

**CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL**

**SUPERIOR COURT
(Class action)**

N° : 500-06-001149-216

DANIEL FOURNIER

Applicant

c.

ATTORNEY GENERAL OF CANADA

Defendant

<p>NOTICE TO CLASS MEMBERS CONCERNING THE AUTHORIZATION OF THE CLASS ACTION AGAINST THE ATTORNEY GENERAL OF CANADA</p>

IF YOU HAVE BEEN DETAINED IN A STRUCTURED INTERVENTION UNIT AND/OR RESTRICTED MOVEMENT AREA IN A FEDERAL CORRECTIONAL FACILITY IN QUEBEC SINCE NOVEMBER 30, 2019 FOR MORE THAN 15 CONSECUTIVE DAYS, THIS NOTICE MAY AFFECT YOUR RIGHTS:

1. On the 28th of July 2023, the Superior Court has granted Daniel Fournier permission to institute a class action against the Attorney General of Canada on behalf of persons belonging to the group described below:

"Any person who has been detained in a Structured Intervention Unit and/or in a Restricted Movement Area, in a Federal Correctional Institution in Quebec, since November 30, 2019 until the judgment to be rendered, for more than 15 consecutive days."

2. This class action seeks compensation and punitive damages from the Defendant for the harm suffered by class members as a result of detentions of more than 15 consecutive days in a Structured Intervention Unit (SIU) and/or a Restricted Movement Area (RMA) in a federal correctional facility in Quebec;
3. The status of group representative was granted to the applicant, Daniel Fournier;
4. The main issues to be dealt with collectively in this class action are as follows:

a) Does detention for more than 15 consecutive days in a Structured Intervention Unit (SIU) and/or a Restricted Movement Area (RMA) violates the rights of class members protected by sections 12 of the *Canadian Charter of Rights and Freedoms*?

b) Did the defendant's employees commit a fault towards the class members as per the definition of section 1457 of the *Civil Code of Quebec* by detaining them in SIU and/or RMA for more than 15 consecutive days, which resulted in the defendant's liability?

c) Has detention in an SIU and/or RMA for more than 15 consecutive days caused damages to class members?

d) Can damages be awarded as a remedy under section 24 (1) of the Charter?

e) Which damages, if any, can be established at the collective stage and which must be established at the individual stage?

5. The conclusions sought in relation to those issues are as follows:

GRANT the Plaintiff's class action on behalf of all class members described in paragraph 1;

CONDEMN the Defendant to pay the Plaintiff and each class members damages, the quantum of which will be determined subsequently, per day of infringement in SIU and/or RMA as compensatory damages for the faults committed by the Defendant, plus interest on the said sum, at the legal rate from the date the request for authorization to institute a class action and for being a representative has been served, as well as the additional indemnity provided for in section 1619 of the Civil Code of Québec from that date;

CONDEMN the Defendant to pay the Plaintiff and all class members damages pursuant to section 24 (1) of the Charter, the quantum of which will be determined subsequently, plus interest on said amount at the legal rate, as well as the additional indemnity provided for in section 1619 of the Civil Code of Québec from the date of the judgment to be rendered;

DECLARE

- a) That all class members are entitled to compensation for all damages suffered as a result of the Defendant's direct fault and their liability for the fault of their employees;
- b) That all class members are entitled to damages under section 24 (1) of the Charter;

CONDEMN the Defendant to pay a lump sum to be determined by the Court as damages under section 24(1) of the Charter, with interest at the legal rate and the additional indemnity provided for in section of the Civil Code of Québec from the date of the judgment to be rendered;

ORDER the individual recovery of class members' claims for non-pecuniary damages and the liquidation of class members' claims in accordance with the provisions of sections 599 and 601 of the Code of Civil Procedure;

ORDER the collective recovery of class members' claims for damages under section 24(1) of the Charter and the liquidation of class members' claims in accordance with the provisions of articles 595 to 598 of the Code of Civil Procedure;

- 6. This class action will be brought in the district of Montreal;
- 7. Any class members are automatically included and bound by any judgement to be rendered;
- 8. Any member of the group as of April 17th 2024 who has not already instituted a legal action against the Attorney General of Canada or the federal crown to obtain compensation for damages resulting from detention of more than 15 consecutive days in SIU and/or RMA in a Federal Correctional Institution in Quebec may exclude themselves by July 31st 2024 by transmitting a written notice confirming their wish to exclude themselves from the group to the clerk of the Superior Court, district of Montreal, by registered or certified mail, to the following address:

Clerk's Office of the Superior Court of Quebec
Montreal Courthouse
1, Notre-Dame Street Est,
Montreal (Quebec) H2Y 1B6

9. Any person who meets the class action definition as of April 17th 2024, and who has already commenced a legal action against the Attorney General of Canada or the federal Crown to obtain compensation for damages resulting from detention of more than 15 consecutive days in SIU and/or RMA in a Federal Correctional Institution in Quebec is deemed excluded from the class **if they do not discontinue their action before July 31st 2024;**
10. A member may ask the Court to intervene in the class action. The court will allow the intervention if it is useful to the class;
11. No member of the group other than the representative may be ordered to pay legal costs;
12. Class members are invited to communicate with the Applicant's lawyers to share information, to obtain more information on the class action, and to know their rights. **These communications are free and confidential:**

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13. This notice has been authorized by the Honourable Donald Bisson, j.c.s.