

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF SAINT-FRANÇOIS

**SUPERIOR COURT
(Class Action)**

No: 450-06-000002-174

Y.

Plaintiff

v.

**LES SERVITES DE MARIE DE QUÉBEC
and
SERVITES DE MARIE
and
COLLÈGE SERVITE (FORMERLY
COLLÈGE NOTRE-DAME DES SERVITES)**

Defendants

NOTICE TO MEMBERS

IF YOU WERE SEXUALLY ABUSED BY A RELIGIOUS MEMBER OF THE RELIGIOUS ORDER LES SERVITES DE MARIE WHILE YOU WERE A STUDENT, GUEST OR CANDIDATE FOR ADMISSION AT COLLÈGE SERVITE (FORMERLY, COLLÈGE NOTRE-DAME DES SERVITES), BETWEEN 1948 AND 2007, THIS NOTICE MAY AFFECT YOUR RIGHTS.

1. Take notice that the institution of a class action by representative “Y” (pseudonym) has been authorized by Judgment of the Superior Court against the Defendants, **LES SERVITES DE MARIE, SERVITES DE MARIE** and **COLLÈGE SERVITES** for the individuals forming part of the following class:

“All physical persons who were sexually abused by a religious member of the religious congregation Servites de Marie, while they were students, guests or candidates for admission at Collège Servite (formerly, Collège Notre-Dame des Servites), between 1948 and 2007.

2. The principal issues of fact or law which will be dealt with collectively are:
 - a) Did Father Desgrandchamps sexually abuse members of the Class?
 - b) Were other religious members of the Servites de Marie de Québec and Servites de Marie complicit in the perpetration of sexual abuse committed against the members of the Class?

- c) Did the Defendants, Les Servites de Marie de Québec, Servites de Marie and the College, engage their liability as principals / mandators for the sexual abuse perpetrated by their religious members?
 - d) Did the Defendants, Les Servites de Marie de Québec, Servites de Marie and the College, commit direct faults in respect of the members of the Class?
 - e) Is sexual abuse, in and of itself, susceptible to result in damages?
 - f) What types of damages are common to victims of sexual abuse by religious members in authority at an educational institution?
 - g) What factors do the members of the Class have in common in respect of the question of impossibility in fact to act?
 - h) Did the Defendants, Les Servites de Marie de Québec, Servites de Marie and the College, intentionally violate rights protected by Quebec's *Charter of Human Rights and Freedoms*?
 - i) Are the members of the Class entitled to claim punitive and exemplary damages?
 - j) What is the appropriate quantum of punitive and exemplary damages to be recovered collectively, in order to punish and deter the conduct of the Defendants?
3. The following are the conclusions sought in relation to the above issues:

MAINTAIN Y.'s Action;

CONDEMN the Defendants, Les Servites de Marie de Québec, Servites de Marie and the College Servite, solidarily, to pay to Y. at the recovery stage, the sum of \$450,000 as non-pecuniary damages, with interest and the additional indemnity provided by law, from and as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Defendants, Les Servites de Marie de Québec, Servites de Marie and the College Servite, solidarily, to pay to Y. at the recovery stage the sum of \$1,000,000 in respect of pecuniary damages, with interest and the additional indemnity provided by law, from and as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Defendants, Les Servites de Marie de Québec, Servites de Marie and the College Servite, solidarily, to pay Y. the sum of \$500,000 in respect of punitive and exemplary damages to be recovered collectively, with interest and the

additional indemnity provided by law, from and as of the date of service of the Application for Authorization to Institute a Class Action;

MAINTAIN the class action for all the members of the Class;

DECLARE that:

- a. All members of the Class are entitled to be compensated for all of the pecuniary damages sustained as a result of the faults of the Defendants, Les Servites de Marie de Québec, Servites de Marie and the College Servite, including, without limitation, reimbursement of loss of income and expenses incurred in connection with therapy, if applicable;
- b. All members of the Class are entitled to be compensated for all of the non-pecuniary damages sustained as a result of the faults of the Defendants, Les Servites de Marie de Québec, Servites de Marie and the College Servite, including, without limitation, all of the moral damages, suffering, trouble and inconvenience sustained, according to parameters to be determined at the time of trial of the collective questions;

ORDER the collective recovery of the claims for punitive and exemplary damages and the liquidation of the claims of the members in accordance with the provisions of articles 595 to 598 C.C.P.

CONDEMN the Defendants, Les Servites de Marie de Québec, Servites de Marie and the College Servite, to pay a global amount to be determined by the Court in respect of punitive and exemplary damages, with interest and the additional indemnity provided by law, from and as of the service of the Application for Authorization to Institute a Class Action;

THE WHOLE with legal costs, including the cost of experts, exhibits and notices to members.

4. The class action is instituted in the district of Saint-François.
5. **The members of the Class are invited to communicate with the attorneys for the representative plaintiff, in order to obtain additional information in respect of the class action and in order to find out their rights. The communications will be free of charge, confidential and protected by solicitor client privilege:**

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The Court authorized the use of pseudonyms to identify Y. and the members of the Class in the proceedings, the exhibits and any other document filed in Court in order to protect their anonymity.

6. All members of the Class are eligible to benefit from the class action and will be bound by a judgment to be rendered in respect of the class action, without needing to join the class action, unless you opt out of the Class as follows:
 - a) By notifying the clerk of the Superior Court of the district of Saint-François of his wish to opt out pursuant to Article 580 of the *Code of Civil Procedure*;
 - or
 - b) Any member of the Class who has already instituted an individual action before a civil Court which the final judgment of the present class action would otherwise determine, is deemed to have opted out of the present class action if he does not discontinue his individual action prior to the deadline to opt out.
7. Any member of the Class who does not opt out in the above-manner will be bound by the judgment to be rendered in respect of the authorized class action.
8. A member may have intervenor status accepted by the Court if same is considered useful to the Class.
9. No class member other than the class representative or an intervenor may be condemned to pay legal costs arising from the class action.

The present notice was authorized and approved by the Honourable Christian Immer, JSC