

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

(Class Action)
SUPERIOR COURT

N^o 500-06-000854-170

MARLENE BERMAN,

Applicant

-vs-

ATTORNEY GENERAL OF QUÉBEC, having an establishment at 1 Notre-Dame Street East, 8th floor, Montreal, district of Montréal, province of Québec, H2Y 1B6

-and-

CITY OF MONTREAL, having its establishment at 775 Gosford Street, 4th floor, Montreal, district of Montréal, province of Québec, H2Y 3B9

Defendants

**APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION AND TO APPOINT THE
STATUS OF REPRESENTATIVE PLAINTIFF
(ARTICLES 571 AND FOLLOWING C.C.P)**

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN AND FOR THE
DISTRICT OF MONTREAL, YOUR APPLICANT STATES AS FOLLOWS:**

I. THE CLASS

1. Applicant wishes to institute a class action on behalf of the following class of which she is a member, namely:

Class:

All drivers and occupants of road vehicles who were left stranded on Highway 13 (including those on adjacent roads) on the evening of March 14th through the morning of March 15th, 2017;

(hereinafter referred to as the “**Class**”);

or any other Class to be determined by the Court;

II. INTRODUCTION

2. On March 14th, 2017, there was a snowstorm in Montreal;
3. On March 14th, 2017, at approximately 6:08 p.m, the SQ received a telephone call signaling a collision involving a heavy truck on Highway 13 South, at Lachine;
4. This collision leads to a significant traffic jam on Highway 13;
5. Over the ensuing several hours, Montreal Mayor Denis Coderre reported that there was a total of 317 “9-1-1” calls placed concerning the SQ’s territory in Montreal, Applicant disclosing the report findings published by Mayor Coderre as **Exhibit P-1**;
6. The Defendants’ reaction to what should have been a routine traffic jam in a Quebec snowstorm was sluggish, unacceptable, alarming and disastrous;
7. It took the Defendants approximately 14 hours to completely clear the road;
8. During this time, hundreds, if not close to 1000 Class members spent the night/morning in their vehicles, notably without: (i) security; (ii) food, (iii) amenities; and (iv) information about what was going on;

III. DEFENDANTS

9. For clarity, the Attorney General of Québec is called as a co-Defendant herein given that the present Application pertains to the rights and obligations of the Government pursuant to article 96 of the *Code of Civil Procedure* and that it represents *La Sûreté du Québec* (hereinafter the “**SQ**”) and the *Ministère des Transports, de la Mobilité durable et de l'Électrification des transports Service Québec* (hereinafter the “**MTQ**”);
10. The SQ is called upon to intervene in the event of accidents or other emergencies

that occur on road networks under provincial jurisdiction;

11. Highway 13 is part of a road network under provincial jurisdiction, for which the MTQ is responsible for;
12. The City of Montreal is called as a co-Defendant herein because it is responsible for emergency services on the island and the primary responsibility for implementing emergency measures on the island lies with the City of Montreal;

IV. CONDITIONS REQUIRED TO AUTHORIZE THIS CLASS ACTION AND TO APPOINT THE STATUS OF REPRESENTATIVE PLAINTIFF (SECTION 575 C.C.P.):

A) THE FACTS ALLEGED APPEAR TO JUSTIFY THE CONCLUSIONS SOUGHT

13. On Tuesday, March 14th, 2017, around 8:00 p.m., Applicant left her place of work in Dollard-des-Ormeaux to head back home to Verdun;
14. Applicant headed east on Highway 40 and connected onto Highway 13 south, as it appears from a Google Map of her route, disclosed as **Exhibit P-2**;
15. As she turned onto Highway 13 south, Applicant realized an unusual number of cars immobilized all around her;
16. What is normally a 30-minute drive home, turned into a 10-hour nightmare suffered by Applicant, who was left stranded in the traffic by Defendants with no assistance whatsoever;
17. Applicant's vehicle was halted at kilometer 49 in front of Bombardier on Highway 13 south until 3:30 a.m. on Wednesday, March 15th, 2017;
18. There was a snowstorm and the weather was approximately -9 degrees Celsius (approximately -15 degrees Celsius with the wind chill), Applicant disclosing the Hourly Data Report for March 14th-15th, 2017, from the Government of Canada's website as **Exhibit P-3**;
19. Despite "9-1-1", "3-1-1" and "*4141" being dialed over 300 times by different Class members, neither did the SQ, the Montreal Police, the fire department or any ambulance come to the assistance of the Applicant or other Class members until many hours after the ordeal began;
20. Applicant did not have any food and was thus unable to nourish herself;
21. Applicant did not have access to a washroom;

22. While inside her vehicle stranded in snow, Applicant feared for her personal security, which was in fact compromised;
23. Applicant was abandoned by the Defendants in the middle of a snow storm, without any information or assistance for close to 10 hours;
24. The ordeal also caused Applicant a great amount of stress, anxiety, fear and frustration;
25. At one point, Applicant called 9-1-1 and was transferred to the SQ, who responded curtly and then hung up on her;
26. When the SQ hung up on the Applicant, this made her feel even more abandoned, insulted and insecure;
27. After suffering 8 long hours in her vehicle, Applicant was finally directed out of the traffic and into a Tim Horton's parking lot near the Montreal Airport;
28. Applicant only arrived home around 5:00 a.m. on March 15th, 2017;
29. As a result of the fatigue, anxiety and trauma, Applicant missed the following day of work;
30. Applicant later learnt that 3 trucks were jackknifed on the ramp to Highway 20 at 32nd avenue, which, for reasons she ignores, left her helplessly stranded in her vehicle all night and until the wee hours of the following morning;
31. Applicant is left traumatized by the events of March 14th-15th, 2017, and has lost sleep as a result;
32. On March 16th, 2017, Applicant learnt that Premier Philippe Couillard launched an external investigation into the debacle on Highway 13, the results of which shall be made public in the future;
33. That same day, Premier Couillard issued a public apology and admission of fault, Plaintiff disclosing a copy of a video thereof as **Exhibit P-4**, in which Premier Couillard states:"

*"Devant l'évidence de ce cafouillage – je ne pense qu'il y a pas d'autres mots autre que ce mot là à utiliser – je veux au nom du gouvernement et à mon nom, présenter mes excuses – des excuses – **aux gens qui ont étaient insécurisés, blessés**, aux familles des victimes, parce qu'il est clair qu'ici, oui, on faisait face à une situation exceptionnelle, mais **la réponse à cette***

situation exceptionnelle n'a pas été proportionnelle à son ampleur"

[our emphasis].

34. The SQ also admitted to its wrongdoing at a news conference on the morning of Thursday, March 16th, 2017, where SQ Captain Guy Lapointe is quoted as admitting the following, Applicant disclosing a CTV News article of that day titled "SQ issues *mea culpa* over handling of Highway 13 closure", **Exhibit P-5**:

*"It's absolutely unacceptable. The part that we control, that we were in charge of didn't go the way it should...Some of the elements we had no control over, **but for the parts that were our responsibility, we feel that the job wasn't done properly.**"*

35. The SQ officer in charge of the Highway 13 operation on the night of March 14th-15th was relieved of his duties the following day for failure to take necessary action, SQ Captain Guy Lapointe quoted as declaring as follows, Exhibit P-5:

*"The officer that was in charge of the operation pursued in the idea of reopening the lanes in order to let people leave the area... **He was obviously aware the people were stranded.** What we feel is that **given that it was obvious that it would not work out,** it would not be possible to open the lanes in a reasonable delay, **he should have switched the intervention and required the evacuation.**"*

[our emphasis]

36. On Sunday, March 19th, 2017, the SQ announced that a second officer was relieved of his duties and it appears that both SQ officers were relieved of their duties because of faults they committed in the performance of their duties:

C'est donc deux officiers supérieurs, soit un lieutenant et un capitaine, qui sont actuellement relevés de leurs fonctions et assignés à des tâches administratives. L'enquête interne se poursuit et à sa **conclusion les gestionnaires qui seraient fautifs pourraient faire face à des sanctions disciplinaires.**

[our emphasis]

The whole as appears from the press release issued by the SQ on March 19th, 2017, disclosed herewith as **Exhibit P-6**;

37. Under the *Civil Code of Quebec*, the principal is bound to make reparation for injury caused by the *fault* of his subordinates in the performance of their duties (art. 1463 C.C.Q.). Moreover, a subordinate of the State or of a legal person established in the public interest does not cease to act in the performance of his duties by the mere fact that he performs an act that is illegal, beyond his authority or unauthorized, or by the fact that he is acting as a peace officer (art. 1464 C.C.Q.);
38. As for the City of Montreal, it was initially reported that on Wednesday, March 15th, 2017, Montreal Mayor Denis Coderre participated in two conference calls pertaining to snow conditions and accidents arising therefrom; it is reported that at no point was he informed by the MTQ or the SQ that people, including the Applicant, remained stranded hours after the highway had been closed, Exhibit P-5;
39. However, opposition party *Projet Montréal* has publicly challenged Mayor Denis Coderre's version of when the City of Montreal became aware of the traffic jam on Highway 13, Applicant disclosing the Montreal Gazette article published on March 17th, 2017, titled "*Opposition challenges Coderre's version of Highway 13 mess*" as **Exhibit P-7**;
40. Additionally, at least one Class member tweeted her plight directly to mayor Coderre as early as at 10:28 p.m. on March 14th, 2017 (prior to his two March 15th conference calls with the SQ and MTQ), using the hashtags "#TempeteQc #Montreal @DenisCoderre", Applicant disclosing a screen capture of the tweet as **Exhibit P-8**:



Marie-Christine

@mctremblayyy

 Follow

Toujours pris sur l'autoroute, enlisé dans un autobus, aucun secours ne vient, enfants, personnes âgées #TempeteQc #Montreal @DenisCoderre

10:28 PM - 14 Mar 2017

  30  20

41. Other Class members tweeted and tagged Mayor Coderre's Facebook page as early as 9:03 p.m. on March 14th, 2017, as will be demonstrated at trial;
42. It thus *appears* that the City Montreal was indeed aware, or ought to have been aware earlier than what is currently being reported by city officials;

43. Defendants have a legal duty to abide by the rules of conduct incumbent on them, according to the circumstances, usage or law, so as not to cause injury to Applicant;
44. In the present dossier, Defendants admit to failing in this duty on the night of March 14th-15th, 2017, and are thus liable for the injury they caused to Applicant by their faults and are bound to make reparation for the injury;
45. In these circumstances, Applicant's claim for compensatory damages against the Defendants is justified;

B) THE CLAIMS OF THE MEMBERS OF THE CLASS RAISE IDENTICAL, SIMILAR OR RELATED ISSUES OF LAW OR FACT:

46. All Class members are persons who were stranded on Highway 13 (including on adjacent roads, such as the service road on the 40 east before the 520 and Marcel-Laurin) on the evening of March 14th through the morning of March 15th, 2017;
47. Defendants failed to abide by the rules of conduct incumbent on them according to usage and the law vis-à-vis all Class members;
48. Defendants' failures caused prejudice to all Class members;
49. Premier Couillard publicly recognized this prejudice by apologizing "*aux gens qui ont étaient insécurisés, blessés*", Exhibit P-4;
50. All Class members were severely inconvenienced and their personal security was seriously compromised as a result of Defendants' failure;
51. In this case, the legal and factual backgrounds at issue are common to all the Class members, notably whether the Defendants were at fault for Class members being stranded on Highway 13 for close to ten hours in the middle of wintery snowstorm;
52. The claims of every Class member are founded on very similar facts to the Applicant's claim;
53. By reason of the Defendants' unlawful conduct, Applicant and Class members have suffered damages, which they may collectively claim against the Defendants;
54. All of the damages to the Class members are a direct and proximate result of the Defendants' misconduct;
55. In taking the foregoing into account, all Class members are justified in claiming compensatory damages from Defendants;

56. Individual questions, if any, pale by comparison to the numerous common questions that are significant to the outcome of the present Application;
57. **The questions of fact and law raised and the recourse sought by this Application are identical with respect to each Class member, namely:**
- a) Is the Attorney General of Quebec liable for the damages suffered by Class members?
 - b) In the affirmative, what is the appropriate and just remedy for Class members?
 - c) Is the City of Montreal liable for the damages suffered by Class members?
 - d) In the affirmative, what is the appropriate and just remedy for Class members?
 - e) Were Defendants negligent with respect to their legal obligations, notably under articles 1457, 1463 and 1464 of the *Civil Code of Quebec*?
 - f) Did Defendants violate the Class members' fundamental freedoms and rights protected by the *Quebec Charter*, notably their rights under section 1 to personal security?
 - g) Did Defendants violate the Class members' fundamental freedoms and rights protected by the *Canadian Charter of Rights and Freedoms*, notably their rights under section 7 to security of their person?
 - h) Are Class members entitled to a declaratory judgment declaring the Defendants liable for the damages suffered on March 14th-15th, 2017?
 - i) Are Defendants responsible to pay compensatory damages to Class members and, if so, in what amount?
 - j) Are Defendants responsible to pay punitive damages to Class members either in accordance with section 49 of the *Quebec Charter* and/or with section 24 of the *Canadian Charter of Rights and Freedoms* and, if so, in what amount?

C) THE COMPOSITION OF THE CLASS

58. The composition of the Class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings;
59. According to varying media reports, there were approximately 300-500 vehicles stranded on Highway 13 during the incident. However, some vehicles contained

multiple persons and as such the number of individuals affected by this class action is likely much higher;

60. By all accounts, there are likely hundreds, if not more than one thousand people who are members of the Class;
61. The names and addresses of all persons included in the Class are not known to the Applicant, but may be in the possession of the Defendants;
62. Class members are numerous and are dispersed across the province and elsewhere;
63. These facts demonstrate that it would be impractical, if not impossible, to contact each and every Class member to obtain mandates and to join them in one action;
64. In these circumstances, a class action is the only appropriate procedure for all of the members of the Class to effectively pursue their respective rights and have access to justice without overburdening the court system;

D) THE CLASS MEMBER REQUESTING TO BE APPOINTED AS REPRESENTATIVE PLAINTIFF IS IN A POSITION TO PROPERLY REPRESENT THE CLASS MEMBERS

65. Applicant requests that she be appointed the status of representative plaintiff;
66. Applicant is a member of the Class;
67. Applicant is adamant about leading the present dossier until a final resolution because she wants to make certain that her government implements emergency measures to avoid such a crisis in the future and to ensure the public's safety;
68. It appears to Applicant that her government does not have disaster preparedness plans in place and is hopeful that the filing of this action will bring about change to the current policies and procedures;
69. Applicant also wants to ensure that the Defendants are held accountable for the events of March 14th-15th, 2017 and during which she suffered damages;
70. From the very outset of the crisis, Applicant assumed a leadership role;
71. While stranded on Highway 13, Applicant noticed that the person in front of her was distressed. Applicant invited this person into her car because he was running out of gas and was afraid;
72. On March 15th, 2017, Applicant became the administrator of a Facebook group titled: "*Stranded on Highway 13: Class Act Lawsuit / Recours collectif autoroute 13*"

(the “**Facebook Group**”);

73. Many Class members have exchanged their stories and photographs on the Facebook Group;
74. To date, there are over 292 members in the Facebook Group. While not all the members of the Facebook Group are Class members, Applicant and her attorney have been able to identify and communicate with over 100 Class members;
75. Applicant has assumed the role of spokesperson and liaison for the Class members in her Facebook Group;
76. Applicant is employed full-time, but has taken the time to grant interviews to different news outlets including CTV News, *Le Journal de Montréal*, Global News and others, Applicant disclosing a copy of her video interview with CTV News on March 16th, 2017, as **Exhibit P-9**;
77. Applicant then sought to hire an attorney to file the present class action in her name and on behalf of all Class members (including an important number of which were already signed up to her Facebook page);
78. Applicant was referred to her attorney by another Class member she had been in communication with;
79. She then contacted her attorney and mandated him to file the present class action;
80. Applicant has given the mandate to her attorney to obtain all relevant information with respect to the present action and intends to keep informed of all developments;
81. Applicant has the capacity and interest to fairly and adequately protect and represent the interest of the Class members;
82. Applicant is prepared to dedicate the time necessary for this action and to collaborate with other Class members and to keep them informed, notably via her Facebook Group;
83. Applicant is in good faith and has instituted this action for the sole purpose of having her rights, as well as the rights of other Class members, recognized and protected so that she can help: (i) Class member get compensated for the damages that they have suffered as a consequence of the Defendants’ fault; and (ii) bring about change in the way that her government handles emergency situations such as the one she experienced;
84. Applicant understands the nature of the action;

85. Applicant's interests are not antagonistic to those of other Class members;
86. Applicant's interest and competence are such that the present class action could proceed fairly;

V. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

87. The action that the Applicant wishes to institute on behalf of the Class members is an action in damages and declaratory judgment;
88. The conclusions that the Applicant wishes to introduce by way of an Originating Application are:

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

DECLARE the Defendants responsible for the events of March 14th-15th, 2017, and solidarily liable for the damages suffered by the Applicant each of the Class members as a result thereof;

CONDEMN the Defendants, solidarily, to pay each Class member a sum to be determined in compensatory damages, and **ORDER** collective recovery of these sums;

CONDEMN the Defendants, solidarily, to pay each of the members of the Class punitive damages on account of violations of the Quebec and/or Canadian *Charters*, in an amount to be determined, and **ORDER** collective recovery of these sums;

CONDEMN the Defendants, solidarily, to pay interest and the additional indemnity on the above sums according to law from the date of service of the *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff*;

ORDER the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants to bear the costs of the present action, including class counsel's professional fees and disbursements, the cost of notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective recovery orders;

RENDER any other order that this Honourable Court shall determine;

89. The interests of justice favour that this Application be granted in accordance with its conclusions;

VI. JURISDICTION

90. The Applicant suggests that this class action be exercised before the Superior Court of the province of Quebec, in the district of Montreal, for the following reasons:
- a) The cause of action took place in the judicial district of Montreal;
 - b) A great number of the Class members, including the Applicant, reside in the district of Montreal;
 - c) The Defendants both have establishments in the district of Montreal;
 - d) The Applicant's attorney practices his profession in the district of Montreal;

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present application;

AUTHORIZE the bringing of a class action in the form of an Originating Application in damages and declaratory judgment;

APPOINT the Applicant the status of representative plaintiff of the persons included in the Class herein described as:

Class:

All drivers and occupants of road vehicles who were left stranded on Highway 13 (including those on adjacent roads) on the evening of March 14th through the morning of March 15th, 2017; (hereinafter referred to as the "**Class**")

or any other Class to be determined by the Court;

IDENTIFY the principle questions of fact and law to be treated collectively as the following:

- a) Is the Attorney General of Quebec liable for the damages suffered by Class members?
- b) In the affirmative, what is the appropriate and just remedy for Class members?

- c) Is the City of Montreal liable for the damages suffered by Class members?
- d) In the affirmative, what is the appropriate and just remedy for Class members?
- e) Were Defendants negligent with respect to their legal obligations, notably under articles 1457, 1463 and 1464 of the *Civil Code of Quebec*?
- f) Did Defendants violate the Class members' fundamental freedoms and rights protected by the *Quebec Charter*, notably their rights under section 1 to personal security?
- g) Did Defendants violate the Class members' fundamental freedoms and rights protected by the *Canadian Charter of Rights and Freedoms*, notably their rights under section 7 to security of their person?
- h) Are Class members entitled to a declaratory judgment declaring the Defendants liable for the damages suffered on March 14th-15th, 2017?
- i) Are Defendants responsible to pay compensatory damages to Class members and, if so, in what amount?
- j) Are Defendants responsible to pay punitive damages to Class members either in accordance with section 49 of the *Quebec Charter* and/or with section 24 of the *Canadian Charter of Rights and Freedoms* and, if so, in what amount?

IDENTIFY the conclusions sought by the class action to be instituted as being the following:

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

DECLARE the Defendants responsible for the events of March 14th-15th, 2017, and solidarily liable for the damages suffered by the Applicant each of the Class members as a result thereof;

CONDEMN the Defendants, solidarily, to pay each Class member a sum to be determined in compensatory damages, and **ORDER** collective recovery of these sums;

CONDEMN the Defendants, solidarily, to pay each of the members of the Class punitive damages on account of violations of the Quebec and/or

Canadian *Charters*, in an amount to be determined, and **ORDER** collective recovery of these sums;

CONDEMN the Defendants, solidarily, to pay interest and the additional indemnity on the above sums according to law from the date of service of the *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff*;

ORDER the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants to bear the costs of the present action, including class counsel's professional fees and disbursements, the cost of notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective recovery orders;

RENDER any other order that this Honourable Court shall determine;

DECLARE that all members of the Class that have not requested their exclusion, be bound by any judgement to be rendered on the class action to be instituted in the manner provided for by the law;

FIX the delay of exclusion at thirty (30) days from the date of the publication of the notice to the members, date upon which the members of the Class that have not exercised their means of exclusion will be bound by any judgement to be rendered herein;

ORDER the publication of a notice to the members of the Class in accordance with article 579 C.C.P. within sixty (60) days from the judgement to be rendered herein in the "News" sections of the Saturday editions of LA PRESSE, LE JOURNAL DE MONTRÉAL, and the MONTREAL GAZETTE;


ORDER that said notice be published on the Defendants' websites, Facebook pages and Twitter accounts, in a conspicuous place, with a link stating "Notice of a Class Action Concerning the Highway 13 fiasco – Avis d'une action collective concernant le cafouillage l'autoroute 13";

ORDER the Defendants to send an Abbreviated Notice by e-mail to each Class member, to their last known e-mail address, with the subject line "Notice of a Class Action – Avis d'une action collective";

RENDER any other order that this Honourable Court shall determine;

The whole with costs including publications fees.

Montréal, March 20th, 2017



LPC AVOCAT INC.

Per: Me Joey Zukran

Attorney for Applicant

SUMMONS
(ARTICLES 145 AND FOLLOWING C.C.P)

Filing of a judicial application

Take notice that the Applicant has filed this Application for Authorization to Institute a Class Action and to Appoint the Status of Representative Plaintiff in the office of the Superior Court in the judicial district of Montreal.

Defendant's answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montreal situated at 1 Rue Notre-Dame E, Montréal, Quebec, H2Y 1B6, within 15 days of service of the Application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the Applicant's lawyer or, if the Applicant is not represented, to the Applicant.

Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of answer

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code, cooperate with the Applicant in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Change of judicial district

You may ask the court to refer the originating Application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the plaintiff.

If the application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating application.

Transfer of application to Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Calling to a case management conference

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted.

Exhibits supporting the application

In support of the Application for Authorization to Institute a Class Action and to Appoint the Status of Representative Plaintiff, the Applicant intends to use the following exhibits:

- Exhibit P-1:** Copy of Report with timeline of events published by Mayor Denis Coderre;
- Exhibit P-2:** Copy of Google Map of Applicant's route from Dollard-des-Ormeaux to Verdun;
- Exhibit P-3:** Copy of the Hourly Data Report for March 14th-15th, 2017, from the Government of Canada's website;
- Exhibit P-4:** Copy of March 16th, 2017, video of Premier Couillard issuing a public apology;
- Exhibit P-5:** Copy of March 16th, 2017, CTV News article titled "*SQ issues mea culpa over handling of Highway 13 closure*";
- Exhibit P-6:** Copy of press release issued by the SQ on March 19th, 2017;
- Exhibit P-7:** Copy of Montreal Gazette article published March 17th, 2017, titled "*Opposition challenges Coderre's version of Highway 13 mess*";

Exhibit P-8: Copy of the Twitter Tweet published to Mayor Coderre 10:28 p.m. on March 14th, 2017, using the hashtags “#TempeteQc #Montreal @DenisCoderre”;

Exhibit P-9: Copy of Applicant’s March 16th, 2017, interview with CTV News;

These exhibits are available on request.

Notice of presentation of an application

If the application is an application in the course of a proceeding or an application under Book III, V, excepting an application in family matters mentioned in article 409, or VI of the Code, the establishment of a case protocol is not required; however, the application must be accompanied by a notice stating the date and time it is to be presented.

Montréal, March 20th, 2017

A handwritten signature in black ink, appearing to read 'Me Joey Zukran', is written over a horizontal line. The signature is stylized and cursive.

LPC AVOCAT INC.

Per: Me Joey Zukran
Attorney for Applicant

NOTICE OF PRESENTATION
(articles 146 and 574 al. 2 N.C.P.C.)

TO: ATTORNEY GENERAL OF QUÉBEC
1 Notre-Dame Street East, 8th floor,
Montréal, Québec, H2Y 1B6

Defendant

CITY OF MONTREAL
775 Gosford Street, 4th floor
Montréal, Québec, H2Y 3B9

Defendant

TAKE NOTICE that Applicant's *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* will be presented before the Superior Court at **1 Rue Notre-Dame E, Montréal, Quebec, H2Y 1B6**, on the date set by the coordinator of the Class Action chamber.

GOVERN YOURSELVES ACCORDINGLY.

Montréal, March 20th, 2017



LPC AVOCAT INC.

Per: Me Joey Zukran
Attorney for Applicant

N^o : 500-06-000854-170

(Class Action)
**SUPERIOR COURT
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL**

MARLENE BERMAN

Applicant

-vs-

ATTORNEY GENERAL OF QUÉBEC,
having an establishment at 1 Notre-Dame
Street East, 8th floor, Montreal, district of
Montréal, province of Québec, H2Y 1B6

-and-

CITY OF MONTREAL, having its
establishment at 775 Gosford Street, 4th
floor, Montreal, district of Montréal, province
of Québec, H2Y 3B9

Defendants

**APPLICATION TO AUTHORIZE THE
BRINGING OF A CLASS ACTION AND TO
APPOINT THE STATUS OF
REPRESENTATIVE PLAINTIFF
(ARTICLES 571 AND FOLLOWING C.C.P.)**

COPY



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ME JOEY ZUKRAN
CODE: AZ 00X4

N/D: JZ-139