

**COUR SUPÉRIEURE**  
(Chambre des actions collectives)

CANADA  
PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL

N° : 500-06-001317-243

DATE : Le 31 octobre 2024

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**SOUS LA PRÉSIDENTE DE L'HONORABLE LUKASZ GRANOSIK, j.c.s.**

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**C.K.**

Demandeur

c.

**CENTRE INTÉGRÉ UNIVERSITAIRE DE SANTÉ ET DE SERVICES SOCIAUX DU  
CENTRE-OUEST-DE-L'ILE-DE-MONTRÉAL (SIR MORTIMER B. DAVIS JEWISH  
GENERAL HOSPITAL)**

Défendeur

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**JUGEMENT**  
(désistement et frais)

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[1] **VU** la *Demande de désistement du demandeur*,

[2] **CONSIDÉRANT** les articles 18, 158 et 585 C.p.c.;

[3] **CONSIDÉRANT** que malgré ses démarches, le demandeur estime que l'existence d'un groupe n'est pas suffisamment établie et qu'il n'est pas approprié de mener une action collective;

[4] **CONSIDÉRANT** que le défendeur ne s'oppose pas à la demande de désistement, mais qu'il s'en remet au tribunal en ce qui concerne les frais de justice découlant de ce désistement;

[5] **CONSIDÉRANT** les représentations des parties au sujet des frais de justice;

[6] **CONSIDÉRANT** que l'article 213 C.p.c. ne s'applique pas à la demande d'autorisation d'exercer une action collective<sup>1</sup>;

[7] **CONSIDÉRANT** que le demandeur souhaite continuer la procédure par voie d'action individuelle;

[8] **CONSIDÉRANT** qu'il est proportionnel et approprié d'autoriser une telle continuation;

**PAR CES MOTIFS, LE TRIBUNAL :**

[9] **ACCUEILLE** la demande;

[10] **AUTORISE** le demandeur de se désister de sa demande d'autorisation d'exercer une action collective;

[11] **DONNE ACTE** à l'engagement du demandeur de publier le présent jugement au *Registre des actions collectives* et sur le site web de ses avocats pour une durée de 60 jours;

[12] **AUTORISE** le greffe d'attribuer un nouveau numéro de dossier pour continuer les présentes procédures par voie d'action individuelle en procédant à l'émission de la *Originating Application*, en annexe;

[13] **DÉCLARE** que le jugement rendu en l'instance par l'honorable Daniel Urbas en date du 27 juin 2024 s'applique au dossier à être ouvert pour continuer la présente instance par voie d'action individuelle;

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<sup>1</sup> *Krimed c. Uber Technologies inc.*, 2016 QCCS 2768.

[14] **AUTORISE** la notification de la *Originating Application*, en annexe, à l'adresse courriel des avocats du défendeur pour valoir signification conformément à l'article 139 C.p.c. ;

[15] **LE TOUT**, sans frais de justice.

  

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LUKASZ GRANOSIK, j.c.s.

Me Bruce Johnston  
Me Jessica Lelièvre  
TRUDEL JOHNSTON & LESPÉRANCE  
Avocat de la demanderesse

Me Laurence Massicotte  
Me Pierre Bélanger  
BÉLANGER LONGTIN  
Avocat de la défenderesse

Date d'audience : Sur dossier

**CANADA**

**PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL**

**SUPERIOR COURT  
(Civil Division)**

N°: 500-17-

**C.K.**, having elected domicile for the purposes hereof at the office of his lawyers at 750 Côte de la Place d'Armes, suite 90, Montreal, Quebec, H2Y 2X8, Canada

Applicant

v.

**CENTRE INTÉGRÉ UNIVERSITAIRE DE SANTÉ ET DE SERVICES SOCIAUX DU CENTRE-OUEST-DE-L'ÎLE-DE-MONTRÉAL (SIR MORTIMER B. DAVIS JEWISH GENERAL HOSPITAL)**, a public institution having its establishment at 3755, chemin de la Côte-Ste-Catherine, Montreal, Quebec, H3T 1E2, Canada

Defendant

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**ORIGINATING APPLICATION**  
(Art 100 C.C.P.)

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**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT OF QUÉBEC  
SITTING IN THE DISTRICT OF MONTREAL, THE APPLICANT RESPECTFULLY  
SUBMITS:**

(...)



## I- THE FACTS GIVING RISE TO AN ACTION FOR THE APPLICANT (...)

### A. The Defendant

1. The Sir Mortimer B. Davis Jewish General Hospital (hereafter the « Jewish General Hospital ») opened in 1934 after being incorporated the year prior through *An Act to incorporate Jewish General Hospital*, 1933 (23 Geo. V). c 147, **Exhibit P-1**.
2. In 1965, the charter of the Jewish General Hospital was amended through *An Act to amend the charter of the Jewish General Hospital*, **Exhibit P-2**, which noted its status as a public hospital.
3. The Jewish General Hospital is a public institution administered by the defendant Centre Intégré Universitaire de Santé et de Services Sociaux du Centre-Ouest-de-l'île-de-Montréal in accordance with the *Act Respecting Health Services and Social Services*, RSQ c S-4.2 and the *Act to modify the organization and governance of the health and social services network, in particular by abolishing regional agencies*, SQ 2015, c 1.
4. Pursuant to section 7 of the *Act to modify the organization and governance of the health and social services network, in particular by abolishing regional agencies*, the Defendant enjoys all of the rights and assumes all the obligations of the Jewish General Hospital.
5. The Division of Child Psychiatry is a department of the Jewish General Hospital which began operating in 1967. By 1970, it treated around 40 to 50 children aged 2 to 12 at its Day Hospital. Children attending the Day Hospital received primary school education in the hospital.
6. The Division of Child Psychiatry also developed an Evening Hospital, an after-school program, an Outpatient program, and organized summer camps in the Laurentians, as appears from an excerpt of the Jewish General Hospital's website entitled *Historical Sketch*, **Exhibit P-3**.
7. The Division of Child Psychiatry assesses and treats children for a broad range of issues including pervasive developmental disorders, conduct problems, attention deficit disorder, depression, suicide risk, psychotic disorders, anxiety disorders, as well as those who have witnessed domestic violence, and those who have been victims of abuse or neglect, as appears from a brochure introducing the services offered at the Division of Child Psychiatry and published on the Jewish General Hospital's website entitled *Child Psychiatry*, **Exhibit P-4**.
8. Gino Londei (Londei) and Steve Trowbridge (Trowbridge) worked as childcare workers on the staff at the Division of Child Psychiatry, notably in the 1980s. An

excerpt of the Jewish General Hospital's website entitled *Happy 50<sup>th</sup> Anniversary to the Child Psychiatry*, showing Londei and Trowbridge is filed as **Exhibit P-5**.

## **B. The Applicant**

9. In 1981, at the age of six, the Applicant, C.K., was enrolled in the Division of Child Psychiatry at the Jewish General Hospital. He attended the Day Hospital there for approximately two years.

### **a. THE ABUSES SUFFERED BY THE APPLICANT**

10. The Applicant suffered numerous instances of sexual abuse by Londei and Trowbridge while he was a young child under the care of the Division of Child Psychiatry at the Jewish General Hospital.
11. Trowbridge and Londei had authority over the children under their care and often disciplined them as part of their duties. Trowbridge was also tasked with distributing motivational prizes such as stickers, puzzles and rubber balls to children. Those toys were on a shelf located in a small room.
12. During a school day at the hospital, Trowbridge had C.K. enter the toy room. While inside the room, Trowbridge displayed his penis to C.K., and asked that the child show him his penis. C.K. complied.
13. On another occasion, Trowbridge brought C.K. inside the toy room. While alone with him in the room, he asked C.K. which prize he wanted most. C.K. told the childcare worker that he wanted the rubber ball. Trowbridge then explained that, if C.K. wanted to have the rubber ball, he would first have to touch Trowbridge's penis.
14. C.K. had already seen Trowbridge's penis at this point. He went to touch it quickly, but the adult took C.K.'s hand and forced him to stroke his penis. After a moment, C.K. pulled back, took the rubber ball, and left the room.
15. C.K. remembers that after this assault, he felt guilty and disgusted about having the rubber ball. He felt as if he had behaved badly and that he should not have accepted to touch the adult's penis for a toy.
16. When Londei determined that C.K. was misbehaving, he placed the child in a "time out" room adjacent to the gym area. The door would be locked from the outside, and C.K. was confined to the room alone for long periods of time. As a very young child, C.K. felt intense fear and anxiety being locked in a small dark room for long periods of time.
17. At some point, Londei escorted C.K. to the "time-out" room. C.K. did not want to enter the room. Londei stood behind the child, turned him to face the time-out room and placed his hand down C.K.'s pants. He then groped his buttocks and inserted



his finger into the child's anus. While his finger was still inside the child, Londei pushed C.K. inside the room and locked the door.

18. On another occasion, Londei violently pushed C.K. into the "time-out" room. He secluded him in the room, closed the door, and would not permit him to leave. He applied a forceful blow to C.K.'s abdomen. The blow was so intense that it caused C.K. to stop breathing momentarily. While the child was startled and out of breath, Londei pushed C.K. down onto a mat, pulled his pants down and forced anal intercourse upon him.
19. To this day, C.K. remembers vividly the pain he experienced. He remembers that he was breathless, terrified, and could not scream for help.
20. After the rape and once released from the room, C.K. went to the bathroom and found blood in his underwear. When he arrived home after school that day, he threw his bloodstained underwear in the garbage, fearful that his parents might uncover what he had tragically experienced.
21. C.K. believes that he has suffered other instances of abuse at the hands of Londei and Trowbridge, that his memory does not allow him to recall.

(...)

22. While the Applicant does not recall witnessing instances of sexual abuse on other children, he remembers that Londei and Trowbridge brought other children to the time-out room and toy room where they assaulted him.

(...)

**b. THE CONSEQUENCES SUFFERED BY THE APPLICANT AS A RESULT OF THE ABUSES**

23. The sexual abuses suffered by C.K. at a young age have had profound consequences on his life.
24. As a result of these abuses, C.K. has developed low self-esteem, anxiety, depression and an inability to trust people.
25. He has difficulty with authority figures and is generally distrustful of people placed in such positions.
26. As a self-protection mechanism, he shields himself from others and has had difficulty building deep and lasting relationships throughout his life.
27. He feels that his self-confidence is low and that he is generally set up for failure.
28. He aspired to study architecture and work in that field, but he dropped out of school in tenth grade.

29. Whenever he finds himself in enclosed spaces, C.K. feels very distressed and anxious. He also experiences PTSD-like symptoms such as flashbacks of the assaults he has survived while under the care of the Division of Child Psychiatry at the Jewish General Hospital.
30. Since the assaults, he feels uncomfortable getting undressed in front of other people. During his childhood, he would hide in changing rooms before and after gym classes so as not to be seen unclothed. Other children used to make fun of him for that reason.
31. As a child, he would often wake up in the middle of the night covered in sweat. Since he has decided to go forward with this case, the night sweats have started again.
32. From 2007 to 2017, he suffered from alcohol use disorder and became an alcoholic. He consumed alcohol in an effort to lessen the emotional trauma caused by what he has suffered at the hands of the childcare workers.
33. When he thinks of the abuses he endured as a child, he feels ashamed and embarrassed. He does not wish to have his name publicly associated with this very dark part of his life.
34. The fact that C.K. has experienced sexual abuse as a child constitute highly sensitive personal information that strikes at the biographical core of his individuality. If this information was shared publicly, it would undeniably prejudice his dignity.
35. In order to preserve his dignity, C.K. therefore respectfully asks the Court to allow him to institute the present proceedings under the pseudonym "C.K", to declare that his identity is confidential and to order the sealing of all documents containing information that could cause to identify him.

(...)

### **C. The Liability of the Defendant**

36. The defendant is responsible for the damages suffered by the Applicant for the following reasons.
37. The sexual abuses that the Applicant (...) suffered were perpetrated by childcare workers who had custody of him under the authority of the defendant.
38. Trowbridge and Londei used the power and authority granted to them by their role and status as childcare workers to commit these heinous acts. They targeted their victims among the most vulnerable children under their care.
39. They used the power conferred upon them by their status to instill fear in C.K., preventing him from reporting the abuse.



40. By sexually abusing the Applicant, Trowbridge and Londei committed multiple civil wrongs that render the defendant liable as principal or mandator for the resulting damages.
41. Therefore, the Applicant is entitled to obtain a judgment against the defendants for compensatory damages.
42. Moreover, if the inquiry demonstrates that the defendant knew or ought to have known of the abuses perpetrated against children under its care, the Applicant intends to invoke the personal liability of the defendant and claim for punitive damages under the *Charter of Human Rights and Freedoms*.

#### **D. Damages**

43. The consequences of sexual abuse on victims are numerous and can manifest at different stages of one's life. These consequences include physical problems, psychological issues, sexual difficulties, relationship challenges, feelings of frustration and anxiety, economic, social and family problems, dependency issues and eating disorders, as outlined in an informative brochure produced by the Quebec government entitled *Les agressions sexuelles existent et marquent profondément: demandez de l'aide*, **Exhibit P-6**.
44. In the case of the Applicant, the aftermath of sexual abuse includes, among other things, distrust, suffering, depression and anxiety, feeling "dirty," school difficulties, loss of self-esteem, fear, guilt, shame, isolation, and insomnia.
45. At trial, the evidence will demonstrate that the Applicant suffered non-pecuniary damages resulting from the sexual violence he experienced and as such, the Applicant will request the Court to award compensation of \$250,000 (...) for these injuries, except as may be further specified.
46. Additionally, the evidence at trial will demonstrate that the Applicant has suffered pecuniary damages resulting from the sexual violence he has endured, including but not limited to loss of earning capacity and loss of productivity (...). As such, the plaintiff will request the Court to award compensation for these damages, the quantum of which will be determined subsequently.

(...)

**FOR THESE REASONS, MAY IT PLEASE THE COURT:**

**GRANT** the Originating Application (...);

(...)

**ORDER** the defendant to pay to the Applicant an amount of \$250,000.00 as non-pecuniary damages, subject to adjustment, with legal interest and the additional indemnity provided for in s. 1619 of the *Civil Code of Québec*;

**ORDER** the defendant to pay to the Applicant an amount in pecuniary damages, the quantum of which shall be determined subsequently, with legal interest and the additional indemnity provided for in s. 1619 of the *Civil Code of Québec*;

**ORDER** the defendant to pay to the Applicant an amount in punitive damages, the quantum of which shall be determined subsequently;

(...)

**THE WHOLE** with costs, including (...) expert fees (...).

(...)

Montreal, October 23, 2024

*Trudel Johnston & Lespérance*

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**TRUDEL JOHNSTON & LESPÉRANCE**

COUNSEL FOR THE APPLICANT

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Mtre Jessica Lelièvre

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## Éléonore Loupforest

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**Objet:** Notification - 500-06-001317-243 - C.K. c. CIUSSS du Centre-Ouest-de-l'Île-de-Montréal  
**Pièces jointes:** 2024-10-23 Demande de Désistement.pdf

CANADA  
PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL

COUR SUPÉRIEURE  
(Actions collectives)

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N° C.S. : 500-06-001317-243

C.K.

*Demandeur*

c.

**CENTRE INTÉGRÉ UNIVERSITAIRE DE SANTÉ  
ET DE SERVICES SOCIAUX DU CENTRE-  
OUEST-DE-L'ÎLE-DE-MONTRÉAL (SIR  
MORTIMER B. DAVIS JEWISH GENERAL  
HOSPITAL)**

*Défendeur*

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Notre dossier/Our file : 1495-1

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**DESTINATAIRE/TO :**

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**BÉLANGER LONGTIN INC.**

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***Avocats du défendeur***

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<b>LIEU ET DATE DE L'ENVOI/PLACE AND DATE OF TRANSMISSION :</b>	Montréal, le 23 octobre 2024 / Montreal, October 23, 2024
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**DOCUMENTS :**

- Demande de désistement du demandeur (art. 18, 158 et 585 C.p.c.)

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**Nombre de pages (sans le bordereau) / NUMBER OF PAGES (excluding transmission  
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No.: 500-06-001317-243

**COUR SUPÉRIEURE**  
(Actions collectives)  
DISTRICT DE MONTRÉAL

C.K.

Demandeur

c.

CIUSSS DU CENTRE-OUEST-DE-L'ÎLE-DE-MONTRÉAL (SIR MORTIMER B. DAVIS JEWISH GENERAL HOSPITAL)

Défendeur

Notre dossier : 1495-1

**DEMANDE DE DÉSISTEMENT DU  
DEMANDEUR**  
(art 19, 158 et 585 C.p.c.)

**ORIGINAL**

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BT 1415

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