411 Saint-Denis Street, in Montreal;

CONDEMN the City of Montreal to pay \$2500 in damages and \$2500 in punitive damages to anyone detained during the kettling carried out by the Police Service of the City of Montreal on March 15th, 2011 at around 6:20 PM in front of 4411 Saint-Denis Street, in Montreal;

CONDEMN the City of Montreal to pay \$2500 in damages and \$2500 in punitive damages to anyone whose fundamental rights other than the protection from unlawful arrest or arbitrary detention were violated during the kettling carried out by the Police Service of the City of Montreal on March 15th, 2011 at around 6:20 PM in front of 4411 Saint-Denis Street, in Montreal;

CONDEMN the City of Montreal to pay \$500 in damages and \$500 in punitive damages to anyone who had to defend themselves in court after having received a ticket in accordance with the *Code of penal procedure*, L.R.Q. c. C-25.1, with regards to a violation of article 500.1 or the *Highway Safety Code*, for having been caught in the kettling carried out by the Police Service of the City of Montreal on March 15th, 2011 at around 6:20 PM in front of 4411 Saint-Denis Street, in Montreal;

CONDEMN the City of Montreal to pay \$500 in damages and \$500 in punitive damages to anyone who was not able to go about their normal business as a result of having been detained following the kettling carried out by the Police Service of the City of Montreal on March 15th, 2011 at around 6:20 PM in front of 4411 Saint-Denis Street, in Montreal and the detention that followed;

ORDER the collective recovery of the claims;

ORDER the liquidation of the individual claims of class members in accordance with articles 1037 to 1040 of the *Quebec Code of Civil Procedure*;

CONDEMN the defendant to pay to each member of the group the sum of their individual claim, with interest since the serving of the motion for certification as well as the additional indemnity in accordance with article 1619 of the *Quebec Civil Code*;

WITH COSTS, including notice fees and expert fees, if warranted.

6. Please note that the amount of the claims may be amended.
7. The class action brought by the plaintiff on behalf of the members of the group will consist of a claim for damages against the defendant based on extracontractual liability in accordance with civil law and a claim for reparations based on the *Quebec Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms*.
8. Any member of the group who does not exclude himself in the way mentioned below will be bound by any judgment on the class action.

That means that if the plaintiff is successful, you'll get damages. If the class action fails, you will not be able to file or pursue a personal claim against the City of Montreal for the facts alleged in this class action.
9. Members of the class will no longer be able to exclude themselves (unless they get special permission) **sixty (60) days** after this notice is published.
10. A member who has not yet filed a personal claim can exclude himself from the group by giving notice by registered mail to the Registrar of the Superior Court of Quebec before the expiration of the exclusion period.

11. Any member having filed a personal claim, the subject of which would be ruled upon by the final judgement on the class action is deemed to have excluded himself from the group if he does not desist from said claim before the expiration of the exclusion period.
12. A member of the group other than the representative or an intervenor cannot be held to pay the costs of the class action.
13. A member may intervene in the class action if the Court deems the intervention useful for the group. An intervening member may have to submit himself to an examination for discovery at the defendant's request. A non-intervening member cannot be subjected to an examination for discovery unless the Court deems it necessary.
14. To be a member of the group:

If you wish to be part of the class action, you do not have to do anything.

Members of the group will be bound by the judgment on the class action, unless they've excluded themselves or received special permission.

If you wish to exclude yourself from the class action, you must notify the Registrar of the Superior Court of Quebec for the District of Montreal by registered mail **on November 14th, 2018 at the latest**, at:

Palais de justice de Montréal
1, Notre-Dame Street East
Montreal (Quebec) H2Y 1B6

Subject: Charest-Bourdon v. Ville de Montréal et. al.
File number: 500-06-000-684-148

PLEASE ACT ACCORDINGLY.

Montreal, September 15th, 2018.

The attorney and the co-counsels of the representative and the group,

Me Marc Chérit

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PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT.

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