

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

SUPERIOR COURT
(Class Action)

No.: 500-06-000304-051

RACHEL ENGLER-STRINGER

Petitioner

- vs. -

VILLE DE MONTRÉAL

Respondent

FULL NOTICE TO MEMBERS

1. **TAKE NOTICE** that the bringing of a class action was authorized on April 10, 2007, by judgment of the Honourable Justice Hélène Langlois of the Superior Court for the benefit of the natural persons forming part of the group hereinafter described, namely:

Any person arrested and detained near 2111 boul. St-Laurent in Montreal by Service de Police de la Ville de Montréal (SPVM) on July 28, 2003, at around 10:00–10:30 a.m. or accused of having taken part in an unlawful assembly as part of event no. 20030727-001 assigned by SPVM;

2. The chief justice has ordered that the class action authorized by said judgment shall be brought in the District of Montreal;
3. The address of the petitioner's attorneys is as follows:

OUELLET, NADON et ASS.
1406 rue Beaudry
Montreal, Quebec H2L 3E5

The address of the respondent is as follows:

VILLE DE MONTRÉAL
275 rue Notre-Dame Est
Montreal, Quebec H2Y 1C6

4. For the purposes of the class action, the status of representative has been ascribed to Ms. Rachel Engler-Stringer, a postdoctoral fellow in public health;
5. The main questions of fact and law that will be dealt with collectively are as follows:

1. Did the respondent's employees violate the constitutional or quasi-constitutional rights of the persons arrested and detained, as provided in the *Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms*? If so, which rights?
2. Did the respondent's employees commit abuse of process on one or more occasions?
3. Did the respondent's employees commit abuse of law on one or more occasions?
4. Are the respondent's employees liable for the bodily, moral, and material damage incurred during the above-mentioned event?
5. Is Ville de Montréal liable for the damage incurred by its employees?
6. Is there a causal link between the misconduct committed by the respondent's employees and the damage suffered by group members?
7. Should compensatory damages be awarded? If so, in what amount?
8. Should exemplary damages be awarded for abuse of law, abuse of process, and violation of basic rights under the *Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms*? If so, in what amount?
9. Should Ville de Montréal be ordered to cease sending any information to any party whatsoever regarding the members tied to the event in question, to provide a list of individuals and organizations to whom such information might have been sent, and to return to the members any information obtained about them in connection with the event?

6. The conclusions sought with relation to such questions are as follows:

SENTENCE Ville de Montréal to pay the compensatory and exemplary damages outlined below to the following persons:

Grounds	Compensatory Damages	Exemplary damages
1. To anyone whose right to freedom, safety, security, and inviolability was violated by being arrested and detained during the above-mentioned event (CHRF sections 1 and 24 and CCRF sections 7 and 9);	\$5,000.00	\$5,000.00
2. To anyone who was detained more than 24 hours, for each hour beyond the first 24 hours (CHRF sections 1 and 24 and CCRF sections 7 and 9);	\$200.00	\$200.00
3. To anyone who was detained more than 24 hours during the above-mentioned event without being brought before a judge (CHRF Section 30 and <i>Criminal Code</i> Section 503 [1]);	\$1,500.00	\$1,500.00
4. To anyone who was denied the right to peaceful assembly, freedom of expression, and freedom of opinion during the above-mentioned event (CHRF Section 3 and CCRF sections 2b and e);	\$2,500.00	\$5,000.00
5. To anyone who suffered discrimination based on his/her political convictions, involvement in political activities, or social condition in connection with the above-mentioned event (CHRF Section 10 and CCRF Section 15);	\$1,000.00	\$2,000.00
6. To anyone who was not treated with dignity, humanity, and the respect due to the human person during the above-mentioned event (CHRF sections 4 and 25);	\$1,000.00	\$1,000.00
7. To anyone who was subjected to cruel and unusual treatment during the above-mentioned event (CCRF Section 12);	\$1,000.00	\$1,000.00
8. To anyone who was subjected to illegal and unreasonable search during the above-mentioned event (CHRF Section 24.1 and CCRF Section 8);	\$1,000.00	\$1,000.00
9. To anyone who was subjected to illegal and unreasonable seizure during the above-mentioned event (CHRF Section 24.1 and CCRF Section 8);	\$500.00	\$500.00

Grounds	Compensatory Damages	Exemplary damages
10. To anyone who was denied recourse to the assistance of an advocate during the above-mentioned event (CHRF Section 29 and CCRF Section 10b);	\$1,000.00	\$1,000.00
11. To anyone who was denied the right to inform his/her next of kin during the above-mentioned event (CHRF Section 29);	\$500.00	\$500.00
12. To anyone who suffered abuse of process in being summoned in connection with the above-mentioned event;	\$2,000.00	\$2,000.00
13. To anyone who was summoned for violating the conditions of arrest and detainment during the above-mentioned event;	\$1,000.00	\$1,000.00
14. To anyone who, subject to subsequent amendment, suffered property damage caused by the respondent's police officers during the above-mentioned event;	\$1.00	

THE WHOLE with interest on compensatory damages at the legal rate calculated from the date of filing of the petition for authorization to bring a class action and act as representative plus the additional indemnity provided in Section 1619 of the *Civil Code of Quebec* and interest on exemplary damages at the legal rate calculated from the date of the forthcoming judgment plus the additional indemnity provided in Section 1619 of the *Civil Code of Quebec*;

ORDER Ville de Montréal to immediately cease sending any party whatsoever any information—whether on paper, electronic, photographic, videographic or other media—concerning members of the group involved in the class action in connection with the above-mentioned event;

ORDER Ville de Montréal to provide a list of individuals and organizations to whom any information was sent—whether on paper, electronic, photographic, videographic, or other media—concerning members of the group involved in the class action in connection with the above-mentioned event;

ORDER Ville de Montréal to immediately return to group members involved in the class action any such information, whether on paper, electronic, photographic, videographic or other media;

ORDER Ville de Montréal to immediately destroy copies of any information—whether on paper, electronic, photographic, videographic or other media—concerning members of the group involved in the class action in connection with the above-mentioned event;

THE WHOLE with costs, including any notice and expertise fees;

7. The class action to be brought by the representative for the benefit of the group will be as follows:

An action in damages against Ville de Montréal based on extracontractual liability pursuant to general law, the *Charter of Human Rights and Freedoms*, and the *Canadian Charter of Rights and Freedoms*, as well as an application for permanent injunction;

8. Any member of the group who has not requested exclusion in the manner hereinafter indicated will be bound by any judgment to be rendered on the class action.
9. The date after which a member can no longer request an exclusion without special permission has been set at July 16, 2007.
10. A member who has not already brought a suit in his/her own name may request exclusion from the group by advising the clerk of the Superior Court of the District of Montreal by registered mail before expiry of the deadline for exclusion.
11. Any member of the group who has brought a suit which the final judgment on the class action would decide is deemed to have requested exclusion from the group if he/she does not discontinue such suit before expiry of the deadline for exclusion.
12. A member of the group other than the representative or an intervenor cannot be required to pay the costs of the class action.
13. The court may permit a member to intervene in the class action if it considers such intervention useful to the group. An intervening member may be bound to submit to an examination on discovery or a medical examination, or both, at the request of the respondent. A member who does not intervene in the class action can only be required to submit to an examination on discovery or a medical examination if the court considers it useful.

CONTACT INFORMATION FOR FURTHER DETAILS ON THE CLASS ACTION

Petitioner's attorneys:

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Montreal, May 16, 2007