

Notice to Members - authorized class action against your school
BERNARD AND FOURNIER C. CHARLES-LEMOYNE COLLEGE ET AL.
505-06-00023-205

The Case

On July 16, 2021, the Superior Court of Quebec authorized the exercise of the class action undertaken by Stéphanie Bernard and Pierre-André Fournier against 113 private educational institutions of the Montreal Metropolitan Community offering educational services at the primary and secondary levels.

Stéphanie Bernard and Pierre-André Fournier allege that, in light of the closure of the schools due to the Covid-19 pandemic and government orders, the schools did not perform adequately the educational services contracts, in that the services were not provided in person, with custody and supervision of the children, in an environment that allowed the students to acquire social skills among children, nor in the quantity agreed upon for the 2019-2020 school year.

Who is a member of the action?

The class action is brought for the benefit of the following group:

All persons who are party to a contract with one of the Defendant Schools and have paid tuition for educational services to a minor at an institution located in the territory of the Montreal Metropolitan Community, full-time at the elementary or secondary level, in general education, for the 2019-2020 school year;

What is the purpose of the class action?

The purpose of the class action is to determine whether a partial reimbursement to parents for tuition fees for the 2019-2020 school year should be ordered by reason of the deficiencies raised by the allegations summarized above.

These allegations remain to be proved at trial. The defendant schools deny these allegations and intend to fully contest the class action.

The questions of fact and law to be determined by the Court are:

1. Is the contract for educational services with each defendant a consumer contract within the meaning of the Consumer Protection Act?
2. Does such a contract include for each defendant an obligation of result?
3. Does the contract require each defendant :
 - to provide the instruction in person?
 - to assume care of and supervision of the children during school hours?
 - to provide an environment permitting the students to develop social skills through interaction with other children?
4. Was there a breach of contract between March 13, 2020 and June 30, 2020, contrary to Articles 1458 and 1590 C.C.Q. and Section 16 CPA?
5. If so, are class members entitled to reimbursement of tuition fees under Article 1604 C.C.Q. or Section 272 CPA?
6. Are the members entitled to legal interest and additional indemnity on the amount of the refund?
7. Should collective recovery of the refund be ordered?

Which Schools are targeted?

The Superior Court has authorized the class action against 113 Schools of the Montreal Metropolitan Community, a list of which can be found on the webpage identified at the end of this notice.

What can you obtain?

The class action seeks a partial refund of tuition paid by class members for the 2019-2020 school year.

The specific remedies sought by the class action are:

GRANT the class action brought by Plaintiffs on behalf of Class Members against Defendants, except: Summit School, Collège Stanislas, Collège international Marie de France, Centre académique Fournier, Centre d'intégration scolaire inc, Centre François-Michelle, École Lucien-Guilbault, École Vanguard;

FIND that there was non performance of the services of the defendants;

CONDEMN the defendants to pay an amount of money to each member of the group, the quantum of which to be determined by the court, the whole with interest and additional indemnity of article 1619 of the Civil Code of Quebec and this, since March 13, 2020;

ORDER the collective recovery of the amounts provided for in the preceding paragraph;

THE WHOLE with the legal costs, including the fees of the experts, the costs of notice to the members and those applicable to the collective recovery, if any;

DECLARE that all members of the group who have not requested to opt-out from the group within the prescribed delay will be bound by any judgment to be rendered in the class action file to be instituted;

What if a group member does not want to participate in the class action?

Class members have two options:

Do nothing, and you will automatically remain a class member and be bound by any judgment in this action.

Opt-out, if you do not want to participate in the class action, for any reason.

If you have already commenced a court action with the same subject matter as the class action, you do not have to opt-out because you are deemed to have opted-out from the class unless you discontinue your claim before the opt-out period expires.

If you opt-out, then you will not be entitled to any compensation if a favourable judgment or settlement is reached in this class action.

To opt-out you must send a **letter to the Clerk of the Superior Court of Québec** indicating your decision to opt-out, your name, and the educational institution concerned to the following address, or in person no later than **December 10, 2021**:

Clerk of the Superior Court of Quebec

Longueuil Court House
1111 Jacques-Cartier Boulevard E,
Longueuil, QC J4M 2J6

Class Action No. 505-06-000023-205

Are there any financial obligations for class members?

This class action is being conducted by class counsel on a contingency basis. Class Counsel is responsible for the costs of prosecuting and advancing this class action and has agreed that they will only be paid if there is a favorable judgment or settlement in favor of Class Members, out of the amounts awarded to Class Members. There will be no attorneys' fees if the class action does not result in either of these two favorable outcomes.

Who represents the class members?

Stéphanie Bernard and Pierre-André Fournier have been appointed to act as Class Members' representatives in this class action.

A class member may apply for intervenor status in this class action. No class member other than the representatives or an intervenor can be required to pay the legal costs of this class action.

For more information

You can also consult the judgment of authorization and the application to institute proceedings on the Registry of class actions or on the website identified below.

You can also contact the representatives' lawyers, whose contact information is as follows

Me Sébastien A. Paquette

Me Jeremie John Martin

<https://champlainavocats.com/action-collective/covid-19-ecoles-privees-frais-de-scolarite/>
jmartin@champlainavocats.com

Fax : (514) 800-2286

Phone : (514) 866-3636 (514) 866-3636

Class Action Registry<https://www.registredesactionscollectives.quebec/>

THE TEXT OF THIS NOTICE HAS BEEN APPROVED BY THE COURT.