

Legal Notice

Were You Incarcerated in a Provincial Institution in Québec after June 14th 2014?

Have you spent some time in solitary confinement?

A lawsuit may affect you. Please read this notice carefully

WHAT IS THIS CASE ABOUT?

The Superior Court of Quebec authorised **Arlene Gallone** to bring a class action in damages against **the Attorney General of Quebec**, on behalf of the following persons:

All persons held in solitary confinement for more than 22 hours in a provincial correctional facility in the province of Quebec. The solitary confinement must have taken place after **June 14th 2014**.

However, the following types of solitary confinement are excluded from this class action:

- Disciplinary confinement;
- Preventive solitary confinement (dry cell).

You are automatically a member of the group if you meet this definition.

The lawsuit says the practice of confining inmates to **solitary confinement** for 22 hours or more a day violates the *Canadian Charter of Rights and Freedoms* and the *Quebec Charter of Human Rights and Freedoms*. The lawsuit says **the Attorney General of Quebec** intentionally interfere with the fundamental rights of the class members.

The class action seeks **compensatory damages** for the harm that class members suffered as a result of their unlawful solitary confinement and **punitive damages** for the intentional interference with their fundamental rights.

The Correctional Services of Québec denies these claims. The Court has not decided yet if solitary confinement is illegal and no compensation has been awarded. The lawyers for the Class will have to prove their claims in Court before the members can claim.

THE PRINCIPAL ISSUES TO BE DEALT WITH COLLECTIVELY

The authorization decision identified the following questions of fact and law to be treated collectively for the benefit of class members:

1. Does the solitary confinement of Class members, as it is used by the Respondant, violate section 7, 9, 12 and 15 of the *Canadian Charter of Rights and Freedoms* (Canadian Charter)?
2. Does the solitary confinement of Class members, as it is used by the Defendant, violate section 1, 10, 24 and 25 of the *Charter Of Human Rights And Freedoms* (Quebec Charter)?
3. Are the Class members entitled to damages as a just and appropriate remedy under section 24(1) of the *Canadian Charter*?
4. Is the Respondent committing a civil fault by placing class members into solitary confinement?
5. Should the Respondent compensate the Petitioner and the Class members for the damages caused by its civil fault?
6. Is the Respondent unlawfully and intentionally interfering with the rights of Class members under the *Quebec Charter*?
7. Does the solitary confinement, as used by the Respondant, entitle the Petitioner and Class members to punitive damages under the *Quebec Charter*?
8. What is a mental health issue?
9. Should Class members with mental health issues benefit from specific solitary confinement conditions?
10. To what extent do Class members with mental health issues suffer damages different from the rest of the Class?

THE CONCLUSIONS SOUGHT

The authorization decision identified the following conclusions:

GRANT the Petitioner's Motion on behalf of all Class members;

CONDEMN the Respondent to pay the Petitioner and each *Class member in prolonged solitary confinement* the amount of \$500 per day spent in solitary confinement, plus interest from the date of service of this motion;

CONDEMN the Respondent to pay the Petitioner and each Class member the amount of \$10,000 as punitive damages;

ORDER the collective recovery of the claims;

ORDER the liquidation of the class members' individual claims;

THE WHOLE with costs, including costs of all experts, notices and expenses of the administrator, if any;

WHO REPRESENTS THE CLASS?

The Québec Superior Court of Justice has appointed Trudel Johnston & Lespérance to represent the Class as Class Counsel. You don't have to pay Class Counsel, or anyone else, to participate.

Instead, if they get money or benefits for the Class, they may ask for lawyers' fees and costs, which would be deducted from any money obtained, or to be paid separately by Québec.

YOUR RIGHT TO OPT OUT OF THE CLASS ACTION

You are automatically a class member and do not have to do anything to be a part of it.

If you do not want to be a part of the class action, you have to opt out (exclude yourself).

A class member can exclude themselves from the class action by sending a letter with the court number **500-06-000866-174** to the clerk of the Superior Court of Quebec, at 1, rue Notre-Dame Est, Montréal (Québec), H2Y 1B6, before **20th December 2018**.

A class member who already have a legal proceeding having the same subject matter against the Correctional services of Québec is deemed to have opted out of the class action. You can integrate the group by discontinuing your individual claim before **20th December 2018**.

INTERVENTIONS AND LEGAL COSTS

The class action will be heard in the judicial district of Montreal.

A class member can ask to make an intervention in the class action before the Court. The Court will authorize the intervention if it judges that it is helpful to the other class members.

No class member will have to pay to be a part of the class action.

FOR MORE INFORMATION

If you are a class member and would like to receive updates on the progress of the class action, **you can sign up by completing the form on the phone or on the Class Counsel's website at the following address:**

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