

CANADA

SUPERIOR COURT
Class Action

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No. : 500-06-000991-196

RAUL MARTIN

Representative Plaintiff

v.

ATTORNEY GENERAL OF QUEBEC

Defendant

**NOTICE REGARDING THE AUTHORIZATION OF A CLASS ACTION
AGAINST THE ATTORNEY GENERAL OF QUEBEC**

If you were detained in pre-trial custody between March 29, 2016 and June 21, 2019 and, having been charged with an indictable offence, your pre-trial detention exceeded 90 days or, having been charged via summary conviction, your pre-trial detention exceeded 30 days:

This notice may affect your rights.

On March 17, 2020, the Superior Court of Quebec authorized Raul Martin (the "Representative Plaintiff") to institute a class action against the Attorney General of Quebec in the district of Montreal on behalf of the following persons:

Anyone who was detained in Quebec pending trial between March 29, 2016 and June 21, 2019 for a continuous period of more than:

- *90 days, if that person was charged with an indictable offence;*

OR

- *30 days, if that person was charged via summary conviction;*

Without the person having custody requesting a judge to set a date for a hearing to determine whether he or she should be released.

The following detentions are excluded:

- *Detention that was the subject of a review application under section 520 of the Cr. C. within the continuous period of 90 days (or 30 days, as the case may be) and that ended within 90 days (or 30 days, as the case may be) of the date of the judgment under review;*
- *Detention of a person charged with an offence under section 469 of the Cr. C.;*

- *Detention of a person who was to be detained in custody in connection with another matter.*

(our translation of the Judgment of the Superior Court)

All persons who meet these criteria (the "**Members**") may be entitled to compensation if the class action is successful.

PRINCIPAL QUESTIONS OF LAW AND FACT TO BE DEALT WITH COLLECTIVELY

The principal questions of fact and law that will be addressed collectively in the class action are as follows:

1. Did the Defendant infringe the rights of the members of the class protected by sections 7, 9, 11 (d) and 11 (e) of the *Canadian Charter of Rights and Freedoms* by failing to apply to a judge for a review of the lawfulness of their detention within the time limits set out in subsection 525 (1) of the *Criminal Code*?
2. If so, are the class members entitled to damages as a just and appropriate remedy under subsection 24(1) of the *Canadian Charter of Rights and Freedoms*?
3. Did the Defendant infringe the rights of the class members protected by sections 1, 24, 31 and 33 of the *Charter of Human Rights and Freedoms* by failing to apply to a judge for a review of the lawfulness of their detention within the time limits set out in section 525(1) of the *Criminal Code*?
4. If so, are the class members entitled to damages as a just and appropriate remedy under subsection 49(1) of the *Charter of Human Rights and Freedoms*?
5. Did the Defendant unlawfully and intentionally violate the rights of the class members protected by the *Charter of Human Rights and Freedoms* by failing to apply to a judge for a review of the lawfulness of their detention within the time limits set out in subsection 525(1) of the *Criminal Code*?
6. If so, are the class members entitled to punitive damages as a just and appropriate remedy under subsection 49(2) of the *Charter of Human Rights and Freedoms*?
7. Did the Defendant commit a civil fault against the class members by failing to apply to a judge for a review of the lawfulness of their detention within the time limits set out in subsection 525 (1) of the *Criminal Code*?
8. If so, is the Defendant liable to compensate the Plaintiff and the class members for the damages thus caused?

CONCLUSIONS SOUGHT

The conclusions sought in relation to these questions are as follows:

GRANT the Plaintiff's action on behalf of all class members;

CONDEMN the Defendant to pay the Plaintiff and each class member charged with an indictable offence an amount of \$1,000 for each 90-day period spent in detention without benefiting from the judicial review provided for in section 525 Cr. C., with interest at the legal rate plus the additional indemnity since the filing of the application for authorization to institute a class action;

CONDEMN the Defendant to pay to each class member charged via summary conviction an amount of \$1,000 for each 30-day period spent in detention without the benefit of the judicial review provided for in section 525 Cr. C., with interest at the legal rate plus the additional indemnity from the filing of the application for authorization to institute a class action;

CONDEMN the Defendant to pay the Plaintiff and each of the members an amount of \$5,000 in punitive damages;

ORDER that the claims of the members be subject to collective recovery;

SUMMON the parties within 30 days of the final judgment, in order to determine the measures for the distribution of the amounts recovered collectively;

THE WHOLE with costs, including the costs of all experts, opinions and expenses of the administrator, if any.

THE RIGHT TO EXCLUSION

Members shall be entitled to benefit from and shall be bound by any judgment to be rendered in the class action.

If you wish to be included in the class action, you do not have to do anything.

If you do not wish to be included in the class action, you may exclude yourself by notifying the Clerk of the Superior Court of the District of Montreal located at 1, Notre-Dame St. East, Montreal (Québec) H2Y 1B6, within sixty (60) days of the date of this notice.

If you have already filed an individual legal action having the same object as the class action, you are deemed to exclude yourself from the class if you do not withdraw your individual action before the expiry of the exclusion period.

INTERVENTION

A Member may apply to the Court for authorization to intervene in the class action. The Court may accept the intervention if it is of the opinion that the intervention is useful to the class.

Members other than the representative or an intervener cannot be ordered to pay legal costs.

ADDITIONAL INFORMATION

For any questions relating to the class action and/or your rights, please contact the lawyers handling the class action:

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If you wish to receive information on future developments in the class action, you can fill in the form available on the website of the Members' lawyers:
<https://www.coupalchauvelot.com>.

The publication of this notice has been authorized by the Honourable Chantal Corriveau, j.c.s.