

CLASS ACTION AGAINST THE CITY OF MONTREAL
IF YOU WERE ARRESTED OR DETAINED ON MAY 1st, 2014
AT THE CORNER PAPINEAU AVENUE AND ONTARIO STREET,
IN FRONT OF 1385 SAINTE-CATHERINE STREET EAST OR
NEAR THE PALAIS DES CONGRÈS, IN MONTREAL

[Class Actions]
SUPERIOR COURT
CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No. 500-06-000718-144

PASCAL LEBRUN ET. AL.
Plaintiffs

v.
VILLE DE MONTRÉAL
Defendant

NOTICE TO MEMBERS

1. **BE ADVISED** that on September 22nd, 2017, the Honorable Marc-André Blanchard of the Superior Court of Quebec authorized the bringing of a class action on behalf of the following three subgroups of persons, namely:

Subgroup 1:

Any person arrested or detained during the kettling carried out by the Police Service of the City of Montreal on May 1st, 2014, at around 6 PM at the corner of Papineau Avenue and Ontario Street, in Montreal;

Subgroup 2:

Any person arrested or detained during the kettling carried out by the Police Service of the City of Montreal on May 1st, 2014, at around 6:45 PM in front of 1385 Sainte-Catherine Street East, in Montreal;

Subgroup 3:

Any person arrested or detained during the kettling carried out by the Police Service of the City of Montreal on May 1st, 2014, at around 7:45 PM near the Palais des Congrès, in Montreal;

2. The class action will be heard in the District of Montreal.
3. The status of class representative for the class action has been ascribed to: Pascal Lebrun, Roxana Paniagua and Alexandra Croze.

4. The questions of facts and law that will be dealt with collectively are as follows:
- Did the defendant's employees infringe on the constitutional and/or quasi-constitutional rights of the persons arrested and detained, as set out in the *Quebec Charter of Human Rights and Freedoms*, the *Canadian Charter of Rights and Freedoms* and the *International Covenant on Civil and Political Rights*?
 - Did the defendant's employees act the way a normally prudent police officer would act given the circumstances?
 - Did the defendant's employees commit one or many abuses of right?
 - Did the defendant's employees' faults cause damages to the members of the three subgroups?
 - Are the defendant's employees responsible for the physical, moral and material damages which the members of the three subgroups suffered during the event?
 - Is the defendant liable for the damages caused by its employees?
 - Should damages be awarded? If so, what would be the appropriate amount?
 - Should punitive damages be awarded for the abuse of right and violation of fundamental rights according to the *Quebec Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms*? If so, what would be the appropriate amount?

5. The related conclusions sought are:

GRANT the class action of the plaintiffs on behalf of the members of the three subgroups;

CONDEMN the City of Montreal to pay \$2500 in damages and \$2500 in punitive damages to anyone arrested or detained in one of the three kettlings carried out by the Police Service of the City of Montreal on May 1st, 2014, in Montreal, with interest since the serving of the motion for certification as well as the additional indemnity in accordance with article 1619 of the *Quebec Civil Code*;

CONDEMN the City of Montreal to pay \$2500 in damages and \$2500 in punitive damages to anyone whose fundamental rights other than the protection from unlawful arrest or arbitrary detention were violated in one of the three kettlings carried out by the Police Service of the City of Montreal on May 1st, 2014, in Montreal, with interest since the serving of the motion for certification as well as the additional indemnity in accordance with article 1619 of the *Quebec Civil Code*;

CONDEMN the City of Montreal to \$638 in damages and \$500 in punitive damages to anyone who had to defend themselves in court after having received a ticket in accordance with the *Règlement sur la prévention des troubles de la paix, de la sécurité et de l'ordre public, et sur l'utilisation du domaine public*, R.R.V.M., c. P-6 for having protested without an itinerary on May 1st, 2014, in Montreal, with interest since the serving of the motion for certification as well as the additional indemnity in accordance with article 1619 of the *Quebec Civil Code*;

ORDER the collective recovery of the claims;

ORDER the liquidation of the individual claims of class members in accordance with articles 1037 to 1040 of the *Quebec Code of Civil Procedure*;

CONDEMN the defendant to pay to each member of the group the sum of their individual claim, with interest since the serving of the motion for certification as well as the additional indemnity in accordance with article 1619 of the *Quebec Civil Code*;

WITH COSTS, including notice fees and expert fees, if warranted.

6. Please note that the amount of the claims may be amended.
7. The class action brought by the plaintiffs on behalf of the members of the three subgroups will consist of a claim for damages against the defendant based on extracontractual liability in accordance with civil law and a claim for reparations based on the *Quebec Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms*.
8. Any member of the three subgroups who does not exclude himself in the way mentioned below will be bound by any judgment on the class action.

That means that if the plaintiffs are successful, you'll get damages. If the class action fails, you will not be able to file or pursue a personal claim against the City of Montreal for the facts alleged in this class action.
9. Members of the class will no longer be able to exclude themselves (unless they get special permission) **sixty (60) days** after this notice is published in the papers.
10. A member who has not yet filed a personal claim can exclude himself from the group by giving notice by registered mail to the Registrar of the Superior Court of Quebec before the expiration of the exclusion period.
11. Any member having filed a personal claim, the subject of which would be ruled upon by the final judgement on the class action is deemed to have excluded himself from the group if he does not desist from said claim before the expiration of the exclusion period.

12. A member of the subgroups other than the representative or an intervenor cannot be held to pay the costs of the class action.
13. A member may intervene in the class action if the Court deems the intervention useful for the subgroups. An intervening member may have to submit himself to an examination for discovery at the defendant's request. A non-intervening member cannot be subjected to an examination for discovery unless the Court deems it necessary.
14. To be a member of one of the three subgroups:

If you wish to be part of the class action, you do not have to do anything.

Members of the subgroups will be bound by the judgment on the class action, unless they've excluded themselves or received special permission.

If you wish to exclude yourself from the class action, you must notify the Registrar of the Superior Court of Quebec for the District of Montreal by registered mail **on November 14th, 2018 at the latest**, at:

Palais de justice de Montréal
1, Notre-Dame Street East
Montreal (Quebec) H2Y 1B6

Subject: Lebrun et. al. v. Ville de Montréal
File number: 500-06-000-718-144

PLEASE ACT ACCORDINGLY.

Montreal, September 15th, 2018.

The attorney and the co-counsels of the representative and the group,

Me Marc Chétrit

14, Querbes Avenue
Outremont (Quebec) H2V 3V6

Telephone: (514) 909-8933

Fax: (514) 587-2482

Email: Me.Marc.Chetrit@gmail.com

Website: massarrest.ca

Grey Casgrain s.e.n.c.

1155 René-Lévesque West, suite 1715
Montreal (Quebec) H3B 2K8

Telephone: (514) 288-6180

Fax: (514) 288-8908

Email: jhgrey@greycasgrain.net

Website: greycasgrain.com

PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT.

A new notice will be published when a final judgment is rendered.