

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
N° : 500-06-001221-239

SUPERIOR COURT
(Class action division)

C.

Plaintiff

c.

PHILLIP (HART) BAUGNIET
-and-
**ENGLISH MONTREAL SCHOOL
BOARD**

Defendants

**NOTICE TO ALLEGED VICTIMS OF SEXUAL ASSAULT COMMITTED BY
PHILLIP (HART) BAUGNIET, IN CONNECTION WITH AND WHILE HE WAS A
TEACHER OR PRINCIPAL OF THE FOLLOWING SCHOOLS: LACHINE HIGH
SCHOOL, VICTORIA SCHOOL OR FACE SCHOOL.**

**IF YOU HAVE BEEN SEXUALLY ASSAULTED BY PHILLIP (HART) BAUGNIET,
THIS NOTICE MAY APPLY TO YOU AND AFFECT YOUR RIGHTS.
PLEASE READ CAREFULLY.**

1. On June 27, 2024, the Superior Court of Quebec authorized the institution of a class action against Phillip (Hart) Baugniét and the English Montreal School Board.
2. **This class action concerns the following individuals:**

« Toutes les personnes agressées sexuellement alors qu'elles étaient mineures par Phillip (Hart) Baugniét, lesquelles agressions sexuelles ont été causées en lien et alors qu'il était directeur de l'école secondaire Lachine (Lachine High School), de l'école Victoria (Victoria School) ou de l'école FACE, à Montréal, ou y occupait une fonction d'enseignement, de direction ou de supervision, de même que la succession de telles personnes si décédées depuis le 21 août 2019 ».

Unofficial English translation:

"All persons who, while minors, were sexually abused by Phillip (Hart) Baugniét, which sexual assaults were caused in connection with and while he was the principal of Lachine High School, Victoria School, or FACE School, in Montreal, or held a teaching,

management or supervisory position at such schools, as well as the succession of such persons if deceased since August 21, 2019” (hereinafter the “Class”)

3. This class action seeks (i) monetary compensation for the harm suffered by members of the Class as a result of the sexual assaults committed by Phillip (Hart) Baugniet, and (ii) punitive and exemplary damages.
4. The class action will be brought in the judicial district of Montreal under Court File Number 500-06-001221-239.
5. The main questions of fact or law that will be collectively addressed in this class action are the following:
 - a) Did Phillip (Hart) Baugniet sexually assault members of the Class?
 - b) Is the defendant EMSB liable for the sexual assaults perpetrated by Phillip (Hart) Baugniet, both by virtue of its direct faults and as principal of the latter?
 - c) Are the defendants solidarily liable?
 - d) Can compensation damage parameters be established for Class members? If so, what are they?
 - e) Did the defendants intentionally infringe on the rights and freedoms of Class members? If so, what is the quantum of punitive and exemplary damages to be recovered collectively?
6. The conclusions sought are as follows:

APPROVE the Plaintiff's action;

CONDEMN solidarily the defendants to pay the plaintiff the sum of \$450,000 in non-pecuniary damages, with interest from the date of service of the *Application for Authorization to Institute a Class Action and to Obtain Representative Status*, as well as the additional indemnity provided by law from that date;

CONDEMN solidarily the defendants to pay the plaintiff the sum of \$750,000, unless otherwise increased, as pecuniary damages, with interest from the date of service of the *Application for Authorization to Institute a Class Action and to Obtain Representative Status*, as well as the additional indemnity provided by law from that date;

CONDEMN solidarily the defendants to pay a global sum of \$15,000,000 in punitive and exemplary damages on behalf of the Class, with interest from the date of service of the *Application for Authorization to Institute a Class Action and to Obtain Representative Status*, as well as the additional indemnity provided by law from that date;

APPROVE the class action on behalf of all members of the Class;

DECLARE THAT:

- a) The defendants are solidarily liable for non-pecuniary damages suffered by Class members as a result of the sexual assaults committed by Baugniet, the quantification and recovery of which will take place at the individual claims stage;
- b) The defendants are solidarily liable for the pecuniary damages suffered by Class members as a result of the sexual assaults committed by Baugniet, including loss of income or earning capacity and out-of-pocket expenses, the quantification and recovery of which will take place at the individual claims stage;

ORDER the individual recovery of Class members' claims for compensatory damages in accordance with the provisions of articles 599 to 601 *C.C.P.*;

ORDER the collective recovery of punitive and exemplary damages in accordance with the provisions of articles 595 to 598 *C.C.P.*;

THE WHOLE with legal costs, including costs of experts, exhibits and notices to members.

7. The representative in this class action is "C.", whose name and personal information are covered by a confidentiality order issued by the court.
8. Members of the Class will be bound by any judgment to be rendered and, if applicable, will be entitled to benefit from any Court-approved settlement in the class action, unless they opt out. It is not necessary for a member to opt in the class action in order to be bound by any judgment to be rendered or, if applicable, to benefit from any Court-approved settlement agreement.
9. Before opting out, it is strongly recommended that a Class member contact Class Counsel at the coordinates below, in order to be adequately informed of his or her rights and to fully understand the legal impacts of opting out. A member of the Class who wishes to opt out must do so within sixty (60) days of this notice, that is by **October 9, 2024**, as follows:
 - a. A member who has not already instituted an individual lawsuit against the defendants to obtain compensation for damages related to sexual assaults that occurred in the circumstances set out in the description of the Class as defined in the second paragraph of this notice, may exclude themselves by notifying the Clerk of the Superior Court of the district of Montreal, the whole in accordance with article 580 of the *Code of Civil Procedure*;
 - b. A member who has already instituted an individual lawsuit against the defendants to obtain compensation for damages related to sexual assaults that would be recovered by the judgment in the class action is deemed to have excluded themselves if they do not withdraw their individual lawsuit before the expiration of the exclusion period.

10. A member of the Class may be authorized to intervene if the court is of the opinion that the intervention will be helpful to the Class.
11. A member of the Class, other than the representative or an intervenor, may not be ordered to pay legal costs.
12. Members are invited to contact Class Counsel for more information on the class action and to find out about their rights. **These communications are free, strictly confidential and protected by professional secrecy:**

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13. **The Court has authorized the use of pseudonyms to identify the plaintiff and Class members in proceedings, exhibits and any other documents filed with the Court in order to protect their identity.**

This notice has been authorized by the Honourable Dominique Poulin, Judge of the Superior Court of Quebec.