

CANADA

SUPERIOR COURT
Class Action

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No. : 500-06-000942-181

MICHAEL CARRIER

Representative Plaintiff

v.

ATTORNEY GENERAL OF QUEBEC

Defendant

**NOTICE REGARDING THE AUTHORIZATION OF A CLASS ACTION AGAINST THE
ATTORNEY GENERAL OF QUEBEC**

On January 10, 2022, the Court of Appeal of Quebec authorized the institution of a class action against the Attorney General of Quebec on behalf of the following individuals:

All persons who, having been charged within the territory of Nunavik with a criminal offence after September 4, 2015, were detained for a period exceeding three clear days without an interim release hearing being held in accordance with Section 515 of the Criminal code (the “**Class**”)

If you fall within the definition of the Class, a claim for damages is being made on your behalf.

PRINCIPAL QUESTIONS OF LAW AND FACT TO BE DEALT WITH COLLECTIVELY

The principal questions of fact and law that will be addressed collectively in the Class action are as follows:

- a) Has Defendant infringed or denied Class members’ rights or freedoms guaranteed by sections 7, 9, 11, 12 and 15 of the *Canadian Charter of Rights and Freedoms* by not enabling the holding of interim release hearings in accordance with sections 515 and 516(1) of the *Criminal Code*?
- b) If so, are Class members entitled to damages as a just and appropriate remedy in accordance with section 24(1) of the *Canadian Charter of Rights and Freedoms*?
- c) Has Defendant infringed or denied Class members’ rights or freedoms guaranteed by sections 1, 10, 24, 25, 31 and 33 of the *Charter of Human Rights*

and Freedoms by not enabling the holding of interim release hearings in accordance with sections 515 and 516(1) of the *Criminal Code*?

d) If so, are the Class members entitled to damages as a just and appropriate remedy in accordance with section 49 para. 1 of the *Charter of Human Rights and Freedoms*?

e) Has Defendant unlawfully and intentionally interfered with any of the Class members' rights or freedoms protected by sections 1, 10, 24, 25, 31 and 33 of the *Charter of Human Rights and Freedoms* by not enabling the holding of interim release hearings in accordance with sections 515 and 516(1) of the *Criminal Code*?

f) If so, are the Class members entitled to punitive damages as a just and appropriate remedy under section 49 para. 2 of the *Charter of Human Rights and Freedoms*?

CONCLUSIONS SOUGHT

The conclusions sought in relation to these questions are as follows:

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

CONDEMN the Defendant to pay to the members of the Class the aggregate amount of \$219,000,000 as damages and as a just reparation pursuant to Section 24(1) of the *Canadian Charter of Human Rights and Freedoms*, the whole with interest and the additional indemnity as of September 3, 2018;

CONDEMN the Defendant to pay to the members of the Class the aggregate amount of \$75,000,000 in punitive damages and as a just reparation;

DETERMINE modalities for the distribution of amounts recovered collectively;

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

THE RIGHT TO EXCLUSION

Class members do not need to do anything in order to benefit from and to be bound by any judgment to be rendered in the class action.

If you do not wish to benefit from or be bound by the class action, you may exclude yourself by notifying the Clerk of the Superior Court of the District of Montreal. Your signed request for exclusion must include all of the following information:

1. The name and file number of the case, i.e. *Carrier v. Attorney General of Quebec* (500-06-000942-181);

2. Your name, address, telephone number(s) and email address;
3. Explicit confirmation that you want to be excluded from the class action;

The request for exclusion must be mailed to the address below within sixty (60) days of the date of this notice:

Civil Registry of the Superior Court of Quebec
Montreal Courthouse
1 Notre-Dame Street East
Counter 1.120
Montreal (Quebec)
H2Y 1B6

If you have already filed an individual legal action having the same object as the class action, you are deemed to exclude yourself from the class if you do not withdraw your individual action before the expiry of the exclusion period.

INTERVENTION

A member of the Class may apply to the Court for authorization to intervene in the class action. The Court may accept the intervention if it is of the opinion that the intervention is useful to the Class.

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

ADDITIONAL INFORMATION

For any questions relating to the class action and/or your rights, please contact the lawyers handling the class action:

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If you wish to receive information on future developments in the class action, you can fill in the form available on the website of the members' lawyers:
<https://www.coupalchauvelot.com>.

The publication of this notice has been authorized by the Honorable Donald Bisson, j.c.s.