

CANADA

**PROVINCE OF QUÉBEC
DISTRICT OF BEDFORD
N° : 460-06-000002-165**

SUPERIOR COURT
(Class Action)

A. Plaintiff

v.

**LES FRÈRES DU SACRÉ-CŒUR
-and-
ŒUVRES JOSAPHAT-VANIER
-and-
COLLÈGE MONT-SACRÉ-CŒUR**
Defendants

**CANADA
PROVINCE OF QUÉBEC
DISTRICT OF SAINT-FRANÇOIS
No. 450-06-000001-192**

SUPERIOR COURT
(Class Action)

F. Plaintiff

v.

**LES FRÈRES DU SACRÉ-CŒUR
-and-
ŒUVRES JOSAPHAT-VANIER
-and-
CORPORATION MAURICE-RATTÉ
-and-
FONDS JULES-LEDOUX**
Defendants

**NOTICE TO MEMBERS CONCERNING THE AUTHORIZATION OF CLASS
ACTIONS IN RESPECT OF SEXUAL ABUSE PERPETRATED BY THE
BROTHERS OF SACRED HEART**

**IF YOU WERE SEXUALLY ABUSED BY A RELIGIOUS MEMBER OF THE
RELIGIOUS ORDER BROTHERS OF SACRED HEART (FRÈRES DU SACRÉ-
COEUR), THIS NOTICE MAY AFFECT YOUR RIGHTS.**

1. Take notice that the Quebec Superior Court has:

- (iii) decided that a Class action previously authorized on behalf of all individuals who were sexually abused while they were students, boarders or candidates for admission of Mont Sacré-Cœur in Granby (namely, Collège Mont-Sacré-Coeur, the boarding schools and the Juvenate) between 1932 and 2008, by religious members of the religious order Brothers of Sacred Heart (Frères du Sacré-Coeur) who were still alive on October 7, 2013, is also authorized to proceed on behalf of the victims sexually abused by religious members of this order who were deceased prior to that date (collectively, the “**Victims at Collège Mont-Sacré-Coeur in Granby**”); and,
- (iv) authorized a second Class action on behalf of victims of sexual abuse perpetrated by religious members of the Brothers of Sacred Heart (Frères du Sacré-Coeur) anywhere else in Quebec.

2. The individuals on whose behalf the Class actions have been authorized are:

(iii) **Class action for Victims at Collège Mont-Sacré-Cœur in Granby**

By Judgment rendered on January 15, 2020, the Honourable Christian Immer, J.S.C. lifted a partial suspension of the Class action already authorized in Court file *A. v. Les Frères du Sacré-Cœur et al.* (bearing Court number: 460-06-000002-165), such that the Class now also includes all victims whose alleged abuser died more than three years prior to October 7, 2016 (including Brother Hervé Aubin “Frère Économe”, Brother Paul-Émile Blain “Frère Maître”, Brother Roger Comtois, Brother Raymond Decelles “Frère Louis-Raymond”, Brother Majoric Duchesne “Frère recruteur du Collège” and Brother Roch Messier) (“**New Members of Class Action A.**”).

As a result, the Class is now defined as:

“All individuals who were sexually abused by a religious member of the religious order Brothers of Sacred Heart (Frères du Sacré-Coeur), while they were students, boarders or candidates for admission of Mont-Sacré-Coeur de Granby (namely, Collège Mont-Sacré-Coeur, the boarding schools and the Juvenate) between 1932 and 2008”.

(iv) **Class action for victims elsewhere in Quebec**

By Judgment rendered on December 3, 2019, the Honourable Christian Immer, J.S.C. also authorized the institution of a Class action by “F.” (pseudonym) against the Defendants LES FRÈRES DU

SACRÉ-CŒUR, ŒUVRES JOSAPHAT-VANIER, CORPORATION MAURICE-RATTÉ et FONDS JULES-LEDOUX on behalf of all individuals who were sexually abused in Quebec by a religious member of the Brothers of Sacred Heart (Frères du Sacré-Coeur) at any educational establishment, school, college, recreational establishment, pastoral animation center, camp, residence, parish, place of worship, or any other place in Quebec, excluding the individuals who are already included in the Class action *A. v. Les Frères du Sacré Cœur et al.* (“**Members of Class Action F.**”).

As a result of the Judgment, the Class is defined as:

“All individuals who were sexually abused in Quebec by a religious member of the religious order Brothers of Sacred Heart (Frères du Sacré-Coeur) at any training center, school, college, leisure entity, activity center, camp, residence, parish, place of worship, or any other place in Quebec (“Establishments”).
(the “Class”)

The Class excludes all individuals who were sexually abused by a religious member of the religious order Brothers of Sacred Heart (Frères du Sacré-Coeur), while they were students, boarders or candidates for admission of Mont-Sacré-Coeur de Granby (namely, Collège Mont-Sacré-Coeur, the boarding schools and the Juvenate) between 1932 and 2008, namely the members of the Class in the Class action *A. v. Les Frères du Sacré Cœur et al.* (bearing Court number : 460-06-000002-165”).

Class action for the Victims at Collège Mont-Sacré-Cœur in Granby

3. In this Class action, the following principal issues of fact or law will be dealt with collectively:
 - a) Did Brother Lebeau or any other Brother member of Les Frères du Sacré-Coeur sexually abuse members of the Class?
 - b) Did the Defendants, Les Frères du Sacré-Coeur, Oeuvres Josaphat-Vanier or Collège Mont-Sacré-Cœur, commit direct faults in respect of the members of the Class?

- c) Did the Defendants, Les Frères du Sacré-Coeur, Oeuvres Josaphat-Vanier or Collège Mont-Sacré-Cœur, engage their liability as principals / mandators for the sexual abuse perpetrated by their religious members, including Brother Lebeau?
- d) Is sexual abuse, in and of itself, susceptible to result in damages?
- e) What types of damages are common to victims of sexual abuse by religious members in authority at an educational institution?
- f) What factors do the members of the Class have in common in respect of the question of impossibility in fact to act?
- g) Did the Defendants, Les Frères du Sacré-Coeur, Oeuvres Josaphat-Vanier or Collège Mont-Sacré-Cœur, intentionally violate rights protected by Quebec's *Charter of Human Rights and Freedoms*?
- h) Are the members of the Class entitled to claim punitive and exemplary damages?
- i) What is the appropriate quantum of punitive and exemplary damages to be recovered collectively, in order to punish and deter the conduct of the Defendants?

4. The following are the conclusions sought in relation to the above issues:

MAINTAIN A's Action;

CONDEMN the Defendants, Les Frères du Sacré-Coeur, Oeuvres Josaphat-Vanier and Collège Mont-Sacré-Cœur, solidarily, to pay to A at the recovery stage, the sum of \$450,000 as non-pecuniary damages, with interest and the additional indemnity provided by law, from and as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Defendants, Les Frères du Sacré-Coeur, Oeuvres Josaphat-Vanier and Collège Mont-Sacré-Cœur, solidarily, to pay to A at the recovery stage the sum of \$250,000 in respect of pecuniary damages, with interest and the additional indemnity provided by law, from and as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Defendants, Les Frères du Sacré-Coeur, Oeuvres Josaphat-Vanier and Collège Mont-Sacré-Cœur, solidarily, to pay A the sum of \$500,000 in respect of punitive and exemplary damages to be recovered collectively, with interest and the additional indemnity provided by law, from

and as of the date of service of the Application for Authorization to Institute a Class Action;

MAINTAIN the class action for all the members of the Class;

DECLARE that:

- a. All members of the Class are entitled to be compensated for all of the pecuniary damages sustained as a result of the faults of the Defendants, Les Frères du Sacré-Coeur, Oeuvres Josaphat-Vanier and Collège Mont-Sacré-Cœur, including, without limitation, reimbursement of loss of income and expenses incurred in connection with therapy, if applicable;
- b. All members of the Class are entitled to be compensated for all of the non-pecuniary damages sustained as a result of the faults of the Defendants, Les Frères du Sacré-Coeur, Oeuvres Josaphat-Vanier and Collège Mont-Sacré-Cœur, including, without limitation, all of the moral damages, suffering, trouble and inconvenience sustained, according to parameters to be determined at the time of trial of the collective questions;

CONDEMN the Defendants, Les Frères du Sacré-Coeur, Oeuvres Josaphat-Vanier and Collège Mont-Sacré-Cœur, to pay a global amount to be determined by the Court in respect of punitive and exemplary damages, with interest and the additional indemnity provided by law, from and as of the service of the Application for Authorization to Institute a Class Action;

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

5. The Class action of representative A. will proceed in the district of Bedford.

Class action for the victims elsewhere in Quebec

6. In this Class action, the following principal issues of fact or law will be dealt with collectively:
 - a) Did the Religious Brothers of Sacred Heart (Frères du Sacré-Coeur) commit direct faults in respect of the members of the Class?
 - b) Did the Defendants commit direct faults in respect of the members of the Class?
 - c) Did the Defendants engage their liability as principals / mandators for the sexual abuse perpetrated by the Religious Brothers of Sacred Heart?

- d) Is sexual abuse, in and of itself, susceptible to result in damages?
- e) What types of damages are common to victims of sexual abuse by religious members in authority?
- f) What parameters of damages, if any, can be determined based on the gravity of the prejudice and/or of the abuse?
- g) What factors do the members of the Class have in common in respect of the question of impossibility in fact to act?
- h) Should the Court establish a presumption that each member of the Class was in an impossibility in fact to act until at least May 23, 2010?
- i) Did the Defendants intentionally violate rights protected by Quebec's *Charter of Human Rights and Freedoms*?
- j) Are the members of the Class entitled to claim punitive and exemplary damages?
- k) What is the appropriate quantum of punitive and exemplary damages to be recovered collectively, in order to punish and deter the conduct of the Defendants?

7. The following are the conclusions sought in relation to the above issues:

MAINTAIN Plaintiff's Action;

CONDEMN the Defendants, solidarily, to pay to Plaintiff, the sum of \$450,000 as non-pecuniary damages, with interest and the additional indemnity provided by law, from and as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Defendants, solidarily, to pay to Plaintiff the sum of \$500,000 in respect of pecuniary damages, with interest and the additional indemnity provided by law, from and as of the date of service of the Application for Authorization to Institute a Class Action;

CONDEMN the Defendants, solidarily, to pay a lump sum of \$15,000,000 in respect of punitive and exemplary damages on behalf of the Class, with interest and the additional indemnity provided by law, from and as of the date of service of the Application for Authorization to Institute a Class Action;

MAINTAIN the class action for all the members of the Class;

DECLARE that:

- a. All members of the Class are entitled to be compensated for all of the pecuniary damages sustained as a result of the faults of the Defendants including, without limitation, reimbursement of loss of income and loss of earning capacity, as well as expenses incurred in connection with therapy, if applicable;
- b. All members of the Class are entitled to be compensated for all of the non-pecuniary damages sustained as a result of the faults of the Defendants, including, without limitation, all moral damages, suffering, trouble and inconvenience, according to parameters to be determined at the time of trial of the collective questions;
- c. All members of the Class are presumed to have been in an impossibility in fact to act until at least May 23, 2010;

ORDER the collective recovery of the claims for punitive and exemplary damages and the liquidation of the claims of the members in accordance with the provisions of articles 595 to 598 C.C.P.

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

8. The Class action of the representative F. will proceed in the district of Saint-François.
9. The **New Members of Class Action A.** and the **Members of Class Action F.** are eligible to benefit from and will be bound by any judgment to be rendered in respect of the Class actions, without needing to join the class action, unless they opt out.
10. If the **New Members of Class Action A.** and the **Members of Class Action F.** wish to opt out of the Class Actions, they must do so within a delay of sixty (60) days from the present notice, as follows:
 - c) A member who has not already instituted an individual action against the Defendants to obtain compensation for the damages related to sexual abuse, may opt out by (i) for the **New Members of Class Action A.**, notifying the clerk of the Superior Court of the district of Bedford or (ii) for the **Members of Class Action F.**, notifying the clerk of the Superior Court of the district of Saint-François, pursuant to Article 580 of the *Code of Civil Procedure*;

- d) Any member of the Class who has already instituted an individual action before a civil Court which the final judgment of the present class action would otherwise determine, is deemed to have opted out of the present class action if he does not discontinue his individual action prior to the deadline to opt out.
11. A member may have intervenor status accepted by the Court if same is considered useful to the class to which he belongs.
12. No class member other than the class representative or an intervenor may be condemned to pay legal costs arising from the class action.
13. **The New Members of Class Action A. and Members of Class Action F. are invited to communicate with the attorneys for the Plaintiffs A. and F., in order to obtain additional information in respect of the class action and in order to find out about their rights. The communications will be free of charge, confidential and protected by solicitor-client privilege:**

Me Robert Kugler, rkugler@kklex.com
Me Pierre Boivin, pboivin@kklex.com
Me Olivera Pajani, opajani@kklex.com
Me Jérémie Longpré, jlongpre@kklex.com
Kugler Kandestin, LLP
1 Place Ville-Marie, Suite 1170
Montreal, Quebec, H3B 2A7
Tel. (514) 878-2861/Toll-free: 1-844-999-2861
Fax : (514) 875-8424
www.kklex.com

14. **The Court has authorized the use of pseudonyms to identify A., F. and the members of the Class in the proceedings, the exhibits and any other document filed in Court in order to protect their anonymity.**

The present notice was authorized and approved by the Honourable Christian Immer, J.S.C.