

## **NOTICE OF AUTHORIZATION OF A CLASS ACTION FOR RACIAL PROFILING DURING TRAFFIC STOPS**

The Superior Court has authorized Mr. Papa Ndiako Guèye to file a class action against the municipalities of Montreal, Quebec, Longueuil, Repentigny, Laval, Blainville, Gatineau and Terrebonne, as well as the Attorney General of Quebec as representative of the Sûreté du Québec (collectively “the defendants”).

The class action seeks compensation for racialized persons who were victims of racial profiling in the context of a traffic stop without grounds for suspecting the commission of an offense carried out by the police services of the defendants since May 23, 2019.

This class action has been assigned the file number 500-06-001205-224 at the Superior Court of Quebec. The case is proceeding in the district of Montreal.

The authorization judgment is a preliminary step which permits the filing of a class action. This judgment does not determine the liability of the defendants, who can raise their means of defense at the trial on the merits. Following the trial, the Superior Court will determine if the defendants shall be ordered to compensate the members and, if so, how much will be paid.

### **CLASS ACTION MEMBERS**

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

1. You are a racialized person;
2. You were subject to a traffic stop by Sûreté du Québec or by the police department of one of the following municipalities: Montreal, Quebec, Longueuil, Repentigny, Laval, Blainville, Gatineau, and Terrebonne;
3. This traffic stop was done without grounds for suspecting the commission of an offense;
4. During this traffic stop, you were the victim of racial profiling;
5. This traffic stop occurred after May 22, 2019.

If the definition of the group applies to you, you may, depending on the final judgment to be rendered in this file, be entitled to financial compensation. You do not need to do anything to be a member of the class. Other notices will be published if the class action succeeds in order to inform the class members of their right to compensation.

The authorization judgment identified the principal legal and factual questions which shall be determined during the trial, as well as the conclusions sought against the defendants. You can find this list of questions and conclusions in **Annex 1**.

**CLASS COUNSEL FEES** will only be paid if the class action succeeds (according to a percentage of the total amount awarded) and must be approved by the Court. Therefore, **you have nothing to pay** in order to receive compensation under the terms of the class action.

## YOU CAN OPT OUT

As a member of the class action, you will be bound by any judgment rendered during the proceedings. If you do not wish to be a member of the class action, you may opt out before the deadline determined by the Court.

Please note that a member is deemed to have opted out if, before the opt-out deadline, they have not discontinued an originating application having the same subject matter as the class action before the time for opting out has expired.

You will therefore not be entitled to compensation if a favourable judgment is rendered or if a settlement is reached in this class action.

You have until **May 26, 2026** to opt-out of the class action.

To opt out, you must send a letter to the registry of the Superior Court, indicating the file number 500-06-001205-224, to the following address:

**Grefe de la Cour supérieure**  
Palais de justice de Montréal  
1, rue Notre-Dame Est  
Montréal (Québec) H2Y 1B6

Class counsel also requests a copy of the letter at the following address:

**Trudel Johnston & Lespérance**  
750, Place d'Armes, bureau 90  
Montréal (Québec) H2Y 2X8  
[info@tjl.quebec](mailto:info@tjl.quebec)

## YOU CAN REQUEST TO INTERVENE

A class member may make a request to the Court to intervene in the class action proceedings. The Court will authorise your intervention if it considers it to be beneficial to the group. However, a request to intervene by a member is not required to obtain compensation under the terms of a final judgment.

## STAY INFORMED

If you have any questions regarding the class action or if you wish to receive information on the progress of the file, you may sign up to class counsel's newsletter for this class action by filling out the online form: <https://tjl.quebec/en/class-actions/traffic-stops-without-reason/>

**Subscribing to the newsletter does not constitute a claim.** If the class action is successful, you will have to file a claim in accordance with the procedure determined by the Court.

You can also consult the Class Action Registry, where all proceedings must be published: <https://www.registredesactionscollectives.quebec/>

If you have any questions, you may contact class counsel using the contact information below:

**Trudel Johnston & Lespérance**

750, Place d'Armes, bureau 90

Montréal (Québec) H2Y 2X8

514 871-8385

[info@tjl.quebec](mailto:info@tjl.quebec)

**Mike Siméon, avocat**

2000, rue Mansfield, bureau 1610

Montréal (Québec) H3A 3A4

514 380-5915

[msimeon@mslex.ca](mailto:msimeon@mslex.ca)

## ANNEX 1

### The questions of fact and law that will be dealt with collectively identified by the Superior Court:

1. Do the police services of the defendant municipalities and the SQ engage in racial profiling during traffic stops without reasonable grounds for suspecting the commission of an offense, in violation of the rights of members of the class as protected by sections 7, 9, and par. 15(1) of the *Canadian Charter* and sections 1, 10, and 24 of the *Quebec Charter*?
2. Are the members of the class entitled to damages as an appropriate and just remedy under par. 24(1) of the *Canadian Charter* and section 49 of the *Quebec Charter*?
3. Can evidence of racial profiling be established by presumption?
4. Does the short prescription period in section 586 of the *C.T.A.* limit the right of members to receive an appropriate and just remedy under par. 24(1) of the *Canadian Charter*?
5. Can an appropriate and just remedy under par. 24(1) of the *Canadian Charter* and section 49 of the *Quebec Charter* be awarded on the basis of an average per member?
6. Does the racial profiling practiced by the defendants constitute a civil fault toward the members of the class?
7. Must the defendants compensate the members of the class for the prejudice caused by this civil fault?

### The relief sought, as authorized by the Superior Court at the authorization stage and which will be decided on the merits:

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

**ORDER** the defendant municipalities to pay to class members who were victims of their police services an amount to be determined by the Court as compensation for the violation of their rights as guaranteed by the *Canadian Charter* and protected by the *Quebec Charter*, the whole with legal interest, the additional indemnity, and costs, calculated from the date that the application for authorization was filed;

**ORDER** the Attorney General of Quebec to pay the class members who were victims of the Sûreté du Québec an amount to be determined by the Court as compensation for the violation of their rights as guaranteed by the *Canadian Charter* and protected by the *Quebec Charter*, the whole with legal interest, the additional indemnity, and costs, calculated from the date that the application for authorization was filed;

**ORDER** the defendant municipalities to pay to class members who were victims of their police services an amount to be determined by the Court as compensation for harm suffered, the whole with legal interest, the additional indemnity, and costs, calculated from the date that the application for authorization was filed;

**ORDER** the Attorney General of Quebec to pay the class members who were victims of the Sûreté du Québec an amount to be determined by the Court as compensation for harm suffered, the whole with legal interest, the additional indemnity, and costs, calculated from the date that the application for authorization was filed;

**DECLARE** that article 586 of the *Cities and Towns Act* does not limit the rights of class members to receive an appropriate and just remedy for the violation of their rights;

**RECONVENE** the parties in 30 days following the final judgment to determine the modalities of claims administration;

**THE WHOLE** with legal costs including, but not limited to, expert fees, the cost of publishing notices to class members and the cost of claims administration.