

CANADA

SUPERIOR COURT
(Class Action Division)

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SYLVAIN DESROCHES

No.: 500-06-001242-235

Plaintiff

v.

ATTORNEY GENERAL OF QUÉBEC, in
his capacity as the Minister of Justice of
Québec

-and-

ATTORNEY GENERAL OF QUÉBEC, in
his capacity as the Minister of Public
Security of Québec

Defendants

**NOTICE CONCERNING THE AUTHORIZATION OF A CLASS ACTION AGAINST
THE ATTORNEY GENERAL OF QUÉBEC**

If you have been unlawfully detained after your prison sentence was over, or after your release was ordered by a court, you may be a member of this class action.

On June 26th, 2024, the Superior Court authorized Sylvain Desroches to file a class action against the Attorney General of Québec on behalf of the following individuals:

All persons in Québec who, since April 1, 2011, have been illegally detained, either based on a document not in accordance with an order issued by a court, or after serving a sentence of imprisonment, or after a court has ordered their release, these persons being, without limitation, identified on a list of illegally detained persons maintained by the Attorney General of Québec.

Individuals who fall within this definition are automatically members of the class without having to take any steps to register (the “**Members**”).

If the allegations are proven, the class action seeks monetary compensation of \$10,000 for each day of illegal detention, as well as \$5,000 per Member of the class in punitive and exemplary damages.

It is following the trial that the Superior Court will decide whether the action is well-founded and whether the defendants should be ordered to compensate the Members, and if so, how much. The class action was instituted in the judicial district of Montréal, in the file bearing number 500-06-001242-235.

QUESTIONS OF LAW AND FACT TO BE DEALT WITH COLLECTIVELY

The questions of fact and law that will be dealt with collectively in the class action are the following:

- a. Did the Defendant infringe the rights of the Class members protected by sections 7 and 9 of the *Canadian Charter* by illegally detaining them?
- b. If so, are the Class members entitled to damages as a just and appropriate remedy under section 24(1) of the *Canadian Charter*?
- c. Did the Defendant infringe the rights of the Class members protected by sections 1 and 24 of the *Quebec Charter* by illegally detaining them?
- d. If so, are the Class members entitled to damages as a just and appropriate remedy under section 49(1) of the *Quebec Charter of Human Rights and Freedoms*?
- e. Did the Defendant illegally and intentionally violate the rights of the Class members protected by the *Quebec Charter of Human Rights and Freedoms* by failing to compensate them?
- f. If so, are the Class members entitled to punitive damages as a just and appropriate remedy under section 49(2) of the *Quebec Charter of Human Rights and Freedoms*?
- g. Did the Defendant commit a civil fault against the Class members by illegally detaining them?
- h. If so, is the Defendant liable to compensate the plaintiff and the Class members for the damages caused?

CONCLUSIONS SOUGHT

The conclusions sought for the benefit of Members are the following:

GRANT the Plaintiff's action on behalf of all Class members;

ORDER the Defendant, the Attorney General of Quebec, in his capacity as representative of the Minister of Justice and the Minister of Public Security, to pay to the Plaintiff, Sylvain Desroches, and to each Class member an amount of \$10,000.00 for each day spent in illegal detention, with legal interest plus the

additional indemnity provided by law from the filing of the motion for authorization to institute a class action;

ORDER the Defendant, the Attorney General of Quebec, in his capacity as representative of the Minister of Justice and the Minister of Public Security, to pay to the Plaintiff and each Class member an amount of \$5,000.00 as punitive damages, with legal interest plus additional indemnity from the final judgment;

ORDER that the claims of the members be to the object of collective recovery;

CONVENE the parties within thirty (30) days of the final judgment to determine the measures for distributing the amounts recovered collectively;

THE WHOLE with costs, including the cost of all experts, notices and administration costs, if applicable.

No action is necessary to benefit from the class action. If you do not wish to be included in the class action and do not want to benefit from a favourable judgment or out-of-court settlement, as the case may be, you may opt out by notifying the clerk of the Superior Court of the district of Montréal.

To opt out, you must send a letter to the clerk of the Superior Court of Québec, indicating court number 500-06-001242-235, at the following address, no later than January 31, 2025:

Clerk of the Superior Court of Québec
1 Notre-Dame Street East
Montréal (QC) H2Y 1B6

If you have already filed an individual legal action having the same object as this class action, you are deemed to have opted out of the class action if you do not discontinue your individual action within sixty (60) days of the date of this notice.

A Member may apply to the Court for leave to intervene in the class action if they are of the opinion that their intervention is useful to the class.

COSTS

Members (other than the representative or an intervener) cannot be ordered to pay legal costs.

ADDITIONAL INFORMATION

You can visit the Website of the Québec Class Action Registry regarding this file here: <https://www.registredesactionscollectives.quebec/en/Consulter/ApercuDemande?NoDossier=500-06-001242-235>.

For any questions relating to the class action and/or your rights, please contact the Members' and Sylvain Desroche's lawyers:

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All communications are confidential, covered by solicitor-client privilege and without cost for you.

Notice date: November 28, 2024

The publication of this notice has been authorized by the Honorable Florence Lucas, J.S.C.