

**CANADA**

**PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL**

No.: 500-06-001319-249

**SUPERIOR COURT**  
(Class Actions)

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**SEAN RYAN,** [REDACTED]  
[REDACTED]

Applicant

v.

**ATTORNEY GENERAL OF CANADA**, with an office at Quebec Regional Office, Department of Justice Canada, Guy Favreau Complex, East Tower, 9<sup>th</sup> floor, 200 René-Lévesque Boulevard West, Montreal, Quebec, H2Z 1X4

Defendant

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**APPLICATION FOR STAY OF PROCEEDINGS ON THE APPLICATION FOR  
AUTHORIZATION TO INSTITUTE A CLASS ACTION  
(Arts 577, 49 C.C.P.)**

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

1. On July 2, 2024, the Applicant filed an application with this Court seeking authorization to institute a class action and to obtain the status of representative (the “Quebec Application”).
2. The Quebec Application seeks to authorize a class action against the Defendant, the Attorney General of Canada, in relation to certain unlawful strip searches conducted in federal penitentiaries. The Applicant seeks to recover damages from the Defendant pursuant to the *Canadian Charter of Rights and Freedoms* and the *Civil Code of Quebec*.
3. The proposed class is described as follows:

All persons imprisoned in a federal penitentiary in Québec on or after June 18, 1992.

*Toutes les personnes incarcérées dans un pénitencier fédéral au Québec à partir du 18 juin 1992.*

4. On March 3, 2023, the Ontario Superior Court certified a national class action in *Farrell v. Attorney General of Canada* between the same parties, based on the same facts and concerning the same subject matter (the “Ontario Class Action”).
5. All class members in Quebec are included in the definition of the certified class in Ontario which was approved by the Court:

all inmates imprisoned in a federal penitentiary on or after June 18, 1992

6. The certification judgement is included as **Exhibit A-1** (*Farrell v. Attorney General of Canada*, 2023 ONSC 1474).
7. On June 27, 2024, the plaintiffs in the Ontario Class Action amended their Statement of Claim, with the consent of the Defendant, to include an additional cause of action in extracontractual civil liability under article 1457 of the *Civil Code of Quebec*, as shown in **Exhibit A-2**.
8. The Applicant now seeks the suspension of the Quebec Application in favor of the certified national Ontario Class Action.
9. The conditions for a stay of proceedings are met because:
  - a. Both actions are between the same parties and directed against the same Defendant;
  - b. Both actions are grounded in the same facts;
  - c. Both actions have the same object and advance the same causes of action;
  - d. The Ontario Class Action was certified before the Quebec Application was filed, and is thus already before the Ontario court;
  - e. A judgment on the merits rendered by the Ontario Superior Court in a national class action can be recognized and enforced in Quebec.
10. A stay of the Quebec Application is in the interests of Quebec residents and class members because:

- a. The Ontario Class Action has been certified, while the Quebec Application has not yet been presented to this Court;
  - b. The Ontario Class Action is moving forward, including steps that include a notice campaign and discovery, with the collaboration of all parties;
  - c. The plaintiffs and class members in both files are represented by the same counsel;
  - d. Quebec counsel are actively participating in proceedings underway in Ontario with a view to protecting the rights and interests of Quebec class members;
  - e. The applicable legal principles under the *Canadian Charter of Rights and Freedoms* are the same in Ontario and Quebec;
  - f. The Ontario proceeding has been amended to include a cause of action under the civil law of Quebec;
  - g. The class representative in Ontario can adequately represent the Quebec class members.
11. Lastly, a multiplicity of provincial procedures regarding the same pan-Canadian issue should be avoided in order to respect the principle of proportionality and the proper administration of justice.
12. The present application is not contested by the Defendant.

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

**GRANT** the present Application for Stay of Proceedings;

**ORDER** a stay of proceedings in the file 500-06-001319-249 in favour of the proceedings before the Superior Court of Ontario until a final decision is rendered in that file, or until the Court lifts this suspension if it considers that it is no longer in the interest of Quebec class members;

**THE WHOLE** without costs.

Montréal, November 20, 2024



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**TRUDEL JOHNSTON & LESPÉRANCE**  
COUNSEL FOR THE APPLICANT

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Toronto, November 20, 2024



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## AFFIDAVIT

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I, the undersigned, **LEX GILL**, lawyer, practicing my profession at 750, Côte de la Place d'Armes, Suite 90, Montreal, Quebec, H2Y 2X8, solemnly declare that:

1. I am one of the lawyers for the Plaintiff in the present matter;
2. All the facts alleged in the present application are true;

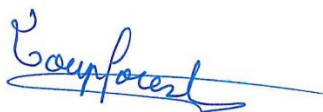
AND I HAVE SIGNED:



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**Lex Gill**

Sworn before me  
In Montreal, on November 20, 2024



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**Eléonore Loupforest**  
Commissioner for Oaths - Québec



## NOTICE OF PRESENTATION

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**RECIPIENT: Mtre Marie Marmet**

**ATTORNEY GENERAL OF CANADA**

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**TAKE NOTICE** that the present *Application for stay of proceedings on the application for authorization to institute a class action* shall be presented in the Class Actions Division of the Superior Court, at the Montréal Courthouse situated at 1, Notre-Dame Street East, Montréal, at a date, time, and room to be determined.

**PLEASE GOVERN YOURSELF ACCORDINGLY.**

Montréal, November 20, 2024



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Toronto, November 20, 2024



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**SUPERIOR COURT**  
(Class actions)  
**DISTRICT OF MONTREAL**

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**SEAN RYAN**

Applicant

v.

**ATTORNEY GENERAL OF CANADA**

Defendant

Our file: 1491-1

BT-1415

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**APPLICATION FOR STAY OF PROCEEDINGS ON  
THE APPLICATION FOR AUTHORIZATION TO  
INSTITUTE A CLASS ACTION  
(Arts 577, 49 C.C.P.)**

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**ORIGINAL**

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Name of attorneys:

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