

## **Do you have an owner's license or taxi driver's license?**

### **A CLASS ACTION COULD AFFECT YOU. PLEASE READ THIS NOTICE CAREFULLY.**

On October 31, 2018, a class action against the Attorney General of Quebec and the Government of Quebec was authorized by the Honorable Justice Mark G. Peacock of the Superior Court of Quebec.

According to the allegations made by the representative of the class action, Dama Metellus, the Government of Quebec, by its gross negligence and its refusal to respect and enforce the laws of Quebec, in fact expropriated the taxi license holders.

#### **WHO ARE THE MEMBERS OF THE CLASS ACTION?**

You are a member of the class action if you are or have held a taxi owner's license and / or taxi driver's license for the territories of agglomerations A1, A2, A3, A5, A8, A11, A12, A14, A17, A24, A25, A30, A36, A38, A34, A54, A55 and A57 since October 28, 2013.

#### **WHAT COULD YOU GET?**

You could get compensation equivalent to the loss of value of taxi owners' licenses and the loss of revenue that Uber's activities would have caused.

Punitive damages of \$ 1,000 per member are also claimed.

#### **YOU HAVE NOTHING TO DO TO BENEFIT FROM THE COLLECTIVE ACTION**

All persons who is part of the group described above may be entitled to compensation if the class action succeeds. You do not have any form to complete at the moment, nor any fees to pay.

#### **YOU CAN EXCLUDE YOURSELF FROM THE CLASS ACTION**

You have up to April 28, 2019, to exclude yourself from the class action. If you do not exclude yourself from the class action, you will be bound by this action and will not be able to bring your own action against the Attorney General of Quebec and the Government of Quebec.

To exclude yourself, you must send a letter to the registry of the Superior Court of Quebec at the following address:

1 Notre-Dame Street East, Montreal, Quebec H2Y 1B6

You must specify the court number of the class action, 500-06-000811-162.

You must also send a copy of the letter to the lawyers representing the members at the address below.

## **MAIN QUESTIONS THAT WILL BE TREATED COLLECTIVELY**

The main questions that will be decided collectively for the benefit of the members of the class action are:

### **Civil liability**

- 1) Does Uber and its drivers carry on commercial activities without holding the required license(s) under the laws and regulations that govern their business activities?
- 2) Did the defendant and the Quebec government allow and tolerate Uber and his drivers doing unfair competition to members of the group?
- 3) Does the alleged behavior of the defendants engage their civil liability because that behavior constitutes:
  - a) An offense under article 1457 of the Civil Code of Québec?
  - b) An offense under section 6 of the Charter of Human Rights and Freedoms?
  - c) Illegal expropriation?
- 4) If the Court assigns civil liability to the government, does the defense of state immunity exist and if so, how far?
- 5) Does any defense of state immunity fall in the event of a bad faith determination by the government?
- 6) Is the pilot project legal? If so, does the legality of this project affect the defendants' civil liability in relation to the questions in paragraph 3?

### **Causality**

#### Alleged loss of income

- 1) Did the commercial activities of Uber and its drivers, if illegal, cause a loss of income for the members of the group?
- 2) If so, is the defendants' civil liability the (or any) cause of loss of income for the class members:
  - a) between October 28, 2013 and the pilot project, October 15, 2016?
  - b) since the pilot project came into effect on October 15, 2016?

#### Alleged loss of value of permits

- 3) Did the commercial activities of Uber and its drivers, if illegal, cause a loss of license value?
- 4) If so, is the defendants' civil liability the cause (or cause) of any loss of license value:
  - a) between October 28, 2013 and the pilot project, October 15, 2016?
  - b) since the pilot project came into effect on October 15, 2016?

- 5) Is a separate treatment necessary in the event that the license has been resold or not during one or other of the two?

Alleged damages (Quantum)

- 6) What is the quantum of any loss of income and impairment of licenses:
- a) between October 28, 2013 and the pilot project, October 15, 2016?
  - b) since the pilot project came into effect on October 15, 2016?
- 7) Are class members entitled to damages equal to any loss of income and any loss of value of the permits and the costs incurred in order to comply with the law and to carry out their activities within the legislative framework in force:
- a) between October 28, 2013 and the pilot project, October 15, 2016?
  - b) since the pilot project came into effect on October 15, 2016?
- 8) Are members entitled to punitive damages:
- a) between October 28, 2013 and the pilot project, October 15, 2016?
  - b) since the pilot project came into effect on October 15, 2016?
- 9) Does the plaintiff have the right to obtain an injunction order to compel "the defendant and the Government of Quebec to take all the necessary means to put an end to all forms of violation in force"?

### **CONCLUSIONS SOUGHT**

Here is what the plaintiffs are asking the Court for the benefit of the members of the group:

**GRANT** the class action of the plaintiffs and each of the class members they represent;

**DESCRIBE** the group as follows:

All natural or legal persons holding owners' licenses and all persons holding taxi driver's licenses for the A1, A2, A3, A5, A8, A11, A12, A14, A17, A24, A25, A30, A36, A38, A34, A54, A55 and A57 agglomerations since October 28, 2013;

**CONDEMN** the defendant and the Government of Quebec to pay members of the group who own a taxi owner's permit an amount equivalent to the loss of value of the taxi owners' licenses, plus interest at the legal rate and additional indemnity provided for in article 1619 of the Civil Code of Québec, since the date of the assignment;

**CONDEMN** the defendant and the Government of Quebec to pay to the members of the group an amount equivalent to the loss of income suffered by them by reason of the defendants' actions, plus thirty percent (30%) plus interest at the legal rate and the additional indemnity provided for in article 1619 of the Civil Code of Québec since the date of the assignment;

**CONDEMN** the defendant to punitive damages in the amount of \$ 1,000.00 per member;

**ORDER** the defendant and the Government of Quebec to take all necessary means to put an end to all forms of violation of the regulations in force, and this, 30 days following this judgment to intervene and this notwithstanding appeal;

**FAILING** to comply with this judgment, **CONDEMN** the defendant the Gouvernement du Québec to pay members of the group a sum of \$ 200.00 per day until compliance with this judgment;

**ORDER** that all claims of members be collectively recovered;

**DISPENSING** the applicant to provide security;

**ALL** with full court costs, including notice fees and expert fees;

## **INTERVENTION AND COSTS OF JUSTICE**

A member may apply to the Court to intervene in the class action. The Court will allow the intervention if it is of the opinion that it is useful to the group.

You do not have to pay members' lawyers to participate in this class action. In fact, if they get money or benefits for the members, these lawyers will ask for fees and legal fees that will be deducted from the amounts obtained.

## **STAY INFORMED**

If you think you are a member of the class action and wish to receive information on the progress of the file, you can **subscribe** to our mailing list by completing the form on the websites of Trudel Johnston & Lespérance (<http://tjl.quebec/en/class-action/uber-loss-of-value-of-taxi-permits/>) or of Trivium Avocats (<https://www.triviumavocats.com/taxis-contre-ministere-des-transport/>), or **contact** the attorneys of the members at the following coordinates:



### **Trudel Johnston & Lespérance**

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