

Notice of class action

Were you strip-searched and released immediately following a visioappearance at the Rivière-des-Prairies or Montréal-Bordeaux prison after October 1, 2016?

You may be a member of this class action

On July 25, 2019, the Superior Court of Quebec authorized Mathieu Barbeau to institute a class action against the Attorney General of Quebec in the district of Montreal.

WHO DOES IT CONCERN?

You are a member of the class action if you meet **all the following criteria**:

1. You have been brought for the purpose of a first visioappearance in the correctional facility of Rivière-des-Prairies or Montréal (Bordeaux Prison) **since October 1, 2016**;
2. You have been released by the Court following the visioappearance, with or without conditions;
3. You have been strip-searched in the correctional facility before the visioappearance.

Anyone who meets the criteria may be eligible for compensation if the class action is successful.

WHAT COULD YOU GET?

You could receive a monetary compensation for the damages you suffered and for the violation of your fundamental rights. The class action seeks to obtain, for each member, a \$2000 indemnity as punitive and compensatory damages.

LAWYER FEES will be paid only if successful and at a percentage approved by the Court. You have **nothing to pay** unless you get compensation.

YOU CAN OPT OUT UNTIL DECEMBER 9, 2019

You can opt out of the group if you do not want to participate in the class action.

If you opt out, you will not be entitled to any compensation if a favorable judgment or an agreement is reached in this class action.

If you do not opt out from the class action, you will be bound by any judgment rendered in this action.

You have until December 9, 2019, to opt out from the class action.

To opt out, you must send a letter to the Clerk of the Superior Court of Quebec with a copy to the lawyers representing the members of the class action, stating court number **500-06-000958-187**:

Office of the Superior Court of Quebec
(C.S.M. 500-06-000958-187)
1 Notre-Dame Street East,
Montréal (QC) H2Y 1B6

Trudel Johnston & Lesperance
750, Place d'Armes, suite 90
Montreal (QC) H2Y 2X8
info@tjl.quebec

YOU CAN ASK TO INTERVENE

A member may ask 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.

QUESTIONS TREATED COLLECTIVELY

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

- a) Does directing persons to a correctional facility rather than to an operational center or any other place where strip-searches are not required, for the purpose of a first visioappearance, and for whom the Court ordered the release with or without conditions, violate section 8 of the *Canadian Charter of Rights and Freedoms*?
- b) Does directing persons to a correctional facility rather than to an operational center or any other place where strip-searches are not required, for the purpose of a first visioappearance, and for whom the Court ordered the release with or without conditions, violate section 24.1 of the *Charter of Human Rights and Freedoms*?
- c) Must the defendant compensate the plaintiff and the class members for the prejudice suffered?
- d) Must the defendant pay punitive damages to the plaintiff and the class members?

CONCLUSIONS SOUGHT

The class action seeks the following conclusions from the Court for the benefit of all members of the group:

GRANT the plaintiff's action on behalf of all members of the group;

CONDEMN the defendant to pay the plaintiff and each class member the amount of \$ 1,500 with interest from the date of service of the application for authorization to institute a class action and the additional indemnity provided for in the article 1619 of the *Civil Code of Quebec*;

CONDEMN the defendant to pay the plaintiff and each class member \$ 500 in punitive damages;

ORDER the collective recovery of claims;

ORDER any remedy that the Court considers appropriate under section 24(1) of the *Canadian Charter of Rights and Freedoms*;

THE WHOLE WITH COSTS, including expert fees, notices fees and administrator fees, if applicable.

STAY INFORMED

You do not need to register to be a member of the group.

If you wish to receive information on the progress of the file, you can register with Trudel Johnston & Lesperance by completing the form at : <http://tjl.quebec/en/class-action/illegal-strip-search-in-riviere-des-prairies-and-bordeaux/#>

You can contact class counsel at :



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