

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

NO: 500-06-001098-207

SUPERIOR COURT
(Class Action)

David Ibarra, an individual residing at 6254
Av De Vimy, Montréal, QC, H3S 2R3

Applicant

c.

**LA CORPORATION CADILLAC
FAIRVIEW LIMITEE**, a legal person duly
constituted pursuant to the laws of Ontario,
having its registered office at 20 Queen
Street West, 5th Floor, Toronto, Ontario,
M5H 3R4

And

LOCATIONS GALERIES D'ANJOU INC., a
legal person duly constituted pursuant to the
laws of Ontario, having its registered office
at 20 Queen Street West, 5th Floor, Toronto,
Ontario, M5H 3R4

And

LE CARREFOUR LAVAL (2013) INC., a
legal person duly constituted pursuant to the
laws of Ontario, having its registered office
at 20 Queen Street West, 5th Floor, Toronto,
Ontario, M5H 3R4

Defendants

**APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION
AND TO OBTAIN THE STATUS OF REPRESENTATIVE
(Art. 575 C.c.p.)**

**TO THE HONOURABLE JUSTICE OF THE QUÉBEC SUPERIOR COURT, SITTING IN
AND FOR THE DISTRICT OF MONTRÉAL, THE APPLICANT SUBMITS AS
FOLLOWS:**

I. GENERAL PRESENTATION

1. La Corporation Cadillac Fairview Limitée (“CFCL”) – one of North America’s largest commercial real estate companies – embedded cameras inside their digital information kiosks at 12 shopping malls across Canada and used facial recognition technology without their customers’ knowledge or consent.
2. The applicant seeks to institute a class action on behalf of the following group, of which they are a member (the “Class” or “Class Members”):

all persons in Québec whose personal information, including sensitive biometric information, was collected and used by CFCL, via the Anonymous Video Analytics (AVA) technology installed in “wayfinding” directories in CF Galeries d’Anjou and/or CF Carrefour Laval, without valid consent.

or such other class definition as may be approved by the Court.

3. The applicants allege that the defendants violated Québec class members’ rights to privacy under the *Charter of human rights and freedoms*, CQLR c C-12 (“*Charter*”);
4. They furthermore allege that the defendants acted unlawfully and with the full knowledge that its conduct would violate visitors’ rights. In particular, failed to meet its obligations under the *Civil Code of Québec*, CQLR c CCQ-1991 (the “*CCQ*”) and it defied the *Act respecting the protection of personal information in the private sector*, CQLR c P-39.1 (the “*PPIPS*”), which inform the scope and content of its obligations under the *Charter*;
5. In response, the class action seeks an award of punitive damages against the defendants under the *Charter* sufficient to condemn the defendant’s unlawful conduct, impose a just penalty, and deter future breaches of class members’ rights;

II. THE PARTIES

A. The Applicant

6. The applicant, David Ibarra, is an individual who lives in Montréal, Québec.

B. The Defendants

7. The defendant, CFCL, is a company organized under the laws of Ontario and headquartered and carrying on business in Toronto, Ontario. It was created on August 1, 2012 under the *Business Corporations Act*, RSO c. B.16 (“*Ontario BCA*”). Its registry ID is 1878308. It was registered in Québec on October 15, 2012. Its Québec registry ID is 1168604099;
8. CFCL is one of the largest owners, operators and developers of offices, retail and mixed-use properties, including shopping malls, in North America.
9. The defendant, Locations Galeries D’Anjou Inc., is a company organized under the laws of Ontario and headquartered and carrying on business in Toronto, Ontario. It was created on October 27, 1989 under the *Ontario BCA*. It was registered in Québec on March 8, 1995. Its Québec registry ID is 1143397603;
10. The defendant, Le Carrefour Laval (2013) Inc., is a company organized under the laws of Ontario and headquartered and carrying on business in Toronto, Ontario. It was created on October 22, 2013 under the *Ontario BCA*. It was registered in Québec on October 31, 2013. Its Québec registry ID is 1169581791;
11. CFCL, Locations Galeries D’Anjou Inc. and Le Carrefour Laval (2013) Inc. are collectively the “defendants” for this application;

III. THE FACTS

12. The facts giving rise to personal claims by each of the members of the class against the defendants are as follows;
13. CFCL contracted with a third-party company, Mappedin, to provide CFCL with software and support services for interactive digital wayfinding directories, which CFCL installed in many of its retail properties across Canada;
14. The wayfinding directories all contained optical devices (i.e., cameras) behind protective glass on the periphery of the screen, such that they were not easily noticeable. The cameras were non-operational when first installed because they were not supported by underlying software;

15. AVA technology, consisting of a particular software package, was first installed by Mappedin on June 13, 2017 on a test basis, and then disabled and removed on December 1, 2017;
16. The AVA technology was subsequently installed in directories at twelve malls across Canada where the technology was operational between May 31, 2018 to in or about August 3 2018;
17. The AVA technology was operational in wayfinding directories in the following shopping malls located in Québec:
 - (a) CF Galeries d'Anjou; and
 - (b) CF Carrefour Laval.
18. The first step undertaken by the AVA technology was facial detection. The technology was trained to detect the visual formation of one or more human faces within the field of view of the camera installed in the wayfinding directory;
19. Once the technology detected what it assessed to be a human face, it generated a bounding box around the face, and captured the image therein for conversion and processing. This "capture" resulted in an actual digital image – or photograph – of the face being retained for a period of a few milliseconds.
20. In order to do so, the technology also has the ability to, and does, differentiate faces from one another should there be more than one face in the field of view of the camera. In order to do so, the technology attributed a unique identifier, a random number, to each face detected;
21. Should a user exit the field of view and subsequently return, the AVA technology would assign a new random unique identifier;
22. CFCL collected and retained these unique identifiers in its database, along with additional information associated therewith, including, numerical representations of individual faces captured;
23. In order for the technology to differentiate and track individual faces interacting with a wayfinding directory, the AVA technology converted and encoded the captured images, which involved the computation of a series of measurements of each face. This process generated a numerical representation, through an embedding process, of each detected face;

24. CFCL, via the AVA technology, collected, used and retained 5,061,324 numerical representations of faces, including from individuals in Québec;
25. In addition to demographic information (age and gender), the AVA technology was collecting and/or generating the following information in respect of each face detection event, which was pushed to the Mappedin servers where it was retained on behalf of CFCL:
 - (a) A unique identifier for the wayfinding directory in which the collection occurred;
 - (b) A unique identifier for the camera used for the collection;
 - (c) A unique identifier for tracking and differentiating faces in the field of view;
 - (d) A numerical representation of individual faces;
 - (e) The property in which the camera is located; and
 - (f) A timestamp.
26. CFCL, via Mappedin, collected, used and retained the personal information for its business purposes;

IV. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY THE APPLICANT

27. The facts upon which the applicant's personal claims against the defendants are based are as follows;
28. The applicant is a resident of Montréal, Québec;
29. The applicant used a wayfinding directory during a visit to CF Galeries d'Anjou between May 31 2018 and August 3, 2018, during which time the AVA technology was operational in the wayfinding directories;
30. CFCL's collection and use of this individual's personal information through the deployment of the AVA technology in its shopping malls without this individual's knowledge or consent violates the rights enshrined in article 5 of the *Charter* to respect for one's private life;
31. These business practices were wrongful in light of the general principles of civil liability in Québec and unlawful for the purposes of article 49 of the *Charter*, in particular because they breached the privacy rights of the class members, in contravention of arts. 3, 35 36 and/or 37 of the *CCQ* and section 5 of the *PPIPS*;

32. These business practices, which took the form of technical design choices made by CFCL, were undertaken with full knowledge that they would violate class members' rights and were intentional within the meaning of article 49 of the *Charter*;
33. In response, the applicant claims punitive damages against the defendants pursuant to article 49 of the *Charter* in an amount to be determined by the Court based on the evidence to be presented at trial;

V. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY EACH OF THE CLASS MEMBERS

A. The Defendants Breached Class Members' Rights to Privacy

34. The *Charter* guarantees the following rights to every person:
 5. Every person has a right to respect for his private life.
35. Shopping mall visitors have a privacy interest in their biometric information;
36. The Commission d'accès à l'information du Québec ("CAI") guidance on biometrics, reproduced as **Exhibit P-1**, clearly affirms that biometric information is personal;
37. Shopping mall visitors did not consent to the collection and use of their personal information by the defendants;
38. By collecting and using shopping mall visitors' personal information without their consent, CFCL seriously interfered with class members' rights to privacy under article 5 of the *Charter*;

B. The Defendants' Conduct Was Unlawful

39. In order to give rise to a claim in punitive damages under the *Charter*, the applicants must demonstrate that the interference with their rights was unlawful, which is to say that it was wrongful in light of the general principles of civil liability. These principles invoke the duty of every person to abide by the rules of conduct incumbent upon them, according to the circumstances, usage or law;

40. In the particular context of this case, the relevant rules of conduct incumbent upon CFCL under the *Charter* are defined through the nature of its statutory obligations under the *CCQ* and the *PPIPS*; as well as through the context in which individuals visit shopping malls;
41. The defendants breached the privacy rights of the class members, in contravention of articles 3, 35, 36 and 37 of the *CCQ*, by failing to obtain the consent of class members to collect and use their personal information;
42. Every person, including every member of the proposed class, has an inalienable right to privacy as enshrined under article 3 of the *CCQ*;
43. Article 35 of the *CCQ* is clear that a person's right to privacy cannot be invaded without the consent of that person or without authorization of law. Article 36 of the *CCQ* provides particular examples of activities that may constitute an invasion of privacy, including the appropriation or use of a person's image or voice while they are in private premises, the observation of a person's private life, and the use of an individual's image, likeness or voice for a purpose other than the legitimate information of the public;
44. Article 37 of the *CCQ* furthermore prohibits all other invasions of privacy;
45. The defendants' practice of collecting and using biometric data was a direct invasion of class members' privacy rights. More particularly, the defendants breached the class members' privacy rights because the CFCL collected, used and retained the personal information for its business purposes;
46. These actions were contrary to articles 3, 35, 36, and 37 of the *CCQ* and constitute unlawful conduct for the purposes of article 49 of the *Charter*;
47. Furthermore, and in order to better protect the rights conferred by articles 35 to 40
48. of the *CCQ*, the Québec legislature adopted the *PPIPS*. The *PPIPS* creates particular rules with respect to the personal information collected, held, used, or communicated to third persons by private actors;
49. Consent is a foundational principle in the *PPIPS* and of privacy law more generally. The *PPIPS* defines the term as follows:

14. Consent to the collection, communication or use of personal information must be manifest, free, and enlightened, and must be given

for specific purposes. Such consent is valid only for the length of time needed to achieve the purposes for which it was requested.

Consent given otherwise than in accordance with the first paragraph is without effect.

50. Additionally, section 5 of the *PPIPS* provides that personal information can only be collected by lawful means;
51. CFCL's violations of the *PPIPS* were unlawful for the purposes of article 49 of the *Charter*;

C. The Defendants' Breach of the *Charter* was Intentional

52. In order to succeed in their claim for punitive damages under the *Charter*, the applicant must demonstrate that the interference with their rights was not only unlawful, but also that it was intentional within the meaning of article 49;
53. CFCL was aware of its obligations under Québec privacy laws, many of which are substantially similar to CFCL's statutory obligations in the rest of Canada in the jurisdictions which the company carries out its business activities;
54. CFCL's wrongful conduct was directly and inextricably connected to its interference with class members' rights under the *Charter*. The interference with class members' *Charter*-protected rights was also the immediate and natural consequence or the extremely probable result of CFCL's unlawful conduct;
55. CFCL's misconduct in this case cannot be characterized as inadvertent or unintentional. The company chose to profit and expand its business through these illicit activities with the full knowledge that it did so at the expense of its visitors' privacy rights;
56. A joint investigation led by the Office of the Privacy Commissioner of Canada, the Office of the Information & Privacy Commissioner for British Columbia, and the Office of the Information and Privacy Commissioner of Alberta concluded that CFCL collected and used personal information, including sensitive biometric information, via the AVA technology without valid consent. It stated, in part:

Was there Collection, Use and/or Disclosure of Personal Information?

60. In our view, CFCL clearly did collect and use, via the AVA technology, personal information, as defined in the Acts, including: captured images of faces, the numerical representation assigned

to each face and the assessment of age range and gender...

...

62. We do not accept CFCL's assertion that the AVA technology worked entirely in real-time. Rather, the captured images of individual faces coming into the field of view of the cameras were kept in memory, albeit for a very short period of time, while the technology processed these images, with the resulting information and analyses to be used thereafter.

63. The images of individual faces captured by the AVA technology through the cameras installed on the wayfinding directories are, in and of themselves, clearly personal information. Past cases have consistently found that images or photographs of individuals can and do constitute personal information under *PIPEDA*, *PIPA BC* and *PIPA AB*. As such, while we agree that the captured images were held in memory for a very short period, that practice did represent a collection of personal information.

64. Moreover, our investigation found that the images captured by the technology were used to generate additional personal information including numerical representations, age range and gender of individual faces, which were then collected and retained for a much longer time period.

65. In particular, we are of the view that the embedding process, which results in the creation of a unique numerical representation of a particular face, constitutes a collection of biometric information, because that information is uniquely derived from a particular identifiable individual, and could be used, and is used in the context of the AVA technology in this case, to distinguish between different individuals. Based on CFCL and Mappedin's representations regarding the use of FaceNet software to detect and differentiate faces during the collection process, we have determined that these numerical representations are created by FaceNet to identify a number of facial features, which would normally enable the software to recognize specific individuals. We do note that consistent with CFCL's and Mappedin's representations, we found no evidence that either were using the technology for the purpose

of identifying individuals. Nonetheless, the collection, use and retention of approximately 5 million such numerical representations, which we view as sensitive personal information, occurred via the AVA technology.

As stipulated by the courts, information will be about identifiable individuals when the information in question, together with other available information would tend to or possibly identify them. "About" is also defined as being information that is not just the subject of something but also relates to or concerns the subject – such as images and/or biometric information. In that regard, previous Alberta investigations have found biometric information to be personal information. Similarly, OPC's guidance on biometrics, and past investigations, clearly affirm that biometric information is personal

57. The full report from the Commissioners has been reproduced as **Exhibit P-2**;

D. Damages

58. In summary, CFCL's interference with class members' rights to privacy and to was both unlawful and intentional under article 49 of the *Charter*.
59. The applicant pleads that they and the class members are therefore entitled to recover punitive damages pursuant to article 49 of the *Charter* in an amount to be determined by the Court, in light of the evidence at trial, on behalf of all class members residing in Québec;
60. They submit that any award of punitive damages must reflect the fact that the impugned acts are part of a larger pattern of misconduct, impunity, and contempt for class members' rights;
61. Any such an award must therefore be sufficient to effectively deter future breaches of class members' rights, as well as to punish and denounce the company's illegal and wrongful conduct;

VI. CONDITIONS REQUIRED TO INSTITUTE A CLASS ACTION

62. The composition of the class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings, for the following reasons:

- (a) Class Members are numerous and are scattered across Québec;
 - (b) The applicant is unaware of how many persons throughout Québec had their biometric data collected and used without their consent;
 - (c) The names and addresses of the Class Members are not known to the applicant;
 - (d) Given the costs and risks inherent in an action before the courts, many people will hesitate to institute an individual action against the defendants. Even if the Class Members themselves could afford such individual litigation, the Court system could not as it would be overloaded;
 - (e) Further, individual litigation of the factual and legal issues raised by the conduct of the defendants would increase delay and expense to all parties and to the court system;
 - (f) It would be impossible to contact each and every class member to obtain mandates and to join them in one action; and
 - (g) In these circumstances, a class action is the only procedure for the Class
 - (h) members to effectively pursue their respective rights and have access to justice.
63. The claims of the Class Members raise identical, similar or related questions of fact or law namely:
- (a) Did the defendants breach articles 3, 35, 36, and/or 37 of the CCQ?
 - (b) Did the defendants breach its statutory obligations under the *PPIPS*?
 - (c) Did the defendants breach article 5 of the *Charter*?
 - (d) Are class members entitled to punitive damages per art. 49 of the *Charter*?
 - (e) What is the amount of the aggregate punitive damages to be awarded to the class?
64. The interests of justice weigh in favour of this application being granted in accordance with its conclusions;

VII. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

65. The action that the applicant wishes to institute for the benefit of the class members is an action in punitive damages;

66. The conclusions that the applicant wishes to introduce by way of an application to institute proceedings are:

GRANT the applicant's action against the defendants;

DECLARE that the defendants:

- (i) Violated its statutory obligations under the *CCQ* and the *PPIPS*;
- (ii) Intentionally and unlawfully violated class members' rights to privacy and under the *Charter*;

CONDEMN the defendants to pay the class members punitive damages pursuant to article 49 of the *Charter* in an amount to be determined by the Court based on the evidence at trial;

ORDER collective recovery in accordance with articles 595-598 of the *CCP*;

THE WHOLE with interest from the date of judgment and with full costs and expenses, including expert fees, notice fees and fees relating to administering the plan of distribution of the recovery in this action;

VIII. JUDICIAL DISTRICT

67. The applicant suggests that this class action be exercised before the Superior Court in the District of Montréal because the applicant, as well as a large number of the class members, reside in Montréal;

IX. ADEQUACY OF REPRESENTATIVES

68. The applicant, who seeks to obtain the status of representative, will fairly and adequately protect and represent the interest of the members of the class;

69. The applicant is a member of the proposed class and understands the nature of the action. They are available to dedicate the time necessary for an action,

including to accomplish all of the tasks and formalities required. They commit to collaborating fully with their lawyers in the best interests of the class;

70. The applicant is an engaged, professional, and civic-minded individual. They believe that class actions can serve as an important vehicle for access to justice and corporate accountability;
71. They also believe in the rule of law, and are concerned about the larger political, social consequences of allowing a company like CFCL to act with disregard for the privacy rights of class members in Québec;
72. They are acting in good faith with the sole objective of obtaining justice for themselves and for each member of the class;
73. Their interests are not antagonistic to those of other Class members;

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the applicant's action against the defendants;

AUTHORIZE the bringing of a class action in the form of an application to institute proceedings in damages;

ASCRIBE the applicant the status of representative of the persons included in the group herein described as:

all persons in Québec whose personal information, including sensitive biometric information, was collected and used by CFCL, via the Anonymous Video Analytics (AVA) technology installed in "wayfinding" directories in CF Galeries d'Anjou and/or CF Carrefour Laval, without valid consent.

or such other class definition as may be approved by the Court.

IDENTIFY the principle questions of fact and law to be treated collectively as the following:

- (a) Did the defendants breach articles 3, 35, 36, and/or 37 of the CCQ?
- (b) Did the defendants breach its statutory obligations under the *PPIPS*?
- (c) Did the defendants breach article 5 of the *Charter*?

- (d) Are class members entitled to punitive damages per art. 49 of the *Charter*?
- (e) What is the amount of the aggregate punitive damages to be awarded to the class?

IDENTIFY the conclusions sought by the class action to be instituted as being the following:

GRANT the applicant's action against the defendants;

DECLARE that the defendants:

- (i) Violated its statutory obligations under the *CCQ* and the *PPIPS*;
- (ii) Intentionally and unlawfully violated class members' rights to privacy and under the *Charter*,

CONDEMN the defendants to pay the class members punitive damages pursuant to article 49 of the *Charter* in an amount to be determined by the Court based on the evidence at trial;

ORDER collective recovery in accordance with articles 595-598 of the *CCP*;

THE WHOLE with interest from the date of judgment and with full costs and expenses, including expert fees, notice fees and fees relating to administering the plan of distribution of the recovery in this action;

DECLARE that all Class Members that have not requested their exclusion from the Class in the prescribed delay to be bound by any judgment to be rendered on the class action to be instituted;

FIX the delay of exclusion at 30 days from the date of the publication of the notice to the Class Members;

ORDER the publication of a notice to the Class Members in accordance with article 579 of the *CCP*, pursuant to a further Order of the Court;

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

Montréal, November 3, 2020.

Theodore P. Charney

Devra Charney

CHARNEY LAWYERS PC

Theodore P. Charney

Devra Charney

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Fax: 1-438-788-9278

Counsel for the Applicant

SUMMONS
(Art. 145 and following C.C.P.)

Filing of a judicial application

Take notice that the Applicant has filed this Application for Authorization to Institute a Class Action and to Appoint the Status of Representative Plaintiff in the office of the Superior Court in the judicial district of Montréal.

Defendants' answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montréal situated at 1 Rue Notre-Dame Est, Montréal, Québec, H2Y 1R6, 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 Applicant's lawyer or, if the Applicant is not represented, to the Applicant.

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 case 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 plaintiff.

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

Exhibit P-1: The Commission d'accès à l'information du Québec's guide on Biometrics: Principles and Legal Duties of Organizations, last updated in July 2020.

Exhibit P-2: Joint investigation of the Cadillac Fairview Corporation Limited by the Privacy Commissioner of Canada, the Information and Privacy Commissioner of Alberta, and the Information and Privacy Commissioner for British Columbia, PIPEDA Report of Findings #2020-004, October 28, 2020.

The exhibits in support of the application 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.

**NOTICE OF PRESENTATION
(Articles 146 and 574 CCP)**

TO:

LA CORPORATION CADILLAC FAIRVIEW LIMITEE
20 Queen Street West, 5th Floor
Toronto, Ontario, M5H 3R4

AND TO:

LOCATIONS GALERIES D'ANJOU INC., a legal person duly constituted pursuant to the laws of Ontario, having its registered office at 20 Queen Street West, 5th Floor, Toronto, Ontario, M5H 3R4

AND TO:

LE CARREFOUR LAVAL (2013) INC., a legal person duly constituted pursuant to the laws of Ontario, having its registered office at 20 Queen Street West, 5th Floor, Toronto, Ontario, M5H 3R4

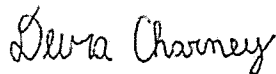
Defendants

TAKE NOTICE that Applicant's *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* will be presented before the Superior Court at 1 Rue Notre-Dame E, Montréal, Québec, H2Y 1B6, on the date set by the coordinator of the Class Action chamber.

GOVERN YOURSELF ACCORDINGLY.

Montréal, November 3, 2020







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Counsel for the Applicant

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

NO:

SUPERIOR COURT
(Class Action)

David Ibarra, an individual residing at 6254
Av De Vimy, Montréal, QC, H3S 2R3

Applicant

c.

**THE CADILLAC FAIRVIEW
CORPORATION LIMITED/LA
CORPORATION CADILLAC FAIRVIEW
LIMITEE**, a legal person duly constituted
pursuant to the laws of Ontario, having its
registered office at 20 Queen Street West,
5th Floor, Toronto, Ontario, M5H 3R4

And

LOCATIONS GALERIES D'ANJOU INC., a
legal person duly constituted pursuant to the
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at 20 Queen Street West, 5th Floor, Toronto,
Ontario, M5H 3R4

And

LE CARREFOUR LAVAL (2013) INC., a
legal person duly constituted pursuant to the
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at 20 Queen Street West, 5th Floor, Toronto,
Ontario, M5H 3R4

Defendants

LIST OF EXHIBITS

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Exhibit P-2: Joint investigation of the Cadillac Fairview Corporation Limited by the Privacy Commissioner of Canada, the Information and Privacy Commissioner of Alberta, and the Information and Privacy Commissioner for British Columbia, PIPEDA Report of Findings #2020-004, October 28, 2020.

Montréal, November 3, 2020


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Counsel for the Applicant

NO:	
SUPERIOR COURT DISTRICT OF MONTRÉAL (Class Action)	
David Ibarra	<i>Applicant</i>
c.	
LA CORPORATION CADILLAC FAIRVIEW LIMITEE	
And	
LOCATIONS GALERIES D'ANJOU INC.	
And	
LE CARREFOUR LAVAL (2013) INC.	<i>Defendants</i>
APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND TO OBTAIN THE STATUS OF REPRESENTATIVE, LIST OF EXHIBITS	
ORIGINAL	
Nature : Class Action	
Mon dossier :	0012-007 AS0NB7
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