

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N° 500-06-000993-192

S U P E R I O R C O U R T
(Class Action)

LYSE BEAULIEU, an individual residing and domiciled at 2085 Avenue de Melrose, in the city of Montréal, province of Québec, H4A 2R6

Petitioner

v.

FACEBOOK, INC., a legal person having its principal place of business at 1601 Willow Road, in the city of Menlo Park, state of California, 94025, USA

- and -

FACEBOOK CANADA LTD., a legal person having a place of business at 1700-2001 Boulevard Robert-Bourassa in the city of Montreal, province of Quebec, H3A 2A6

Respondents

**APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION
AND TO OBTAIN THE STATUS OF REPRESENTATIVE PLAINTIFF
(Arts. 574 ff. C.C.P.)**

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN
AND FOR THE DISTRICT OF MONTREAL, THE PETITIONER RESPECTFULLY
SUBMITS THE FOLLOWING:**

I. INTRODUCTION

1. Facebook, Inc. is a social media service used by billions of people worldwide that provides individuals the opportunity to connect with friends, family, and colleagues from across the globe. Facebook Canada Ltd. is a wholly-owned Canadian

subsidiary of Facebook, Inc. with its head Canadian office located in Toronto and other offices around the country, including in Montreal. Collectively, the Respondents are referred to as “**Facebook**”.

2. As a result of its enormous popularity among users, Facebook is also a popular platform for advertisers to display paid advertisements to Facebook users. Facebook earns substantially all of its revenues from advertising on its platforms. In Canada, companies use Facebook to post, among other things, paid advertisements for employment and housing opportunities. Facebook permits advertisers to target the placement of their ads to specific subsets of Facebook users.
3. Some forms of targeted advertising are legal under Canadian provincial human rights law. However, Facebook’s targeting tools also permit companies to illegally exclude individuals from receiving their ads on the basis of their race, sex, civil status, age, ethnic or national origin, or social condition. Despite Facebook’s purported commitment to non-discrimination on its platforms, employers and other companies in Canada remain able to successfully engage in such discriminatory targeting practices that exclude Facebook users from receiving paid advertisements based on protected statuses.
4. The Petitioner consequently requests this Court’s permission to institute a class action against Facebook on behalf of a national Canadian class for damages resulting from Facebook’s participation in discriminatory targeting of paid advertisements posted on its platform.

II. DESCRIPTION OF THE CLASS

5. The Petitioner wishes to institute a class action, on her own behalf and on behalf of the members forming part of the following class:

All Facebook users located in Canada who were interested in receiving or pursuing employment or who were seeking housing and who, as a result of their race, sex, civil status, age, ethnic or national origin, or social condition,

were excluded by Facebook's advertising services from receiving advertisements for employment or housing opportunities, or who were explicitly excluded from eligibility for these opportunities through advertisements posted on Facebook, between April 11, 2016 and the date of judgment in the present proceedings.

III. FACEBOOK'S ADVERTISING PRACTICES

6. Facebook operates an online platform through which billions of users may connect and share information. This platform operates through Facebook's website and its mobile application. In 2018, there were over 20 million Facebook users in Canada.
7. Facebook does not charge its consumers a monetary fee for its services. Instead, substantially all of its revenue is collected from third-party businesses or persons that choose to advertise on Facebook. Facebook thus publishes thousands of diverse advertisements to users across Canada. These advertisements can, to a greater or lesser degree, target user populations based on hundreds of factors including user demographics, behavioural patterns, and interests. The nature and degree of the variation in targeting is based on the nature of the advertisement and the preferences of the business that seeks to publish it.
8. In particular, Facebook permits prospective advertisers to actively and intentionally target their advertisements to specific profiles of individuals through the creation of what it calls "Custom Audiences" and "Lookalike Audiences".
9. By creating a "Custom Audience," advertisers may select the personal characteristics they wish to target in a user audience when placing an ad with Facebook. These characteristics might relate to a user's interests or the pages the user "likes" on Facebook, but they can also include various demographic criteria. Chief among these are the location, age, and gender of the prospective audience, as well as language, as appears from a screenshot of Facebook's information page "Creating a new audience", produced as **Exhibit R-1**.

10. As appears from Facebook's information page "About detailed targeting", produced as **Exhibit R-2**, an advertiser can further use detailed targeting to include or exclude certain types of users and ultimately narrow the Custom Audience that sees a given advertisement. In Exhibit R-2, Facebook explains that an advertiser can use the "audience narrowing" actions to include or exclude *only* users who meet certain criteria. To illustrate, Facebook provides an example in which an advertiser can narrow an audience to *only* include "people who are frequent travellers *and* are interested in cooking *and* are college grads."
11. Thus, when a prospective advertiser creates a narrowed Custom Audience, Facebook will ensure that only members of that Audience will receive a given advertisement. All other Facebook users will be excluded from the audience and will never see the advertisement in question.
12. Facebook actively encourages advertisers to target their advertisements to the "right people" whom the advertiser wants to reach, and describes how advertisers can target the "right people" by narrowing the audiences for their advertisements based on age, gender, and other demographics.
13. When a business proceeds to create a Custom Audience for a new advertisement, it is provided with a broad variety of detailed targeting options.
14. As appears from screenshots of Facebook's "Create New Ads" pages, produced *en l'iasse* as **Exhibit R-3**, a prospective advertiser can create a new Custom Audience based on the following parameters (among many others):
 - a. Location;
 - b. Age (with the ability to set a precise range);
 - c. Gender (with options "All", "Men", and "Women");
 - d. National or ethnic origin (in the "Behaviours" sub-category "Expats"); and
 - e. Civil status (in the "Demographics" sub-category "Relationship Status").

15. The Gender targeting option allows advertisers to target men or women to the exclusion not only of the other gender, but also of Facebook users who do not identify as either male or female. Upon creating a Facebook account, users may edit the gender identity listed in their profile to select “male”, “female”, or “custom”; the custom option in turn allows them to select one of multiple other options corresponding to a range of gender identities. Users who choose a custom gender are also prompted to choose a pronoun option, which Facebook uses to determine whether the user will be included in a Custom Audience that targets “males” or “females”. However, those users who choose the neutral pronoun “they” rather than “he” or “she” will be excluded from both targeting options, unless the advertiser chooses to target its ad at “All” Facebook users regardless of gender.
16. Parties can also have Facebook create “Lookalike Audiences” based on either the business’s Custom Audience(s), or the profiles of users that like the party’s Facebook page, as appears from Facebook’s “About Lookalike Audiences” page, produced as **Exhibit R-4**. The prospective advertiser need only choose the source audience; Facebook, in turn, itself identifies the common qualities of the source audience and identifies individuals who are similar to the source audience in order to create the Lookalike Audience that will be targeted by the business’s advertisements. Facebook’s algorithm is thus directly responsible for identifying and targeting Lookalike Audiences.
17. In addition to allowing users to target specific audiences, Facebook also permits parties to specify who they are seeking in the text of any advertisement and does not prevent advertisers from including discriminatory text or other content in their advertisements.
18. Of course, not all forms of targeted advertising are prohibited by human rights legislation. For instance, an advertisement of a product that targets populations most likely to use that product may not be considered discriminatory.
19. However, Quebec’s *Charter of Human Rights and Freedoms* (the “**Quebec Charter**”) and comparable human rights legislation in other Canadian provinces

specifically prohibit discrimination on the basis of race, sex, civil status, age, ethnic or national origin, or social condition in offers of employment or of services that are generally available to the public, such as housing.

20. Facebook's Advertising Policies actually themselves state that advertisements "must not discriminate or encourage discrimination against people based on personal attributes such as race, ethnicity, color, national origin, religion, age, sex, sexual orientation, gender identity, family status, disability, medical or genetic condition," as appears from a copy of these Advertising Policies, produced as **Exhibit R-5**. Policy 7.1 relating to targeting stipulates that an advertiser "must not use targeting options to discriminate against, harass, provoke, or disparage users or to engage in predatory advertising practices."
21. As also appears from its Advertising Policies, Facebook states that it reviews advertisements to ensure that they are in conformity with the Policies prior to posting the ads, and it reserves the right to not approve an ad that is non-compliant. This review allegedly includes scrutiny of the targeting of the advertisement.
22. However, in practice, Facebook has failed and continues to fail to disapprove and prevent publication of advertisements that discriminate against prospective tenants or employees on multiple prohibited grounds. As a result, it has knowingly permitted and continues to knowingly permit advertisers to illegally target some users in their employment or housing advertisements while excluding others based on characteristics these advertisers select to create Custom Audiences, or that Facebook itself uses to create Lookalike Audiences. Litigation in the United States since December 2017 has put Facebook on notice, for example, that numerous major employers had routinely excluded older workers and female workers from receiving their job advertisements.
23. These discriminatory advertisements were not limited to the United States, but were also placed in Canada.

24. For example, Sullivan + Associates Clinical Psychology has used Facebook's advertising platform to publicize a position as a child psychologist, as appears from a screenshot of this advertisement produced as **Exhibit R-6**. When the user viewing the advertisement clicks on "Why am I seeing this?" or "*Pourquoi est-ce que je vois cette publicité?*" in the menu located at the top right-hand corner of the advertisement, Facebook specifies that this particular advertisement was targeted at users who have a Master's degree, who live or were recently in Montreal, *and who are between 30 and 50 years old*. This means that persons who are older than 50 years old were excluded from receiving this ad.
25. IKEA has used Facebook's advertising platform to publicize a position at the company's call centre in Ville St-Laurent, Montreal, as appears from a screenshot of this advertisement produced as **Exhibit R-7**. The ad's targeting information reveals that this particular advertisement was targeted at users who live or were recently in Montreal, *and who are between 18 and 40 years old*. This means that persons who are older than 40 years old were excluded from receiving this ad.
26. The National Arts Centre has used Facebook's advertising platform to publicize the availability of nearly 20 job opportunities, as appears from a screenshot of this advertisement produced as **Exhibit R-8**. The ad's targeting information reveals that this particular advertisement was targeted at users who live near Ottawa, *and who are between 18 and 55 years old*. This means that persons who are older than 55 years old were excluded from receiving this ad.
27. Ontario's Seneca College has used Facebook's advertising platform to publicize job postings for faculty positions, as appears from a screenshot of this advertisement produced as **Exhibit R-9**. The ad's targeting information reveals that this particular advertisement was targeted at users who live in Ontario, *and who are between 18 and 55 years old*. This means that persons who are older than 55 years old were excluded from receiving this ad.
28. These are in no way limited incidents or outliers. On April 8, 2019, CBC News reported that dozens of employers, including government agencies, used Facebook

targeting services to post advertisements that restrict the age range and gender of users who receive these ads, the whole as appears from a copy of that article, produced as **Exhibit R-10**.

29. Facebook's facilitation of discriminatory advertisement placement is moreover not restricted to its targeting services. It is also possible to simply state in the text of an advertisement posted on Facebook that a company or prospective employer is seeking individuals with specific characteristics related to protected statuses.
30. For instance, the news site The Logic reported attempting to create a test advertisement to determine whether Facebook would approve an advertisement that sought to exclude audiences based on certain personal characteristics, as appears from an article published by The Logic on April 1, 2019 and produced as **Exhibit R-11**. One of the advertisements created by The Logic was for a condominium for rent in downtown Toronto, as appears from a screenshot of this advertisement produced as **Exhibit R-12**. The advertisement states: "Seeking quiet tenants, *single man or couple with no children*. English speakers only. *No Indigenous applicants*" (our emphasis). According to The Logic, this advertisement was approved by Facebook in minutes.
31. The Logic created another test advertisement from "Tech Bros R&D" in Toronto to publicize a job for a software engineer, as appears from a screenshot of this advertisement produced as **Exhibit R-13**. The advertisement states: "We're seeking English-speaking *male applicants only*" (our emphasis). According to The Logic, this advertisement was approved for posting in just over three hours.
32. Facebook's involvement in the placement of such discriminatory advertising is not passive, and its permission to post such advertisements is not merely tacit permission. Because Facebook claims to engage in a review process that is designed explicitly to screen out discriminatory advertising practices, it has willingly assumed responsibility for the content and targeting of the advertisements it publishes. Moreover, by itself creating Lookalike Audiences based on existing

Custom Audiences or user profiles, Facebook actively facilitates and engages in exclusionary and discriminatory targeting of its users.

33. Facebook is fully aware of the fact that it facilitates discriminatory advertising targeting across Canada. In the United States, Facebook has for several years been the target of vocal criticism as well as various legal complaints and legal proceedings attacking the fact that it permits discriminatory targeting, including complaints initiated by the United States Department of Housing and Urban Development, the Communications Workers of America, the American Civil Liberties Union, the National Fair Housing Alliance, and a former General Counsel of the United States Equal Opportunity Commission, David Lopez.
34. On March 19, 2019, the New York Times reported that Facebook announced that by September 30, 2019 it would stop allowing targeting advertisements to target or exclude people based on their race, gender, age, and other categories via Facebook's Ads Manager tool. (Ads Manager is the primary way to purchase and publish ads on Facebook.) The New York Times also reported that Facebook had agreed to make these future changes under settlements of lawsuits brought by various groups against these discriminatory practices over the years. A copy of this article is produced as **Exhibit R-14**.
35. However, Facebook's change of policy in this regard will only apply to advertisements in the United States, as appears from the article published by The Logic on April 1, 2019 (Exhibit R-11).
36. Finally, not only does Facebook permit and facilitate discrimination by advertisers, its own automated advertisement delivery system also discriminates against certain people based on prohibited grounds, even in cases where the advertisement and the parameters created by the advertiser are not themselves discriminatory, the whole as more fully appears from a recent study entitled "Discrimination through optimization: How Facebook's ad delivery can lead to skewed outcomes" (the "**Discrimination Through Optimization Study**"), produced as **Exhibit R-15**.

37. Once an advertisement is created, Facebook's system will deliver the advertisement predominantly to users for whom the content is deemed "relevant". Even when the creator of the advertisement does not specify a target audience, the advertisement is not delivered indiscriminately to all Facebook users. Rather, Facebook will target specific users who are deemed by its algorithm to be more likely to be interested in the product or service being advertised.
38. In delivering employment and housing advertisements preferentially to users with certain profiles, Facebook effectively discriminates on the basis of prohibited grounds such as, race, sex, civil status, age, ethnic or national origin, or social condition. For example, the Discrimination Through Optimization Study (Exhibit R-15) found that Facebook showed an advertisement for employment in the lumber industry principally to males, whereas an advertisement for a position as a janitor was shown predominantly to black users. Facebook's advertisement delivery algorithms, in and of themselves, discriminate against certain people on the basis of prohibited grounds.
39. In sum, by allowing and facilitating the use of its own advertising services to exclude individuals from receiving advertisements for employment or housing opportunities on the basis of their race, sex, civil status, age, ethnic or national origin, or social condition, Facebook itself breached and continues to breach its users' rights under sections 4, 10, 11, 12, 13, 16, and 18 of the Quebec *Charter*, or the relevant provisions of the human rights legislation applicable in each Class Member's province of residence. In addition, by delivering advertisements for employment or housing predominantly to certain user profiles at the exclusion of others, based on its automated algorithms, Facebook is also violating its users' rights protected by the Quebec *Charter* and human rights legislation in other Canadian provinces.

IV. THE BASIS OF PETITIONER'S PERSONAL CLAIM

40. The Petitioner, Lyse Beaulieu, is currently 65 years old. She has had a Facebook account since at least 2013 and is a regular Facebook user, logging in every day to read what is going on with her "friends" or contacts. She also uses Facebook for information and to shop online.
41. Since 2008, Ms. Beaulieu has worked as a legal assistant. She currently works as a legal and administrative assistant in Montreal.
42. While she has been a Facebook user, Ms. Beaulieu has periodically searched for a variety of jobs online. She has used job search sites such as Jobboom, Monster, Secrétaire, and others. In particular, from 2017 to 2019, when Ms. Beaulieu was 63 through 65 years old, she searched intensely for a job while she was working on contracts.
43. Despite being an active Facebook user, Ms. Beaulieu did not receive job advertisements on Facebook. Because of her age, Ms. Beaulieu was excluded from the opportunity to receive job advertisements in which advertisers and Facebook excluded older workers from receiving such advertisements.

V. THE BASIS FOR THE INDIVIDUAL CLAIMS OF THE CLASS MEMBERS

44. In addition to those set out above, the facts giving rise to an individual action on behalf of each class member are as follows:
45. Each class member has a Facebook account.
46. Each class member was interested either in employment or housing opportunities and has sought out or paid attention to advertisements on Facebook in relation to these types of opportunities, or would have paid attention to and acted on such opportunities had they been presented to the class member.

47. Each class member was excluded by Facebook's advertising services from receiving advertisements for employment or housing opportunities as a result of their race, sex, civil status, age, ethnic or national origin, or social condition.
48. Each class member suffered pecuniary and/or non-pecuniary damages as a result of being so excluded.

VI. THE COMPOSITION OF THE CLASS MAKES THE APPLICATION OF THE RULES GOVERNING MANDATE AND CONSOLIDATION OF PROCEEDINGS DIFFICULT AND IMPRACTICAL

49. The proposed class covers hundreds of thousands of class members who are dispersed across Canada. The exact number of class members is not yet known.
50. Moreover, because of the nature of the discrimination alleged, most class members will necessarily not be aware that they are members of the class. It is not possible for Facebook users to know what advertisements or opportunities they did not see because they were excluded by Facebook's targeting algorithms on the basis of race, sex, civil status, age, ethnic or national origin, or social condition.
51. It is consequently difficult if not impossible, as well as impractical, for the Petitioner to locate and contact all members of the class and to obtain a mandate to institute proceedings on their behalf.

VII. ISSUES TO BE DETERMINED ON COLLECTIVE BASIS

52. The identical, similar, or related questions of fact and law that unite each class member and that the Petitioner wishes to have decided in the proposed class action are as follows:
 - i. Did Facebook breach class members' rights under the Quebec *Charter* or other applicable provincial human rights legislation or applicable law by allowing and facilitating the use of its advertising services to exclude individuals from viewing advertisements for employment or housing

opportunities on the basis of their race, sex, civil status, age, ethnic or national origin, or social condition?

- ii. Did Facebook breach class members' rights under the Quebec *Charter* or other applicable provincial human rights legislation or applicable law by allowing and facilitating the use of its advertising services to advertise employment or housing opportunities in a manner that explicitly excludes individuals from consideration for these opportunities on the basis of their race, sex, civil status, age, ethnic or national origin, or social condition?
- iii. Did Facebook breach class members' rights under the Quebec *Charter* or other applicable provincial human rights legislation or applicable law by delivering employment or housing advertisements preferentially to certain individuals on the basis of their race, sex, civil status, age, ethnic or national origin, or social condition?
- iv. Is Facebook liable to the class members for pecuniary damages, and if so, in what amount?
- v. Is Facebook liable to the class members for non-pecuniary damages, and if so, in what amount?
- vi. Is Facebook liable to the class members for punitive damages, and if so, in what amount?
- vii. Should an injunction be issued to prohibit Facebook from allowing and/or facilitating the discriminatory targeting of advertisements based on race, sex, civil status, age, ethnic or national origin, or social condition with respect to employment and housing opportunities?

VII. ISSUES TO BE DETERMINED ON AN INDIVIDUAL BASIS

53. No issues remain to be dealt with on an individual basis.

VIII. INJUNCTION

54. In addition to damages, the Petitioner seeks injunctive relief against Facebook to force it to cease its illegal practices.
55. Facebook has been violating the Quebec *Charter* and respective provincial human rights legislation across Canada persistently for years. Making the matter worse, Facebook has acknowledged that its permissive targeting practices are being used in a discriminatory manner in the United States, and it has accordingly accepted to implement mechanisms in the United States to prevent such discriminatory practices going forward. At the same time, Facebook has completely failed to take any measures to cease the perpetuation of these discriminatory practices in Canada.
56. In these circumstances, injunctive relief to put an end to these discriminatory practices in Canada is amply justified.

IX. THE NATURE OF THE ACTION

57. The nature of the action Petitioner intends to bring on behalf of the class members is an action in damages, punitive damages, and injunction for employment discrimination and unjustified breaches of the Quebec *Charter* and other applicable provincial human rights legislation or applicable law.

IX. CONCLUSIONS SOUGHT IN THE PROPOSED CLASS ACTION

58. The conclusions sought by the Petitioner on the proposed class action are the following:

- I. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to pay to each member of the class an amount to be determined for pecuniary damages, and **ORDER** collective recovery of these sums;
- II. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to pay to each member of the class an amount to be determined for non-pecuniary damages, and **ORDER** collective recovery of these sums;
- III. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to pay to each member of the class an amount to be determined for punitive damages, and **ORDER** collective recovery of these sums;
- IV. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to pay legal interest and additional indemnity on the above amounts from the date of service of the Application for Authorization to Institute a Class Action;
- V. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to bear the costs of the present action including the costs associated with all notices;
- VI. **ORDER** Facebook, Inc. and Facebook Canada Ltd. to refrain from allowing and/or facilitating the discriminatory targeting or delivery of advertisements based on race, sex, civil status, age, ethnic or national origin, or social condition with respect to employment and housing opportunities;
- VII. **RENDER** any other order that the Court shall determine and that is in the best interests of the class members.

X. APPROPRIATENESS OF CLASS PROCEEDING

59. Given the difficulty, costs, and personal toll of bringing an individual action, the institution of a class action is the only means of providing class members with

reasonable access to justice. This is particularly so where many if not most class members are not even aware that they have been discriminated against.

XI. PETITIONER IS IN A POSITION TO PROPERLY REPRESENT THE CLASS MEMBERS

60. The Petitioner is in a position to properly represent the class members for the following reasons.

61. She is a member of the proposed class.

62. She is not aware of any conflict of interest with other class members.

63. She has the time, will, and determination to assume all responsibilities incumbent upon her in order to diligently carry out the proposed class action.

64. She is acting in good faith with the goal of obtaining justice and reparation for herself and each member of the class.

65. She is well informed of and understands the facts giving rise to the proposed class action.

66. She is represented by an experienced law firm, with expertise in class actions and discrimination issues.

67. She has fully and diligently cooperated with her attorneys in order to prepare this application for authorization and is committed to continue doing so in the future.

XII. PROPOSED JUDICIAL DISTRICT

68. The Petitioner proposes that the class action be brought in the judicial district of Montreal for the following reasons:

- a. The Petitioner resides in the district of Montreal;
- b. The Petitioner's attorneys practice their profession in the district of Montreal.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the Petitioner's Application;

AUTHORIZE the class action described as:

All Facebook users located in Canada who were interested in receiving or pursuing employment or who were seeking housing and who, as a result of their race, sex, civil status, age, ethnic or national origin, or social condition, were excluded by Facebook's advertising services from receiving advertisements for employment or housing opportunities, or who were explicitly excluded from eligibility for these opportunities through advertisements posted on Facebook, between April 11, 2016 and the date of judgment in the present proceedings.

IDENTIFY the principal questions of law and fact to be dealt with collectively as follows:

- i. Did Facebook breach class members' rights under the Quebec *Charter* or other applicable provincial human rights legislation or applicable law by allowing and facilitating the use of its advertising services to exclude individuals from viewing advertisements for employment or housing opportunities on the basis of their race, sex, civil status, age, ethnic or national origin, or social condition?
- ii. Did Facebook breach class members' rights under the Quebec *Charter* or other applicable provincial human rights legislation or applicable law by allowing and facilitating the use of its advertising services to advertise employment or housing opportunities in a manner that explicitly excludes

individuals from consideration for these opportunities on the basis of their race, sex, civil status, age, ethnic or national origin, or social condition?

- iii. Did Facebook breach class members' rights under the Quebec *Charter* or other applicable provincial human rights legislation or applicable law by delivering employment or housing advertisements preferentially to certain individuals on the basis of their race, sex, civil status, age, ethnic or national origin, or social condition?
- iv. Is Facebook liable to the class members for pecuniary damages, and if so, in what amount?
- v. Is Facebook liable to the class members for non-pecuniary damages, and if so, in what amount?
- vi. Is Facebook liable to the class members for punitive damages, and if so, in what amount?
- vii. Should an injunction be issued to prohibit Facebook from allowing and/or facilitating the discriminatory targeting of advertisements based on race, sex, civil status, age, ethnic or national origin, or social condition with respect to employment and housing opportunities?

IDENTIFY the conclusions sought by the class action as follows:

- I. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to pay to each member of the class an amount to be determined for pecuniary damages, and **ORDER** collective recovery of these sums;
- II. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to pay to each member of the class an amount to be determined for non-pecuniary damages, and **ORDER** collective recovery of these sums;
- III. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to pay to each member of the class an amount to be determined for punitive damages, and **ORDER** collective recovery of these sums;

- IV. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to pay legal interest and additional indemnity on the above amounts from the date of service of the Application for Authorization to Institute a Class Action;
- V. **CONDEMN** Facebook, Inc. and Facebook Canada Ltd. to bear the costs of the present action including the costs associated with all notices;
- VI. **ISSUE** an injunction prohibiting Facebook, Inc. and Facebook Canada Ltd. from allowing and/or facilitating the discriminatory targeting or delivery of advertisements based on race, sex, civil status, age, ethnic or national origin, or social condition with respect to employment and housing opportunities;
- VII. **RENDER** any other order that the Court shall determine and that is in the best interests of the class members.

ORDER the Respondents to provide to class counsel, in electronic form, a list containing the names and last known coordinates of all members of the proposed class;

DECLARE that any member of the class who has not requested his/her exclusion from the class be bound by any judgment to be rendered on the class action, in accordance with law;

FIX the deadline for exclusion from the class at sixty (60) days from the date of the notice to the members, after which time those members who did not request exclusion from the class shall be bound by all judgments to be rendered with respect to the class action;

ORDER the publication of a notice to the members of the class drafted according to the terms of form VI of the Rules of Practice of the Superior Court of Quebec in the manner and locations to be determined by the Court;

REFER the present file to the Chief Justice for determination of the district in which the class action should be brought and designation of the Judge before whom it will be heard;

THE WHOLE with costs, including the costs of publication of all notices.

MONTRÉAL, April 11, 2019

(S) IMK LLP

TRUE COPY

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Lawyers for the Petitioner

Our file: 5026-1

BI0080

NOTICE OF PRESENTATION

TO: Facebook Canada Ltd.
1700-2001 Boul. Robert-Bourassa
Montreal, Quebec
H3A 2A6

Facebook Canada Ltd.
661 University Ave, Suite 1201
Toronto, Ontario
M5G 1M1

Facebook, Inc.
1601 Willow Road
Menlo Park, California
94025
USA

TAKE NOTICE that the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative Plaintiff* will be presented before one of the Honourable Judges of the Superior Court of Quebec, at the Montreal courthouse, located at 1 Notre-Dame Street East, Montreal, Quebec, on the date set by the coordinator of the class actions chamber.

DO GOVERN YOURSELF ACCORDINGLY.

MONTRÉAL, April 11, 2019

(S) IMK LLP

TRUE COPY

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SUMMONS

(Articles 145 and following C.C.P.)

Filing of a Judicial Application

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

Respondent's Answer

You must answer the application in writing, personally or through a lawyer, at the Montreal Courthouse situated at 1 Notre-Dame Street Est, Montréal, Québec, 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 Petitioner's lawyer or, if the Petitioner is not represented, to the Petitioner.

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 Applicant.

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 Obtain the Status of Representative, the Petitioner intends to use the following exhibit:

- Exhibit R-1:** Screenshot of Facebook's page "Creating a new audience"
- Exhibit R-2:** Screenshot of Facebook's page "About detailed targeting"
- Exhibit R-3:** Screenshot of Facebook's "Create New Ads" pages, *en liasse*
- Exhibit R-4:** Screenshot of Facebook's page "About Lookalike Audiences"
- Exhibit R-5:** Copy of Facebook's Advertising Policies
- Exhibit R-6:** Screenshot of Sullivan + Associates Clinical Psychology advertisement posted on Facebook
- Exhibit R-7:** Screenshot of IKEA advertisement posted on Facebook
- Exhibit R-8:** Screenshot of National Arts Centre advertisement posted on Facebook
- Exhibit R-9:** Screenshot of Seneca College advertisement posted on Facebook

- Exhibit R-10:** CBC News, “Use of Facebook targeting on job ads could violate Canadian human rights law, experts warn” (April 8, 2019)
- Exhibit R-11:** The Logic, “Facebook’s new tools to block discriminatory ads will not apply outside the United States” (April 1, 2019)
- Exhibit R-12:** Screenshot of test condominium housing advertisement posted on Facebook
- Exhibit R-13:** Screenshot of test software engineering job advertisement posted on Facebook
- Exhibit R-14:** New York Times, “Facebook Halts Ad Targeting Cited in Bias Complaints” (March 19, 2019)
- Exhibit R-15:** Muhammad Ali, Piotr Sapiezynski, Miranda Bogen, Aleksandra Korolova, Alan Mislove and Aaron Rieke, “Discrimination through optimization: How Facebook's ad delivery can lead to skewed outcomes” (April 4, 2019)

These Exhibits are available upon 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.

MONTRÉAL, April 11, 2019

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