

CANADA

PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

(Class Action)  
SUPERIOR COURT

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NO: 500-06-000835-161

RIVKA MOSCOWITZ

Applicant

-vs-

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

[...]

Defendant

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

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**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 natural and legal persons who, since December 30<sup>th</sup>, 2013 (the “**Class Period**”), were issued a statement of offence involving a photo radar and/or a red light camera in the province of Quebec;

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

or any other Class to be determined by the Court;

1.1 For clarity, the Attorney General of Québec is called as sole 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"), Le Bureau des Infractions et Amendes (hereinafter the "BIA") and the Director of Criminal and Penal Prosecutions (hereinafter the "DCPP"), all of whom appear not to have a juridical personality;

**II. 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**

2. Invoking the rule against hearsay evidence and claiming that Defendant and its representatives acted negligently and unlawfully, Applicant seeks reimbursement of the sum of **\$137.00** paid to the BIA on December 7<sup>th</sup>, 2016, Applicant disclosing her Transaction Receipt #000207386955 as **Exhibit P-1**;
3. Towards the end of August or early September 2016, Applicant received a document titled "*Rapport d'infraction general*" (hereinafter "**Offence Report**") and her ticket, Applicant disclosing **Exhibit P-2**;
4. The Offence Report, Exhibit P-2, was drafted, prepared and signed off by the Sûreté du Québec, DSRIP Service du Contrôle automatisé de la circulation;
5. According to the Offence Report, Exhibit P-2, Applicant was accused of driving 125 kilometers per hour in a 100 kilometers per hour zone, in violation of article 328 of Quebec's *Highway Safety Code*, C-24.2;
6. The Offence Report, Exhibit P-2, shows a picture of what appears to be the Applicant's vehicle and further indicates that the Applicant was accused of speeding with use of a photo radar (brand name: Robot, Model: TraffiStar SR 590, identification number: MTQ002025) manufactured by Robot Visual Systems;
7. Applicant was unpleasantly surprised and stressed when she received the Offence Report, Exhibit P-2;
8. Although the Applicant was not driving at the speed indicated on the Offence Report, Exhibit P-2, she and her husband decided that it would be more economical and practical to simply pay the fine of \$137.00, instead of wasting money on a lawyer (which would cost more than the \$137.00 fine) to defend herself and losing a day at court;
9. The Applicant paid her fine of \$137.00 to the BIA on December 7<sup>th</sup>, 2016, Exhibit P-1;

10. On December 9<sup>th</sup>, 2016, the Applicant learnt that a judgment had recently been rendered by the Court of Quebec (*Directeur des poursuites criminelles et pénales c. Bove*, 2016 QCCQ 13829) essentially invalidating proof obtained by the SQ and the DCP with the use of photo radars and dismissing the photo evidence as hearsay;
11. The judgment rendered by the Honourable Serge Cimon, Presiding Justice of the Peace, on November 28<sup>th</sup>, 2016, and not appealed, provides *inter alia* that:

[54] Cela dit, le Tribunal déplore que la Sûreté du Québec ait mis en place un système de confectionnement de rapports d'infraction basé essentiellement sur une preuve par ouï-dire, et ce, **en totale contravention des exigences édictées par l'article 62 Cpp.**

[55] Or, celles-ci sont claires. Les auteurs Gilles Létourneau et Guy Cournoyer rappellent d'ailleurs que c'est précisément afin d'éviter l'introduction d'une preuve par ouï-dire, que l'article 62 Cpp fixe comme condition d'admissibilité en preuve d'un rapport d'infraction, qu'il porte une attestation par l'agent d'application de la loi, qu'il a lui-même constaté les faits qui y sont mentionnés [citation omise]. Autrement dit, l'article 62 Cpp permet l'introduction en preuve d'un rapport d'infraction pour tenir lieu du témoignage d'un agent de la paix pour les faits que ce dernier a lui-même constatés, non pas pour ceux dont il est informé par un témoin [citation omise]. **Un rapport d'infraction n'est pas un raccourci magique permettant à son auteur de ne pas respecter les exigences élémentaires des règles de preuve.**

[56] **Le Tribunal est également perplexé que le BIA ait autorisé ou toléré qu'un tel système soit mis en place,** d'autant plus que les amendes prévues et auxquelles les justiciables se trouvent confrontés sont substantielles [citation omise]. En l'espèce, la défenderesse risquait une peine de 1 160 \$. **Ceci explique sûrement pourquoi certains n'hésitent pas à associer le système des photoradars à une « vache à lait » utilisée pour générer des revenus** [citation omise].

[57] Le BIA, un organisme gouvernemental relevant du ministère de la Justice, **se devait d'être vigilant, d'autant plus qu'il est reconnu depuis longtemps que la vitesse d'un véhicule automobile captée par un cinémomètre photographique est prima facie du ouï-dire,** à moins que la fiabilité et l'exactitude de l'appareil soient démontrées [citation omise].

[our emphasis underlined in bold].

12. The Offence Report issued to Applicant by the SQ and the evidence used by the SQ and the DCP against the Applicant were, by all accounts, against the law;

- 12.1 It appears that the agent ("*Premier Agent Attestation*") checking off section "E" on the Offence Report was not in fact the agent that "*personnellement constaté les faits mentionnés en...*" section "E";
- 12.2 It appears that the agent falsely attested to facts on the Offence Report and abridged police report, which, in the present case, is the equivalent of providing false testimony resulting in the conviction of an accused;
13. Moreover, the BIA should have never accepted the Applicant's payment and guilty plea in light of the inadmissible evidence she was presented with and which unfairly convinced her to pay, even more so because the Applicant's guilty plea and payment came 9 days following the decision in *Bove*, in which the Court warned:
- [59] Cependant, à la suite du présent jugement, le poursuivant est maintenant formellement informé que la preuve dont il dispose pour les poursuites concernant les cinémomètres photographiques fixes repose sur une preuve déficiente.
- [60] À l'avenir, les défendeurs pourront, en toute légitimité, s'adresser au Tribunal pour demander que le poursuivant soit condamné aux frais si ce dernier persiste à déposer une preuve qu'il sait illégale.
- [61] D'autant plus que les défendeurs auront dû perdre des heures de travail, retenir les services d'un avocat ou dû exiger la présence de l'agent ayant signé le rapport d'infraction, pour se défendre.
14. In light of the above, the action taken by the Director of Criminal and Penal Prosecutions against the Applicant was malicious;
15. The Defendant and its representatives intentionally committed a fault by: (i) mounting proof in penal proceedings that they should have known all along was inadmissible in a court of law; (ii) taking advantage of the fact that the Applicant - and others - will pay based on the fact that it is most often more expensive to hire an attorney to contest the statement of offence; and (iii) taking advantage of legal presumptions against the Applicant – and others – concerning photo radars and red light cameras;
- 15.1 On December 28<sup>th</sup>, 2016, Jake Edmiston of the National Post reported that DCPD "*spokesman Jean-Pascal Boucher said there were no fears that past traffic tickets involving photo radar would be affected - so the Crown opted instead to make changes to ensure future photo-radar evidence is admissible. He wouldn't specify what the changes would be, though*", Applicant disclosing the article titled *Crown vows changes in photo-radar evidence after Quebec judge rejects \$1,160 speeding ticket* as **Exhibit P-5**;

- 15.2 Based on Mr. Boucher's declarations, it was apparent that the Defendant would not reimburse previously issued ticket to Applicant and Class members;
- 15.3 There are precedents in other Canadian jurisdictions where governments have reimbursed its citizens after public confidence was affected as a result of issues with the use of photo radars:
- a) In 2011, the **Alberta** government cancelled approximately 140,000 tickets issued by photo radars during a 15-month period and reimbursed Albertans close to **\$13 million** in fines, Applicant disclosing of a copy of the January 24<sup>th</sup>, 2011, Globe and Mail article titled *Alberta to refund \$13M in speeding fines; photo-radar network in doubt* as **Exhibit P-6**;
  - b) In 2014, the City of **Winnipeg** cancelled more than 2,500 photo radar tickets and issued refunds to its citizens totalling approximately **\$1 million** because of errors on tickets issued by photo radar, Applicant disclosing a copy of the July 30<sup>th</sup>, 2014, CBC News article titled *\$1M in photo radar fines in Winnipeg refunded due to error* as **Exhibit P-7**;
16. In these circumstances, Applicant's claim for compensatory damages against the Defendant for her pecuniary and moral damages is justified;

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

17. All Class members are persons who have been charged with an offence involving the use of photo radars and/or red light cameras;
- 17.1 All Class members were issued an Offence Report that contained a false attestation/testimony by one of the Defendant's agents;
18. Defendant and its agents failed to abide by the rules of conduct incumbent on them according to usage and the law vis-à-vis all Class members;
19. Defendant and its agents' failure caused prejudice to all Class members;
20. All Class members were inconvenienced as result of Defendant's failure, whether they were acquitted, found guilty or pled guilty for said offences;
21. The Offence Reports issued to all Class Members by Defendant's agents and the evidence used involving photo radars and/or red light cameras by Defendant's agents against all Class members were against the law;
22. In this case, the legal and factual backgrounds at issue are common to all the Class

members, notably whether the use by Defendant and its agents of evidence obtained by photo radars and/or red light cameras and the profiting therefrom is unlawful (notably in violation of article 62 of the *Code of Penal Procedure* and the rule against hearsay) and whether it is in bad faith;

23. The claims of every Class member are founded on very similar facts to the Applicant's claim;
24. By reason of the unlawful conduct of Defendant and its agents, Applicant and Class members have suffered damages, which they may collectively claim against the Defendant;
25. The damages sustained by the Class members flow, in each instance, from a common nucleus of operative facts, which occur from the moment the agent apparently provides a false attestation on the Offence Report, to the moment that Class members receive the Offence Report informing them that they have been issued a statement of offence involving a photo radar and/or red light camera;
26. All of the damages to the Class members are a direct and proximate result of the Defendant's and its agents' misconduct and bad faith with respect to the use of hearsay evidence, which they ought to have known was inadmissible in court;
27. In taking the foregoing into account, all Class members are justified in claiming the sums which they paid to the BIA, compensation for their troubles and inconveniences, in addition to moral damages, as well as to seek a declaratory order concerning the illegality of photo radar and/or red light camera evidence (as currently used by Defendant and its agents);
28. Individual questions, if any, pale by comparison to the numerous common questions that are significant to the outcome of the present Application;
29. **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 photo radar and/or red light camera evidence hearsay and thus inadmissible in a court of law?
  - b) In the affirmative, what is the appropriate and just remedy for Class members?
  - c) Were the proceedings involving photo radar and/or red light camera evidence abusive, malicious or clearly unfounded and, if so, should the Court order the Director of Criminal and Penal Prosecutions to pay to the costs pursuant to article 223 (2) of the *Code of Penal Procedure*?

- d) Are the Class members and the Applicant entitled to a declaratory judgment stating that the evidence obtained by photo radars and/or red light cameras, and used by Defendant and its agents to obtain payments from Class members, is illegal?
- e) Was Defendant and its agents willfully blind and/or negligent with respect to their legal obligations, notably under article 1457 of the *Civil Code of Quebec*?
- f) Is Defendant responsible to pay compensatory damages to Class members and, if so, in what amount?
- g) Is Defendant responsible to pay moral damages to Class members and, if so, in what amount?
- h) By using inadmissible photo radar and/or red light camera evidence, were the fines paid by Class members to the BIA abusive, exploitive and/or disproportionate?
- i) Should an injunctive order be issued to prohibit the Defendant's use of evidence obtained using a photo radar and/or red light camera?
- j) Are Class members entitled to damages for their troubles and inconvenience?
- k) Did Defendant and its agents systemically provide false attestations/testimony in the issuance of photo radar and red light camera tickets?
- l) If so, does this flaw, discovered after the payment of the fine or the trial, give rise to the right of appeal or to a review for judicial error?
- m) Does evidence once deemed reliable, but which has been determined to no longer be reliable, constitute an impossibility in fact to act or a fact that was not discoverable at trial?

### **C) THE COMPOSITION OF THE CLASS**

- 30. 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;
- 31. According to an access to information document published on the website of the *Ministère de la Justice* titled "*Radars photographiques et caméras aux feux rouges : Constats signifiés entre le 19 août 2009 et le 30 novembre 2016 inclusivement (Speed cameras and red light cameras: tickets issued between August 19, 2009 and November 30, 2016)*", there have been **876,989** statements of offence issued in the

province of Quebec as of November 30<sup>th</sup>, 2016, involving photo radars and red light cameras, Applicant disclosing the document as **Exhibit P-3**;

32. The document published by the *Ministère de la Justice*, Exhibit P-3, further confirms that a total of **\$115,719,584.00** has been issued in fines by Defendants with the use of photo radars and/or red light cameras from August 19<sup>th</sup>, 2009 to November 30<sup>th</sup>, 2016;
33. By all accounts, there are likely hundreds of thousands of people who are members of the Class;
34. The names and addresses of all persons included in the Class are not known to the Applicant, but are all in the possession of the Defendant and its agents;
35. Class members are very numerous and are dispersed across the province, across Canada and elsewhere;
36. 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;
- 36.1 These facts further demonstrate that individual appeals and/or judicial reviews would be inappropriate remedies in the circumstances, as they would massively clog up the legal system;
37. In these circumstances, a class action in damages 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**

38. Applicant requests that she be appointed the status of representative plaintiff;
39. Applicant is a member of the Class;
40. On **December 9<sup>th</sup>, 2016**, Applicant's husband read an article dated that day titled "*Photo radars to stay on Quebec roads despite court ruling tossing evidence*", Applicant disclosing **Exhibit P-4**;
41. Applicant's husband is a rabbi and read this news article, Exhibit P-4, at his synagogue, where he showed it to his attorney who was also there at that time;
42. Applicant's husband informed his attorney that his wife (the Applicant) had just paid \$137.00 for a statement of offence involving a photo radar only two days prior and



that the content of the news article (and judgment it reports on) confirmed his pretensions that something was not kosher with Offence Report the Applicant was issued;

43. Applicant feels that the Defendant and its agents took advantage of her, as well as of others, by using the photo radar and/or red light camera systems as *cash cows* and should be held accountable for their misconduct;
44. On or around **December 11<sup>th</sup>, 2016**, Applicant and her husband contacted their attorneys, who have a ticket contesting practice and have experience in class actions, and mandated them to take an action to recover all damages suffered by the Applicant and Class members flowing from the use of photo radars and/or red light cameras;
45. The Applicant and her attorneys decided to wait until the expiry of the delay to appeal the Honourable Serge Cimon's November 28<sup>th</sup>, 2016 decision in *Directeur des poursuites criminelles et pénales c. Bove*, prior to filing the present Application;
46. As for identifying other Class members, Applicant draws certain inferences from the situation, and this based on the data released by the *Ministère de la Justice*, Exhibit P-3. Applicant realizes that, by all accounts, there is a very important number (close to one million) of citizens that find themselves in an identical situation, and that it would not be useful for her to attempt to identify them given their sheer number;
47. Applicant has given the mandate to her attorneys to obtain all relevant information with respect to the present action and intends to keep informed of all developments;
48. Applicant, with the assistance of her attorneys, is ready and available to manage and direct the present action in the interest of the members of the Class that she wishes to represent and is determined to lead the present dossier until a final resolution of the matter, the whole for the benefit of the Class, as well as to dedicate the time necessary for the present action and to collaborate with her attorneys;
49. Applicant has the capacity and interest to fairly and adequately protect and represent the interest of the Class members;
50. 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 account;
51. 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 they may be compensated for the damages that they have suffered as a

consequence of the misconduct of the Defendant and its agents and to put an end to their unlawful behaviour;

52. Applicant understands the nature of the action;
53. Applicant's interests are not antagonistic to those of other Class members;
54. Applicant's interest and competence are such that the present class action could proceed fairly;

### **III. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT**

55. The action that the Applicant wishes to institute on behalf of the Class members is an action in damages, with injunctive relief and a declaratory judgment;
56. The conclusions that the Applicant wishes to introduce by way of an Originating Application are:

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

**DECLARE** that the photo radar and/or red light camera evidence used by the Defendant is inadmissible and illegal;

**ORDER** the Defendant to cease using photo radar and/or red light camera evidence;

**DECLARE** the Defendant liable for the damages suffered by the Applicant and each of the Class members;

**CONDEMN** the Defendant to pay Rivka Moscovitz the sum of **\$137.00** in compensation of the pecuniary damages suffered, as well as moral damages in an amount to be determined;

**CONDEMN** the Defendant to pay to each Class member a sum to be determined in compensation of the pecuniary damages suffered, and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendant to pay to each of the members of the Class moral damages, in an amount to be determined, and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendant 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 Defendant 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 Defendant 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;

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

#### IV. JURISDICTION

58. 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) A great number of the Class members, including the Applicant, reside in the district of Montreal;
- b) The Defendant and its agents all have establishments in the district of Montreal;
- c) The Applicant's attorneys practice their 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, declaratory judgment and injunctive relief;

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

**Class:**

All natural and legal persons who, since December 30<sup>th</sup>, 2013 (the "**Class Period**"), were issued a statement of offence involving a photo radar and/or a red light camera in the province

of Quebec;

(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 photo radar and/or red light camera evidence hearsay and thus inadmissible in a court of law?
- b) In the affirmative, what is the appropriate and just remedy for Class members?
- c) Were the proceedings involving photo radar and/or red light camera evidence abusive, malicious or clearly unfounded and, if so, should the Court order the Director of Criminal and Penal Prosecutions to pay to the costs pursuant to article 223 (2) of the *Code of Penal Procedure*?
- d) Are the Class members and the Applicant entitled to a declaratory judgment stating that the evidence obtained by photo radars and/or red light cameras, and used by Defendant and its agents to obtain payments from Class members, is illegal?
- e) Was Defendant and its agents willfully blind and/or negligent with respect to their legal obligations, notably under article 1457 of the *Civil Code of Quebec*?
- f) Is Defendant responsible to pay compensatory damages to Class members and, if so, in what amount?
- g) Is Defendant responsible to pay moral damages to Class members and, if so, in what amount?
- h) By using inadmissible photo radar and/or red light camera evidence, were the fines paid by Class members to the BIA abusive, exploitive and/or disproportionate?
- i) Should an injunctive order be issued to prohibit the Defendant's use of evidence obtained using a photo radar and/or red light camera?
- j) Are Class members entitled to damages for their troubles and inconvenience?

- k) Did Defendant and its agents systemically provide false attestations/testimony in the issuance of photo radar and red light camera tickets?
- l) If so, does this flaw, discovered after the payment of the fine or the trial, give rise to the right of appeal or to a review for judicial error?
- m) Does evidence once deemed reliable, but which has been determined to no longer be reliable, constitute an impossibility in fact to act or a fact that was not discoverable at trial?

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

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

**DECLARE** that the photo radar and/or red light camera evidence used by the Defendant is inadmissible and illegal;

**ORDER** the Defendant to cease using photo radar and/or red light camera evidence;

**DECLARE** the Defendant liable for the damages suffered by the Applicant and each of the Class members;

**CONDEMN** the Defendant to pay Rivka Moscovitz the sum of **\$137.00** in compensation of the pecuniary damages suffered, as well as moral damages in an amount to be determined;

**CONDEMN** the Defendant to pay to each Class member a sum to be determined in compensation of the pecuniary damages suffered, and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendant to pay to each of the members of the Class moral damages, in an amount to be determined, and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendant 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 Defendant 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 Defendant 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 Defendant and its agents' various websites, Facebook pages and Twitter accounts, in a conspicuous place, with a link stating "Notice of a Class Action Concerning Photo Radars and Red Light Cameras – Avis d'une action collective concernant les photoradars et les caméras aux feux rouges";

**ORDER** that within sixty (60) days from the judgement to be rendered herein, said notice be visibly displayed in all S.A.A.Q. service centers, in visible frames on the S.A.A.Q. counters and in the client waiting areas, for a period of no less than thirty (30) days;

**ORDER** the Defendant 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 all publication and dissemination fees.

Montréal, January 17<sup>th</sup>, 2017

*(s) Joey Zukran*

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**TICKET LÉGAL INC.**

Per: Me Joey Zukran

Attorney for Applicant

## Exhibits supporting the application

In support of the Amended 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 Applicant's Transaction Receipt #000207386955 dated December 7<sup>th</sup>, 2016, for payment of \$137.00;
- Exhibit P-2:** Copy of the "Rapport d'infraction general" sent to Applicant dated August 23<sup>rd</sup>, 2016;
- Exhibit P-3:** Copy of access to information document published on the website of the *Ministère de la Justice* titled "*Radars photographiques et caméras aux feux rouges : Constats signifiés entre le 19 août 2009 et le 30 novembre 2016 inclusivement (Speed cameras and red light cameras: tickets issued between August 19, 2009 and November 30, 2016)*";
- Exhibit P-4:** Copy of December 9<sup>th</sup>, 2016, news article titled "*Photo radars to stay on Quebec roads despite court ruling tossing evidence*";
- Exhibit P-5:** Copy of December 28<sup>th</sup>, 2016, National Post article by Jake Edmiston titled *Crown vows changes in photo-radar evidence after Quebec judge rejects \$1,160 speeding*;
- Exhibit P-6:** Copy of January 24<sup>th</sup>, 2011, Globe and Mail article by Josh Wingrove titled *Alberta to refund \$13M in speeding fines; photo-radar network in doubt*;
- Exhibit P-7:** Copy of July 30<sup>th</sup>, 2014, CBC News article titled *\$1M in photo radar fines in Winnipeg refunded due to error*;

These exhibits are available on request.

Montréal, January 17<sup>th</sup>, 2017

(s) Joey Zukran

**TICKET LÉGAL INC.**

Per: Me Joey Zukran

Attorney for Applicant



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

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**TO: ATTORNEY GENERAL OF QUÉBEC**  
Maître Jocelyne Larouche  
1 Notre-Dame Street East, 8<sup>th</sup> floor,  
Montréal, Québec, H2Y 1B6  
[bernardroy@justice.gouv.qc.ca](mailto:bernardroy@justice.gouv.qc.ca)

**Defendant**

**TAKE NOTICE** that Applicant's *Amended 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, January 17<sup>th</sup>, 2017

*(s) Joey Zukran*

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**TICKET LÉGAL INC.**

Per: Me Joey Zukran  
Attorney for Applicant

N°: 500-06-000835-161

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

---

RIVKA MOSCOWITZ

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

[...]

Defendant

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

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**COPY**

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