

CANADA

PROVINCE OF QUEBEC  
DISTRICT OF LONGUEUIL

NO.: 505-06-000024-203

SUPERIOR COURT  
(Class Action)

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JOHN CORMIER,   


Plaintiff

-vs-

**CITY OF LONGUEUIL**, a legal person, duly constituted according to law, domiciled at 4250 de la Savane Rd, in the City of Longueuil, Province of Quebec, J3Y 9G4

-and-

**THE ESTATE OF THE LATE FRANÇOIS LAMARRE**, having its last known address at 652 Campbell St, in the City of Greenfield Park (Longueuil), Province of Quebec, J4V 1Y3

Defendants, *solidarily*

-and-

**L'AGENCE DE REVENU DU QUÉBEC (REVENU QUEBEC)** *in the capacity of provisional liquidator of the estate of the late François Lamarre*, having a place of business at Complexe Desjardins, Sector D221LC, C.P. 5000, Succursale Desjardins, in the City of Montreal, Province of Quebec, H5B 1A7

Mise-en-cause

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**ORIGINATING APPLICATION OF A CLASS ACTION LAWSUIT  
(Articles 583 C.C.P.)**

TO THE HONOURABLE PIERRE-C. GAGNON, JUSTICE OF THE SUPERIOR COURT OF QUEBEC DESIGNATED TO PRESIDE OVER THE PRESENT CLASS ACTION, PLAINTIFF RESPECTFULLY SUBMITS THE FOLLOWING:

I. INTRODUCTION

1. By Judgment dated May 6, 2021, Plaintiff was authorized to institute a class action on behalf of the following class :

"All persons who were sexually abused by the late François Lamarre while he acted as coach of the municipal hockey program in the City of Greenfield Park, as well as the estate of any such persons if deceased since September 1, 2017" (the "**Class**");

2. The Supreme Court of Canada has unequivocally confirmed that sexual assault has *always* been a fault that automatically causes serious injury;
3. The present class action seeks reparation from the Defendants, solidarily, for the serious and irreparable injuries caused to class members by the numerous sexual assaults perpetrated by François Lamarre ("**Lamarre**"), a former Greenfield Park hockey coach and police officer;
4. Lamarre abused the power and authority given to him by the City of Greenfield Park, now part of the City of Longueuil (the "**Defendant City**"), to prey upon dozens, if not hundreds, of innocent and vulnerable children during the formative years of their youth;
5. The Defendant City is liable for the abuse perpetrated by Lamarre during the course of his functions as a hockey coach, in addition to being liable for its own negligence in failing to ensure that Lamarre would not sexually abuse children with whom he came into contact as a result of his status as a hockey coach, including, without limitation, children enrolled in the Defendant City's hockey program, their siblings, friends, opponents and opponents' siblings, as well as children potentially interested in enrolling in the Defendant City's hockey program ;
6. The Defendant City was at best negligent in allowing Lamarre to remain an esteemed hockey coach for many years, and, at worst, knew of Lamarre's abuse and simply turned a blind eye to his rampant abuse of children. In either case, the Defendant City failed to fulfil its obligations to prevent Lamarre's abuse, as well as to put an end to same immediately. The Defendant City's failure to fulfil its obligations resulted in numerous children suffering abuse and serious injury;
7. Lamarre died on July 26, 2020, as more fully appears from a *Lettre d'attestation de décès du Directeur de l'état civil du Québec* dated August 13, 2020, communicated herewith as **Exhibit P-1**;

## II. THE PARTIES

### a. The Plaintiff

8. Plaintiff is a 59 years-old man who, as a child, was sexually abused on numerous occasions by Lamarre, when Lamarre was a hockey coach for the Defendant City;

### b. The Defendants

#### i. THE DEFENDANT CITY

9. Pursuant to Article 5 of Schedule III of the *Act to Reform the Municipal Territorial Organization of the Metropolitan Regions of Montréal, Québec and Outaouais* (S.Q., 2000, c. 56) (the "**Act**") and Article 260(5) of the Act, the Defendant City assumed the rights and obligations of the former City of Greenfield Park as of January 1, 2002, following the merger of the former City of Greenfield Park with the Defendant City;
10. For at least three decades, from 1970 to 2000, the Defendant City offered a minor hockey program for children residing in the area;
11. At all relevant times, the Defendant City had an obligation to ensure that children who would come into contact with its coaches and staff would be safe and protected from abuse;
12. The Defendant City instead exposed thousands of children to Lamarre, who was vested with the status as an important hockey coach by the Defendant City, which blatantly failed to implement measures to ensure that Lamarre was acting appropriately with and securing the welfare of these children;

#### ii. THE DEFENDANT ESTATE

13. Lamarre passed away on July 26, 2020, (P-1), and his estate is now seized of his obligations (the "**Defendant Estate**");
14. By way of notarial act dated December 8, 2020, all of Lamarre's heirs with capacity to give consent renounced to his estate, the whole as appears from the Notarial Act of Renunciation dated December 8, 2020, communicated herewith as **Exhibit P-2**;
15. Furthermore, the attorney previously acting for the Defendant Estate also confirmed by writing that the tutor of the sole heir of Lamarre incapable of giving her consent would also renounce to the estate, the whole as appears from a letter from Me Christine Champagne dated February 17, 2021, communicated herewith as **Exhibit P-3**;
16. Inasmuch as all the heirs have renounced to the estate of Lamarre, the Mise-en-cause *L'Agence du Revenu du Québec* ("**Revenu Quebec**") is now seized of the

property of the estate, and acts as the provisional liquidator thereof;

17. Revenu Quebec is legally liable *es qualité* for the obligations of Lamarre (and therefore of the Defendant Estate) to the extent of the estate's value;

### III. THE PLAINTIFF'S INDIVIDUAL CLAIM

18. Plaintiff's family moved to the Defendant City in or about 1971, when Plaintiff was 9 years old. Plaintiff was enrolled in the Defendant City's minor hockey program;
19. In his first year in the hockey program, Plaintiff proved to be a very skilled hockey player, made friends in his new community, and developed a passion for the sport of hockey;
20. In 1972, Lamarre was the coach of Plaintiff's team in his second year in the Defendant's City hockey program;
21. Plaintiff spent considerable time at the Defendant City's arena during the 1972-1973 season, playing games, attending practices or simply running around the arena with other children;
22. Plaintiff recalls that:
  - a) Lamarre, a single adult male then in his mid-20s, was constantly present at the arena whenever Plaintiff was there;
  - b) Lamarre was constantly "play fighting" / wrestling and rolling on the ground with children the same age as Plaintiff;
  - c) Lamarre began play fighting with Plaintiff, at which time Lamarre would regularly grab Plaintiff's genitals under the pretext that he was play fighting and throwing fake punches to his stomach;
  - d) Lamarre acted in the same manner with numerous other children, in full view of Defendant City's staff and employees;
23. As Plaintiff was only 10 years old, he did not know what to do or say, and simply hoped the behaviour would stop. It did not;
24. Over time, Lamarre escalated his inappropriate sexual abuse, both in terms of frequency and gravity, constantly grabbing Plaintiff's genitals at the Defendant City's arena;
25. As the season wore on, Lamarre came over to Plaintiff's house and befriended his parents;

26. As Lamarre was the "esteemed" hockey coach for the Defendant City, Plaintiff's parents encouraged him to spend more and more time with Lamarre;
27. Lamarre began driving Plaintiff to hockey games in neighbouring municipalities and spending more and more time with him;
28. After Lamarre picked Plaintiff up, he would often initiate a "play fight", at which time Lamarre would grab Plaintiff's genitals;
29. Lamarre attended the vast majority of Plaintiff's games and practices during the 1973-1974 hockey season, notwithstanding that he was not his coach. Lamarre initiated play fighting with Plaintiff repeatedly, culminating in Lamarre grabbing Plaintiff's genitals. Nobody from the Defendant City asked any questions regarding why Lamarre continually attended Plaintiff's games and practices;
30. For the 1974-1975 season, Lamarre once again became Plaintiff's coach;
31. Although Plaintiff was excelling on the ice, off the ice Lamarre was escalating his deviant behaviour, becoming more aggressive with Plaintiff, with incidents occurring in the Defendant City's arena (including in the referees' locker room), in Lamarre's car, while on biking trips around town and elsewhere;
32. On one occasion, Lamarre lured Plaintiff from the Defendant City's arena to his family home, where Lamarre gave the Plaintiff a drink, suddenly jumped on him, and pinned him down. Lamarre had an erection and attempted to forcefully remove Plaintiff's pants;
33. Plaintiff managed to escape Lamarre's attempted rape, however he had nowhere to turn for help;
34. On another occasion, Lamarre brought Plaintiff on a bike ride in and around La Ronde. Lamarre lured Plaintiff to a dark area in the woods of St Helen's Island, where he again attacked Plaintiff, fondled his genitals, and attempted to further molest him, until Plaintiff finally managed to escape;
35. After each incident, Lamarre would not speak of what happened and acted as if nothing happened. Plaintiff was afraid and confused regarding whether this behaviour was normal, particularly given that Lamarre engaged in similar behaviour with other children at the Defendant City's arena with impunity;
36. On numerous occasions, Lamarre attempted to force Plaintiff to fondle his penis, including one occasion that particularly marked the Plaintiff, when Lamarre attempted to confine Plaintiff in a tent in the backyard of his family home;
37. Plaintiff escaped, but the accumulation of events led Plaintiff to become more and more afraid, confused, and helpless;

38. In that regard, Lamarre often had Plaintiff accompany him to the police precinct where he worked, showing him prison cells and prisoners, which Plaintiff now understands were deliberate attempts by Lamarre to intimidate Plaintiff into not complaining about his conduct, fearing which he might end up in prison;
39. In between hockey seasons, Lamarre introduced Plaintiff to the game of golf. Plaintiff, an excellent athlete, became very proficient at golf, and Lamarre encouraged Plaintiff's parents to allow Lamarre to take him to play golf throughout the summer;
40. During the summer, Lamarre would continue to sexually assault Plaintiff, who did not know how to protect himself;
41. Despite Plaintiff excelling at hockey to the point that he had an opportunity to play at an exceptionally high level, Plaintiff decided to deliberately play poorly during the tryouts for the next hockey season, realizing that his only chance of getting away from Lamarre was to give up the sport that he loved;
42. Plaintiff "succeeded" in getting cut from the elite team based on his tryout performances, the whole in order to save himself from Lamarre;
43. Sad, confused, ashamed and depressed, at the age of 15 years-old, Plaintiff began to consume alcohol excessively, a common consequence for victims of childhood sexual abuse;
44. Plaintiff also managed to convince his parents to join him at a private golf club in order to compete in tournaments, the whole in order to avoid having to go to different public golf courses with Lamarre;
45. Although Plaintiff is now a 59-year-old adult, Lamarre's barrage of sexual assaults during his childhood have haunted him throughout his life, including to this day. In particular, Plaintiff is anxious, fearful of adults in positions of authority, he feels misplaced shame for the assaults that took place, has consumed alcohol excessively, has had suicidal thoughts, has had to deal with anger issues and has always remained convinced that something terrible will happen to him;
46. As a result of his inability to tolerate people in positions of authority, Plaintiff realized he could not work for other people, and decided that he had no choice but to become self-employed, starting a business with his wife;
47. Unfortunately, due to anger issues resulting from the sexual assaults he suffered at the hands of Lamarre, it was virtually impossible for Plaintiff to accept rejection from customers, or to properly deal with clients, suppliers, or business partners, seriously jeopardizing his ability to reach his potential;
48. Plaintiff's reduced productivity is due to the consequences arising from the sexual

abuse he endured as a child;

49. In an effort at self-improvement, Plaintiff began various therapies in the past and realizes that he needs significant therapy going forward to help him try to get past the tremendous suffering he has endured as a result of being sexually abused by Lamarre as a child;
50. Plaintiff's foregoing problems are all common to victims of sexual assault, which are more fully described at paragraphs 117 to 117.5 herein;
51. Plaintiff is entitled to claim, and hereby claims from the Defendants, the sum of **\$350,000.00** for the psychological, moral, and non-pecuniary damages sustained throughout his life as a result of the sexual abuse suffered at the hands of Lamarre;
52. Plaintiff further claims from the Defendants the sum of **\$350,000.00** in respect of a loss of productivity in his career associated with the consequences of rampant sexual abuse that he endured as a child;
53. In addition, Plaintiff is entitled to be compensated for the therapy he has undergone and would like to continue to undergo in order to work through the problems associated with the abuse he endured as a child. Plaintiff evaluates that said therapy will cost **\$75,000.00**;

#### **IV. LAMARRE'S ARREST AND SEXUAL ABUSE OF OTHER CLASS MEMBERS**

##### **a. Lamarre's arrest and complaints from other victims**

54. As an adult, Plaintiff made numerous attempts to report Lamarre to the police. Plaintiff felt that Lamarre needed to be punished for his conduct, and Plaintiff wished to ensure that Lamarre would not abuse other victims, as he was still involved in the Defendant City's minor hockey program;
55. What Plaintiff did not know at that time was that many other victims of Lamarre's deviant behaviour in their childhood – now adults too – were also reaching out to the police to denounce the abuse they suffered at the hands of Lamarre;
56. Their efforts were finally successful, but only after Lamarre had ceased being a hockey coach for the Defendant City and after he had retired as a policeman;
57. On December 3, 2019, at the age of 71, Lamarre was finally arrested by the police at his home in Longueuil;
58. On December 19, 2019, Lamarre was charged with nine criminal counts (including gross indecency, indecent exposure, sexual assault, sexual touching and invitation to sexual touching) involving four children, including the Plaintiff, from 1972 to 1997, the whole as appears from an extract of the *Plumitif criminel* in Court file number 505-

01-159782-198 and from the Warrant for Arrest dated November 28, 2019, (partially redacted to respect the Court's publication ban), communicated herewith as **Exhibit P-4 en liasse**;

59. Within two weeks of the public announcement of Lamarre's arrest, numerous additional individuals contacted the police to disclose that they had also been sexually abused by Lamarre as children;
60. As a result, on July 29, 2020, an Information ("*Dénonciation*") was filed against Lamarre for thirteen additional criminal counts (for gross indecency and indecent exposure) involving seven *other* children, from 1971 to 1978, the whole as appears from an extract of the *Plumitif criminel* in Court file number 505-01-169550-205 and from the Information ("*Dénonciation*") dated July 29, 2020, (partially redacted to respect the Court's publication ban), communicated herewith as **Exhibit P-5 en liasse**;
61. Lamarre passed away on July 26, 2020, a few days prior to the issuance of the Information ("*Dénonciation*") on July 29, 2020;

**b. Sexual abuse of other class members**

62. Certain members of the class agreed to have the circumstances of their sexual abuse alleged in this proceeding, in order to evidence that Lamarre's sexual abuse was not an isolated event, but rather were repeated acts, which the Defendant City knew and/or ought to have known about;

**i. CASE OF MEMBER #1**

63. Member #1 met Lamarre in the early 1970's, when he was playing in the Defendant City's minor hockey program;
64. Although Lamarre was not Member #1's coach, he nevertheless came to watch Member #1 play hockey regularly, and to congratulate him after the games;
65. Lamarre eventually became the coach of Member #1;
66. Lamarre sexually abused Member #1 for the first time in 1972, when Member #1 was approximately 9 years-old, in the locker room at the Defendant City's arena;
67. On that occasion, Member #1 was changing in the locker room and Lamarre decided to "help" him undress;
68. Suddenly, Lamarre put his hands in Member #1's hockey pants and grabbed his genitals;
69. Member #1 was totally shocked and did not know what to do;



70. Following this first incident of abuse, Lamarre assaulted Member #1 on the snow mound located just outside the Defendant City's arena;
71. Lamarre would regularly play fight with children on this snow mound, in plain sight;
72. On five or six different occasions, under the pretext of play fighting with Member #1 in the snow, Lamarre grabbed and fondled his genitals;
73. Member #1 vividly recalls seeing Lamarre touch the genitals of many other children while "playing" with them in the snow;
74. Member #1 kept the sexual abuse secret for decades and, as of the date hereof, he still feels misplaced shame and guilt for Lamarre's unacceptable behaviour;

**ii. CASE OF MEMBER #2**

75. Member #2 is the sister of a young boy who was enrolled in the Defendant City's minor hockey program and who, at some point, was coached by Lamarre;
76. Member #2 used to attend her brother's hockey practices and games on a regular basis for years, and spent a significant amount of time at the Defendant City's arena. It was common and well-known to the Defendant City that siblings and friends of players attended games and practices;
77. Member #2 met Lamarre at one such practice or game;
78. At first, Lamarre was very nice to Member #2, offering her various compliments and treats, such as chocolate bars, in order to gain her trust;
79. However, as Member #2 grew older, Lamarre's behaviour changed drastically;
80. In 1978-1979, when Member #2 was 15 years-old, Lamarre brought her to a hallway of the Defendant City's arena, near the maintenance area, and suddenly started to kiss her and to fondle her;
81. While Lamarre was sexually assaulting Member #2, a maintenance employee of the Defendant City (name unknown) – who also used to be the zamboni driver – walked past them, looked at them, and simply continued on his way without ever saying a word;
82. The employee had to know that Member #2 was only a child and that Lamarre was the hockey coach for the Defendant City at that time, yet he simply turned a blind eye;
83. During that same year, Lamarre sexually assaulted Member #2 on at least one more

occasion, in his car (a Cadillac), by kissing and fondling her almost a full hour, in the parking lot of the Seaway Park, during a sport practice attended by Members #2's school, the Centennial Regional High School;

84. On one other occasion, when Member #2 was at the Defendant City's arena, Lamarre lured her to come to his apartment to show her his kitten. She realized that she was in danger and succeeded in leaving the apartment before being sexually abused by Lamarre;
85. Member #2 also recalls that Lamarre was often at the Defendant City's arena, play fighting with children in plain sight of everyone, including the Defendant City's employees;

iii. **CASE OF MEMBER #3**

86. Member #3 met Lamarre during the winter of 1979, when he was 9 years-old, at the outdoor skating rink adjacent to the Defendant City's arena;
87. Lamarre used to play hockey with children at this skating rink, including Member #3;
88. Member #3 recalls that the first time he met Lamarre on the skating rink, Lamarre broke Member #3's hockey stick;
89. A few days later, Lamarre bought Member #3 a new hockey stick. Member #3 was impressed by the kindness and attention of Lamarre, respected him as he was the Defendant City's hockey coach, and they started to develop a "*friendship*";
90. In 1980, when Member #3 was 10 years-old, Lamarre asked him to visit his apartment to "*show him something*";
91. Once at Lamarre's apartment, Lamarre and Member #3 began play fighting, and Lamarre grabbed his genitals;
92. Member #3 was surprised by this behaviour, but he did not say anything given that he greatly respected Lamarre because of his role as a hockey coach;
93. Lamarre later became Member #3's hockey coach in the Defendant City's minor hockey program and, coincidentally, his neighbour;
94. Over time, Lamarre's sexual assaults of Member #3 seriously escalated;
95. For four years, namely from 1980 to 1984, Lamarre brutally sexually abused Member #3 on numerous occasions , including by engaging in mutual masturbation, oral sex and sodomy;
96. Member #3 dropped out of school at an early age, lost confidence in himself, suffered

from depression, and has undergone therapy on multiple occasions to try to deal with the serious consequences he has suffered;

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97. In light of the foregoing, it is manifest that Lamarre's *modus operandi* was to use his status as a hockey coach for the Defendant City to meet children, at which time he would initiate "play fighting", escalate to grabbing children's genitals, and then further escalate his deviant behaviour over time upon realizing that the Defendant City would not intervene to protect the children;
98. As the Defendant City bestowed upon Lamarre the status of hockey coach for many decades, entrusting him to be with thousands of children, it is manifest that Lamarre sexually abused in excess of one hundred children; those who have come forward to date merely represent the tip of the iceberg;

## **V. THE DEFENDANTS' LIABILITY**

### **a. The Defendant City**

99. Upon establishing a minor hockey program for children in the community, the Defendant City was responsible for ensuring that its coaches and staff were responsible, properly trained and would ensure the safety and well-being of the children;
100. The Defendant City knew or ought to have known that the coaches it engaged, including Lamarre, would be in close proximity of minor-age children, would exert power and influence over them, and would command the respect not only of the children enrolled in the hockey program, but also of players' siblings, friends, numerous other children, in addition to parents and family members;
101. The Defendant City knew or ought to have known that the failure to properly train and supervise its coaches would expose the minor-age children to serious risks;
102. The Defendant City engaged Lamarre as its hockey coach, with the expectation that he would closely interact with minor-age children enrolled in its hockey program, but also with the siblings and friends of those children, as well as players on other teams and their siblings and friends;
103. The Defendant City knew or ought to have known that its arena was a place where families and friends would gather, and where a lot of vulnerable children would be;
104. The Defendant City also knew or ought to have known that the power and influence of a hockey coach in a child's life extends far beyond the walls of an arena;
105. The Defendant City engaged Lamarre as its hockey coach and permitted him to

interact with minor-age children everywhere in the City (whether in his public parks, swimming pools, parking lots, etc.) for approximately three decades (precise dates to be obtained from the Defendant City);

106. The Defendant City blatantly failed to properly train or supervise Lamarre, and allowed him to abuse numerous minor-age children with impunity for decades;
107. Lamarre sexually abused the Plaintiff and the other members of the Class by using the prestige, the respect and the power that the Defendant City bestowed upon him by continually naming him as its hockey coach;
108. The Defendant City's employees turned a blind eye to the widespread and continuous public abuse perpetrated by Lamarre in its arena, parks, swimming pool, etc.;
109. In light of how many times Lamarre sexually abused Plaintiff and other known members of the Class, as set forth herein, and in light of the numerous individuals who have filed criminal complaints (*P-4 en liasse*, *P-5 en liasse*), it is manifest that the Defendant City has been grossly negligent for having appointed Lamarre as a coach for its minor hockey program, for having failed to put an end to its coach's sexual abuse and/or for willfully having turned a blind eye to Lamarre's serial abuse of children;
110. The Defendant City is liable for the serious injury caused to Plaintiff and to the members of the Class, arising from its numerous direct faults;
111. The Defendant City is also responsible for the faults of Lamarre, one of the hockey coaches of its minor hockey program;

**b. The Defendant Estate**

112. In virtue of the rules set forth in the *Civil Code of Quebec*, the Defendant Estate is liable for the damages resulting from the sexual abuse perpetrated by Lamarre on the Plaintiff and the members of the Class;

**VI. TYPE OF DAMAGES COMMON TO VICTIMS OF SEXUAL ABUSE AND PUNITIVE DAMAGES**

**a. Type of damages common to victims of sexual abuse**

113. The Supreme Court recently confirmed that sexual assault has *always* been a fault that automatically causes serious injury. Accordingly, each member of the class has necessarily suffered a serious prejudice as a result of Lamarre's abuse, for which he or she is entitled to compensation;
114. Sexual abuse often affects victims when they are at an age when their personality

and identity are being formed; the abuse is susceptible of affecting all aspects of their lives;

115. In December 2017, several medical and psychological experts commissioned by Australia's "Royal Commission into Institutional Responses to Child Sexual Abuse" published a report entitled "*Impacts of Institutional Child Sexual Abuse on Victims/Survivors: A Rapid Review of Research Findings*" (the "Report"), communicated herewith as **Exhibit P-6**;
116. The experts opine that "*[r]esearch has repeatedly reported a strong association between the experience of childhood sexual abuse and adverse mental health in later life for many victims*", page 47 (P-6);
117. As more fully appears from pages 47 to 69 of the Report (P-6), there are numerous types of damages common to victims of sexual abuse, which may be grouped as follows:
  - 117.1. Psychological damages : anxiety, depression, mood disorders, personality disorders, self-harm, suicidal thoughts, dissociation and avoidance disorders, sleep difficulties (insomnia, nightmares), post-traumatic stress;
  - 117.2. Social damages: low self-esteem, lack of self-confidence, difficulty trusting others, interpersonal difficulties and difficulties in maintaining stable and meaningful relationships with those around them, anger, aggressivity, shame, humiliation, guilt and feelings of being responsible for the aggression, victimization, feelings of injustice and betrayal, anti-social behaviour;
  - 117.3. Sexual damages: difficulties with love, fear of intimacy, sexual dysfunction (i.e. lack of sexuality or hypersexuality), confusion about sexual orientation, difficulty being touched intimately by partner;
  - 117.4. With respect to substance abuse : problems with alcohol and drug consumption due to the need to numb emotions and repress events;
  - 117.5. Economic damages : decrease in the victim's human capital/potential due to loss of interest and trust in the system, poor schooling, loss of productivity and difficulty to concentrate, inability to obtain and keep a stable job, difficulties in the workplace, especially with people in a position of authority, high unemployment rate;
118. It is therefore appropriate for the Court to establish a minimum quantum for the non-pecuniary damages that the members of the Class have suffered and/or set parameters for the non-pecuniary damages suffered by the members of the Class;
119. Furthermore, victims of sexual abuse often suffer a loss of productivity that affects their ability to complete their education and obtain and maintain stable employment,

thus leading to a loss of earning capacity and a loss of income. Class members should be able to seek damages for their pecuniary losses resulting from their loss of earning capacity and loss of income at the third stage of the class action (recovery stage);

**b. Case for punitive damages**

120. The Defendants unlawfully and intentionally interfered with the rights of the members of the Class protected by *Quebec's Charter of Human Rights and Freedoms*;
121. Plaintiff claims on behalf of the members of the Class punitive damages in the amount of \$10,000,000.00 to be recovered collectively, given :
  - a) the severity of the intentional attack on the dignity and physical and psychological integrity of the Class members;
  - b) the severity of the sexual assaults;
  - c) the fact that the Defendants systematically failed to protect the members of the Class;
  - d) the fact that the sexual assaults took place over a period of several decades and that the Defendant City had to have been aware of same, yet turned a blind eye;
  - e) the patrimonial situation of the Defendant City;
  - f) the Defendants' blatant disregard for victims of sexual abuse by Lamarre;
  - g) the need to deter such misconduct;
122. The present originating application for a class action lawsuit is well-founded in fact and in law.

**WHEREFORE, PLAINTIFF PRAYS FOR JUDGMENT OF THIS HONOURABLE COURT :**

**MAINTAINING** the Class Action;

**CONDEMNING** the Defendants, solidarily, to pay to Plaintiff the amount of \$350,000.00 in non-pecuniary damages, plus interest at the legal rate as of the date of the *Application for Authorization*, as well as the additional indemnity provided for by law in virtue of Article 1619 C.C.Q.;

**CONDEMNING** the Defendants, solidarily, to pay to Plaintiff the amount of \$425,000.00 in pecuniary damages, plus interest at the legal rate as of the date of

the *Application for Authorization*, as well as the additional indemnity provided for by law in virtue of Article 1619 C.C.Q.;

**CONDEMNING** the Defendants, solidarily, to pay to the class as a whole punitive damages of \$10,000,000.00 plus interest at the legal rate as of the date of the *Application for Authorization*, as well as the additional indemnity provided for by law in virtue of Article 1619 C.C.Q.;

**ORDERING** the Mise-en-cause L'Agence de Revenu du Québec, in its capacity of provisional liquidator of the Estate of the late François Lamarre, to pay to Plaintiff, from said estate and according to law, the amount of the condemnations pronounced against the Estate of the late François Lamarre, the whole pursuant to modalities to be determined by the Court;

**DECLARING :**

(a) that all Class members are entitled to be compensated for all of their pecuniary damages resulting from the faults of the Defendants, including, but without limitation, their loss of income, their loss of earning capacity as well as their expenses and disbursements pertaining to their therapy treatments;

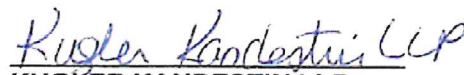
(b) that all Class members are entitled to be compensated for their non-pecuniary damages resulting from the faults of the Defendants, in accordance with parameters to be set by the Court as a result of the trial pertaining to the common issues;

**ORDERING** collective recovery of the punitive damages, and the liquidation of the Class members claims pursuant to Articles 595 to 598 C.C.P.;

**CONDEMNING** the Defendants to any further relief as may be just and proper;

**THE WHOLE** with legal costs, including the costs of all exhibits, expertise, and publication of notices.

MONTREAL, August 5, 2021



**KUGLER KANDESTIN LLP**

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Our file: 6863-001

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

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**Filing of a judicial application**

Take notice that the Plaintiff has filed this Originating Application in the office of the Superior Court in the judicial district of Longueuil.

**Exhibits supporting the Application**

In support of the Originating Application, the Plaintiff intends to use the following exhibits:

- Exhibit P-1:** *Lettre d'attestation de décès du Directeur de l'état civil du Québec* dated August 13, 2020;
- Exhibit P-2:** Notarial Act of Renunciation dated December 8, 2020;
- Exhibit P-3:** Letter from Me Christine Champagne dated February 17, 2021;
- Exhibit P-4:** Extract of the *Plumitif criminel* in Court file number 505-01-159782-198 and from the Warrant for Arrest dated November 28, 2019, (partially redacted to respect the Court's publication ban), *en liasse*;
- Exhibit P-5:** Extract of the *Plumitif criminel* in Court file number 505-01-169550-205 and from the Information ("*Dénonciation*") dated July 29, 2020, (partially redacted to respect the Court's publication ban), *en liasse*;
- Exhibit P-6:** Report entitled "*Impacts of Institutional Child Sexual Abuse on Victims/Survivors: A Rapid Review of Research Findings*".

These Exhibits are hereby attached.

**Defendant's answer**

You must answer the Application in writing, personally or through a lawyer, at the courthouse of Longueuil, situated at 1111 boulevard Jacques Cartier Est, Longueuil, Québec, J4M 2J6 within 15 days of service of this Application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the Plaintiff's lawyer or, if the Plaintiff is not represented, to the Plaintiff.

**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 Plaintiff 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 this Summons. However, in family matters or if you have no domicile, residence or establishment in Québec, it must be filed within 3 months after service; or
- 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.

## **Where to file the judicial application**

Unless otherwise provided, the judicial application is heard in the judicial district where your domicile is located, or failing that, where your residence or the domicile you elected or agreed to with Plaintiff is located. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the court.

However, if the application pertains to an employment, consumer or insurance contract or to the exercise of a hypothecary right on the immovable serving as your main residence, it is heard in the district where the employee's, consumer's or insured's domicile or residence is located, whether that person is the plaintiff or the defendant, in the district where the immovable is located or, in the case of property insurance, in the district where the loss occurred. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the special clerk of that district and no contrary agreement may be urged against you.

## **Transfer of application to the Small Claims Division**

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may 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.

## **Convening 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 that, the protocol is presumed to be accepted.

## **Notice of presentation of an application**

Applications filed in the course of a proceeding and applications under Book III or V of the Code—but excluding applications pertaining to family matters under article 409 and applications pertaining to securities under article 480—as well as certain applications under Book VI of the

Code, including applications for judicial review, must be accompanied by a notice of presentation, not by a summons. In such circumstances, the establishment of a case protocol is not required.

No.: 505-06-000024-203

**SUPERIOR COURT**  
(Class Action)  
**DISTRICT OF LONGUEUIL**  
**PROVINCE OF QUEBEC**

**JOHN CORMIER**

Plaintiff

-vs-

**CITY OF LONGUEUIL**

-and-

**THE ESTATE OF THE LATE FRANÇOIS LAMARRE**

Defendants, *solidarily*

-and-

**L'AGENCE DE REVENU DU QUÉBEC (REVENU QUEBEC)** *in the capacity of provisional liquidator of the estate of the late François Lamarre*

Mise-en-cause

**ORIGINATING APPLICATION OF A CLASS  
ACTION LAWSUIT (Articles 583 C.C.P.),  
SUMMONS and EXHIBITS P-1 TO P-6**

**ORIGINAL**


Mtre Robert Kugler / Mtre Pierre Boivin / Mtre Jérémie  
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