

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF QUÉBEC

SUPERIOR COURT
(Class Actions)

No : **200-06-000224-181**

PIERRE NOLET

Applicant

v.

THE ATTORNEY GENERAL OF CANADA

Defendant

NOTICE TO THE MEMBERS

1. **WE HEREBY NOTIFY YOU** that the bringing of a Class action was authorized on March 31th 2020, by a judgement of the Honourable Justice Guy de Blois of the Superior Court of Quebec, on behalf of the Group described hereinafter, that is :

Since August 13th 2015, all natural persons in Canada who have filed a proposal under the Bankruptcy and Insolvency Act (RSC 1985, c B-3), which has been duly approved by the Court but who were seized or otherwise set-off by the defendant for a tax refund covering the period starting on January 1st of the year of the notice of intention to make a proposal or of the proposal until December 31st of the same year for a claim provable in the proposal.

[TRANSLATION]

2. The Chief Justice appointed the Honourable Guy de Blois, S.C.J., to hear all the related proceedings.
 3. The status of representative for the bringing of the Class action was ascribed to **PIERRE NOLET**, who, for such purposes, has elected its domicile at the office of its attorneys, Bédard, Poulin, avocats, s.e.n.c.r.l., at 47, rue Dalhousie, Québec (Québec) G1K 8S3.
 4. The main questions of fact and of law to be dealt with collectively are as follows:
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1. Is the Canada Revenue Agency entitled to set-off a tax refund for the year of the proposal with a claim provable in this proposal?
 2. Are Class Members entitled to a reimbursement?
 3. Can the defendant be held liable to Class Members?
 4. Have the Class Members suffered compensatory damage and if so, of what nature?
5. The conclusions sought that are related to those questions are as follows:
- a) **ALLOW** the Class action for all Members of the Group;
 - b) **DECLARE** that the seizure or set-off of post-proposal tax refund for pre-proposal debts is illegal;
 - c) **CONDEMN** the defendant to pay the plaintiff and each of the Class Members the amounts illegally seized or set-off despite the filing of a notice of intention to file a proposal or a proposal under the *Bankruptcy and Insolvency Act*, all with interest at the statutory rate with the additional indemnity as of the institution of this Class action and **ORDER** the collective recovery of these sums;
 - d) **CONDEMN** the defendant to pay the plaintiff and each of the Class Members an amount of \$5,000 or 15% of the amounts seized post-proposal as damages for moral and material damage as well as for punitive damages and **ORDER** the collective recovery of these amounts;
 - e) **CONDEMN** the defendant to pay \$2,000,000 in punitive damages with interest and the additional indemnity as of this judgment;
 - f) **CONDEMN** the defendant, if necessary, to reimburse the Class Members and interested third parties;
 - g) **THE WHOLE, with legal costs**, including expert fees and publication fees for all notices to Members in *Le Devoir*, *La Presse*, *Le Soleil* and *National Post* newspapers;
6. The Class action to be brought by the representative on behalf of the Members of the Group will consist of an action for reimbursement and for damages.
7. Every Member forming a part of the Group who is not excluded from the Group by the means indicated hereinafter shall be bound by any judgement rendered in the Class action.
8. The date after which no Member may elect to be excluded (except with special permission) has been set as the date that is 30 days after the publication of this notice, that is, on **October 26th 2020, at 5 PM.**

9. A Member who has not already brought a personal suit may opt out of the Group by notifying the clerk of the Superior Court of the district of Québec, by registered or certified mail, before the exclusion deadline, stating the Court number **200-06-000224-181**, as shown at the top of this notice.
10. Any Member of the Group who has brought a suit that would be decided by the final judgment rendered in the Class action and who does not discontinue said suit by the exclusion deadline is deemed to be excluded from the Group.
11. A Member of the Group who is not a representative or an intervener cannot be called upon to pay the costs of the Class action.
12. The Court may allow a Member to intervene if such intervention is considered useful to the Group. An intervening Member is required to submit to an examination on discovery at Defendant's request. A Member who does not intervene in the Class action has to submit to an examination on discovery only if the Court considers it necessary.
13. Members of the Group may obtain a copy of the judgement authorizing this Class action, as well as more information regarding the Class action, by consulting the Registry of Class actions at <https://www.registredesactionscollectives.quebec/en> or by consulting the representative's attorneys' website at www.bpavocats.com.
14. In the event of any inconsistency between the terms of this notice and those of the judgement of the Honourable Guy de Blois, S.C.J., the terms of the judgement shall prevail.
15. The publication of this notice has been authorized by the Superior Court of Justice.

BÉDARDPOULIN
a v o c a t s

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