

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

(Class Action)
SUPERIOR COURT

NO: 500-06-000960-183

TOMAS MCENIRY

and

YOSSEF MARCIANO

Applicants

-vs-

ATTORNEY GENERAL OF QUÉBEC

and

HER MAJESTY THE QUEEN

Defendants

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

**TO THE HONORABLE PIERRE-C. GAGNON OF THE SUPERIOR COURT, ACTING
AS THE DESIGNATED JUDGE IN THE PRESENT CASE, YOUR APPLICANTS
STATE AS FOLLOWS:**

I. INTRODUCTION

1. On December 14, 2018, the Supreme Court of Canada rendered a decision finding that the mandatory victim surcharge imposed by section 737 of the *Criminal Code* violates section 12 of the *Charter*, is therefore unconstitutional and declared it to be of no force and effect immediately (*R. v. Boudreault*, 2018 SCC 58);
 - 1.1 Despite the Supreme Court declaring s. 737 invalid with immediate effect (*Boudreault*, para. 98), the *Bureau des infractions et amendes* (the “BIA”) continues the infliction of cruel and unusual punishment, as they still impose and enforce the mandatory victim surcharge by accepting payments since December 14, 2018 and until this day. For instance, Mr. Marciano communicates herewith **Exhibit P-7**, evidencing that the BIA processed \$500.00 on account of the mandatory victim surcharge he owed for three Court files on **January 7, 2019**;

1.2 Neither of the Defendants (federal or provincial) have done anything to prevent the situation described in the previous paragraph, where there is “*actuellement atteinte continue*” of a Charter-protected right (*Boudreault*, para. 107) and there should be no debate as to whether individuals who paid the mandatory victim surcharge after December 14, 2018 should be reimbursed;

2. The amount of the mandatory victim surcharge is 30% of any fine imposed, or, where no fine is imposed, \$100.00 for every summary conviction count and \$200.00 for every indictable count (s. 737 *Criminal Code*). In *Boudreault* the Supreme Court pointed out that “Although sentencing judges have the discretion to increase the amount of the surcharge where appropriate, they cannot decrease the amount or waive the surcharge for any reason. The imposition of the surcharge cannot be appealed”;

3. In *Boudreault*, the Supreme Court stated that “it would be inappropriate to grant a remedy to offenders not involved in this case and those no longer in the system who cannot now challenge their sentences”. The SCC went on to explain that private remedies exist for this class of offenders:

[108] The difficulty is in determining what the remedy for this ongoing violation ought to be. Only the *Tinker* appellants and the intervener the Criminal Lawyers’ Association addressed in their pleadings the need for a specific constitutional remedy for the individuals described above. Without the benefit of more robust submissions from the parties on this issue, it would be inappropriate to grant a remedy **for a class of individuals who are not parties to this litigation.**

[109] **Though unable to order a specific remedy for this class of offenders, I would note that a variety of possible remedies exist. Private parties may be able to seek relief in the courts, notably by recourse to s. 24(1) of the Charter...**

[our emphasis in bold].

4. Applicants wish to institute a class action on behalf of the following classes of which they are members (Mr. McEniry is in the category of Class A and Mr. Marciano is in the categories of Classes B and D), namely:

Class A:

All persons who were required to pay monies to the state as a mandatory victim surcharge and who paid the entirety of the mandatory victim surcharge to the state before December 14, 2018;

Class B:

All persons who were required to pay monies to the state as a mandatory victim surcharge and who, as of December 14, 2018: (i) only paid a portion of the mandatory victim surcharge to the state; and (ii) still had a balance owing to the state on account of the mandatory victim surcharge;

Class C:

All persons who were required to pay monies to the state as a mandatory victim surcharge and who, as of December 14, 2018: (i) never paid any amount towards the mandatory victim surcharge; and (ii) still had a balance owing to the state on account of the mandatory victim surcharge;

Class D:

All persons who paid monies to the state as a mandatory victim surcharge (either partially or entirely) since December 14, 2018;

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

or any other Class to be determined by the Court.

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

A) THE FACTS ALLEGED APPEAR TO JUSTIFY THE CONCLUSIONS SOUGHT

i) Applicant Yossef Marciano

5. In 2017, Mr. Marciano was found guilty of several offences and was ordered to pay \$2,300.00 to the state as a “mandatory victim surcharge”, as it appears from the September 13, 2017, Probation Order disclosed herewith as **Exhibit P-1**, as well as from his BIA Statement of Account dated December 20, 2018, communicated to Defendants on January 11, 2019 as **Exhibit P-6 en liasse**;
6. Mr. Marciano was released on September 19, 2018, after spending approximately two years in jail;
7. At the time of his release Mr. Marciano was 21 years old and without any revenues. His highest level of education completed is high school;
8. As of December 4, 2018, Mr. Marciano owed the state \$2,377.00 (“frais de saisie”)

of \$77.00 were added to the \$2,300.00 he owed in mandatory victim surcharges) and the state already took measures to seize his property, as it appears from the statements of account disclosed as **Exhibit P-2** and **Exhibit P-6**;

9. On January 7, 2019, the BIA processed Mr. Marciano's payment of [...] \$500.00 [...] on account of the \$2,300.00 he owed the state as a "mandatory victim surcharge", as it appears from his BIA Statement of Account dated May 21, 2019, communicated en liasse as **Exhibit P-7** (now showing a balance of \$1,877.00). Applicant also discloses the "Demande de retrait de dépôt judiciaire", signed by him on December 7, 2018 and filed at the *Bureau des infractions et amendes de Montréal* in room 2.143 of the Montreal Courthouse on December 11, 2018 as **Exhibit P-3**;
- 9.1 It was illegal for the BIA to accept or process Mr. Marciano's mandatory victim surcharge payment of \$500.00 after December 14, 2018, but it nonetheless did so on January 7, 2019, thereby continuing the infliction of cruel and unusual punishment. The BIA cannot argue that it was unaware since the Attorney General of Quebec filed its Answer to the present class action on December 21, 2018 and the decision in *Boudreault* made national headlines on December 14, 2018;
- 9.2 It is very concerning that the BIA accepted and processed Mr. Marciano's mandatory victim surcharge payment of \$500.00 on **January 7, 2019**, despite the Supreme Court's decision in *Boudreault* (**December 14, 2018**), the filing of the present class action (**December 14, 2018**), the Answer filed in this class action by the Attorney General of Quebec (**December 21, 2018**), and the Answer filed in this class action by the Attorney General of Canada (**January 7, 2019**). Up until this day, neither of the Defendants has offered to return the \$500.00 unlawfully paid by Mr. Marciano. This intensifies Mr. Marciano's claim for punitive damages;
10. Prior to December 14, 2018, Mr. Marciano had no idea how or when he would be able to pay off the remainder of his debt to the state on account of the mandatory victim surcharge;
11. The debt of \$2,377.00 (reduced to \$1,877.00 on January 7, 2019) on account of the mandatory victim surcharge and seizure [...] causes a great deal of stress and fear to Mr. Marciano;
12. This fear and stress (including of imprisonment in case of default) is compounded by the fact that the Attorney General of Quebec has already obtained orders to seize Mr. Marciano's property (see Exhibits P-2 and P-3, as well as P-6);
- 12.1 The seizure orders are still in force, as it appears from Exhibit P-7;
13. The mandatory victim surcharge of \$2,300.00 is also grossly disproportionate to Mr. Marciano's ability to pay;
14. By all accounts, Mr. Marciano was – and continues to be – subjected to a cruel and unusual treatment and punishment, in violation of s. 12 of the *Charter*;

15. On December 14, 2018, the Supreme Court of Canada held that the mandatory victim surcharge violated s. 12 of the *Charter* and that someone in Mr. Marciano's situation may seek relief in Court by invoking s. 24(1) of the *Charter* (see *Boudreault*, paras. 106-109);
16. Pursuant to s. 24(1) of the *Charter*, Mr. Marciano hereby seeks compensatory damages in the amount of \$500.00. He also seeks punitive damages in an amount to be determined for himself and for each Class member;

ii) Applicant Tomas McEniry

17. On January 26, 2018, Mr. McEniry was ordered to pay a fine of \$1,500.00 and a mandatory victim surcharge of \$450.00 (equal to 30% of the fine), as it appears from the "*Ordonnance de paiement de l'amende / de la suramende*" disclosed herewith as **Exhibit P-4**;
18. The amount of \$450.00 is grossly disproportionate to the fine and caused a serious financial burden to Mr. McEniry;
19. Mr. McEniry has since paid the fine and the mandatory victim surcharge because he had no choice and feared being detained in case of default;
20. By all accounts, the threat of being imprisoned for non-payment of the \$450.00 mandatory victim surcharge – which has since been declared unconstitutional – is cruel and unusual treatment and punishment, in violation of s. 12 of the *Charter*;
21. On March 12, 2018, Mr. McEniry paid in full the fine and the mandatory victim surcharge, as it appears from **Exhibit P-5**;
- 21.1 On December 14, 2018, the Supreme Court of Canada held that the mandatory victim surcharge violated s. 12 of the *Charter* [...]. Mr. McEniry's position is that, following the decision in *Boudreault*, he may seek relief [...] by invoking s. 24(1) of the *Charter* because a Court order that violates *la primauté du droit* - enshrined in the preamble of the *Charter* – should not be protected from challenge by the doctrine of *res judicata* (reference being made to the language used by the Supreme Court in *Boudreault* at paras. 105 and 107);
- 21.2 Mr. McEniry further submits that it would be unjust for him to be penalized for paying his mandatory victim surcharge on time. In other words, had he never paid the \$450.00 on March 12, 2018, the state likely would have never claimed it from him after December 14, 2018 (although it appears from the situation of Mr. Marciano described above that the state would have accepted and processed payments for the mandatory victim surcharge from anyone making them after December 14, 2018);
22. Pursuant to s. 24(1) of the *Charter*, Mr. McEniry hereby seeks compensatory damages in the amount of \$450.00. He also seeks punitive damages in an amount to be determined for himself and for each Class member;

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

23. All Class members are persons who have been charged with an offence and had to pay the mandatory victim surcharge;
24. All Class members suffered financial and/or moral damages as a result of this situation;
25. The claims of every Class member are founded on very similar facts to the Applicants' claims;
26. By reason of the [...] unconstitutional and illegal legislation created by the federal government and carried out by the provincial government's agents, Applicants and Class members have suffered damages, which they may collectively claim against the Defendants;
27. The damages sustained by the Class members flow, in each instance, from a common nucleus of operative facts, which occur from the moment that they [...] are ordered to pay the mandatory victim surcharge;
28. All of the damages to the Class members are a direct and proximate result of the Defendants' unconstitutional conduct;
29. In taking the foregoing into account, all Class members are justified in claiming the sums which they paid to the *Bureau des infractions et amendes* (acting as an agent of the Attorney General of Quebec), in addition to moral and punitive damages;
30. Individual questions, if any, pale by comparison to the numerous common questions that are significant to the outcome of the present Application;
31. **The questions of fact and law raised and the recourse sought by this Application are identical with respect to each Class member, namely:**
 - a) Are Class A and Class B members entitled to the reimbursement of the mandatory victim surcharge paid (either entirely or partially) pursuant to s. 24(1) of the *Charter*?
 - b) Are Class members entitled to punitive damages pursuant to s. 24(1) of the *Charter*?
 - c) Are Class members entitled to moral damages [...] and, if so, in what amount?
 - d) Does *res judicata* operate or not as a bar to an application for relief in the present case for Class A, B, C or D members?

- e) When does prescription start for Class members and what are the factors common to the Class members regarding the impossibility in fact to act?
- f) What is the appropriate remedy for Class C members?
- g) Are Class D members entitled to the reimbursement of the mandatory victim surcharge paid (either entirely or partially) since December 14, 2018?
- h) Is the federal government liable for any of the Class members' damages?

C) THE COMPOSITION OF THE CLASS

- 32. 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;
- 33. By all accounts, there are likely hundreds of thousands of people who are members of the Class;
- 34. The amounts collected by the BIA on account of the mandatory victim surcharge is conservatively estimated to be in the millions of dollars;
- 35. The names and addresses of all persons included in the Class are not known to the Applicants, but are all in the possession of the Attorney General of Quebec;
- 36. Class members are very numerous and are dispersed across the province, across Canada and elsewhere;
- 37. 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;
- 38. 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 MEMBERS REQUESTING TO BE APPOINTED AS REPRESENTATIVE PLAINTIFFS ARE IN A POSITION TO PROPERLY REPRESENT THE CLASS MEMBERS

- 39. Applicants requests that they be appointed the status of representative plaintiffs for the following main reasons:
 - a) they are both members of the Class and both have a personal interest in seeking the conclusions that they propose herein;
 - b) they are both competent, in that they each have the potential to be the mandatary of the action if it had proceeded under article 91 of the *Code of*

Civil Procedure;

c) their interests are not antagonistic to those of other Class Members;

40. Additionally, Applicants respectfully add that:

a) Mr. McEniry and Mr. Marciano have the time, energy, will and determination to assume all the responsibilities incumbent upon them in order to diligently carry out the action;

b) they mandated their attorneys to file the present application for the sole purpose of having their 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;

c) they cooperate and will continue to fully cooperate with their attorneys, who respectively have experience in class actions and in criminal law;

d) they understand the nature of the action;

41. As for identifying other Class members, Applicants draw certain inferences from the situation and realize that by all accounts, there is a very important number of Class Members that find themselves in an identical situation, and that it would not be any more useful for them to attempt to identify them given their sheer number;

41.1 Applicants have nonetheless been able to identify more than 90 other Class members who “signed up” on Class counsel’s webpage dedicated to the present class action (<https://lpclex.com/fr/suramende/>);

42. For the above reasons, Applicants respectfully submit that their interest and competence are such that the present class action could proceed fairly and in the best interest of Quebec Class Members;

III. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

43. The action that the Applicants wish to institute on behalf of the Class members is an action in damages [...];

44. The conclusions that the Applicants wish to introduce by way of an Originating Application are:

GRANT Plaintiffs’ action against Defendants on behalf of all the Class members;

CONDEMN the Defendants, solidarily, to pay Tomas McEniry the sum of **\$450.00** in compensation of the pecuniary damages suffered, as well as moral damages in an amount to be determined, pursuant to s. 24(1) of the *Charter*;

CONDEMN the Defendants, solidarily, to pay Yossef Marciano the sum of **\$500.00** in compensation of the pecuniary damages suffered, as well as moral damages in an amount to be determined, pursuant to s. 24(1) of the *Charter*;

CONDEMN the Defendants, solidarily, to pay to each Class A, Class B and Class D member the sum representing the amount of the mandatory victim surcharge paid pursuant to s. 24(1) of the *Charter*, and **ORDER** collective recovery of these sums;

CONDEMN the Defendants, solidarily, to pay to each of the members of the Class moral damages, in an amount to be determined, pursuant to s. 24(1) of the *Charter*, and **ORDER** collective recovery of these sums;

CONDEMN the Defendants, solidarily, to pay to each of the members of the Class punitive damages, in an amount to be determined, pursuant to s. 24(1) of the *Charter*, 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 Plaintiffs*;

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;

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

IV. JURISDICTION

46. The Applicants suggest 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 Mr. Marciano, reside in the district of Montreal;
- b) The Attorney General of Quebec has an establishment in the *Palais de*

justice de Montréal;

- c) The Applicants' attorneys practice their profession in the district of Montreal;

V. PRESCRIPTION, IMPOSSIBILITY TO ACT AND RES JUDICATA

47. In *Boudreault*, the Supreme Court states that that the principle of *res judicata* is not a bar to an application for relief:

[107] The fact that, at any moment in the cycle of enforcement, the *current state of affairs* may constitute a s. 12 violation means that *res judicata* ought not operate to bar an application for relief from that state of affairs. As this Court found in *R. v. Gamble*, [1988] 2 S.C.R. 595, at p. 630, a “continuing current violation” of a *Charter*-protected interest could give rise to a successful application for a *Charter* remedy, even where the violation began with a valid order that is legally unassailable.

48. Additionally, prescription should not run against Class members because it was impossible for them to act prior to the Supreme Court's decision in *Boudreault*;

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;

APPOINT the Applicants the status of representative plaintiffs of the persons included in the Classes herein described as:

Class A:

All persons who were required to pay monies to the state as a mandatory victim surcharge and who paid the entirety of the mandatory victim surcharge to the state before December 14, 2018;

Class B:

All persons who were required to pay monies to the state as a mandatory victim surcharge and who, as of December 14, 2018: (i) only paid a portion of the mandatory victim surcharge to the state; and (ii) still had a balance owing to the state on account of the mandatory victim surcharge;

Class C:

All persons who were required to pay monies to the state as a mandatory victim surcharge and who, as of December 14, 2018: (i) never paid any amount towards the mandatory victim surcharge; and (ii) still had a balance owing to the state on account of the mandatory victim surcharge;

Class D:

All persons who paid monies to the state as a mandatory victim surcharge (either partially or entirely) since December 14, 2018;

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) Are Class A and Class B members entitled to the reimbursement of the mandatory victim surcharge paid (either entirely or partially) pursuant to s. 24(1) of the *Charter*?
- b) Are Class members entitled to punitive damages pursuant to s. 24(1) of the *Charter*?
- c) Are Class members entitled to moral damages [...] and, if so, in what amount?
- d) Does *res judicata* operate or not as a bar to an application for relief in the present case for Class A, B, C or D members?
- e) When does prescription start for Class members and what are the factors common to the Class members regarding the impossibility in fact to act?
- f) What is the appropriate remedy for Class C members?
- g) Are Class D members entitled to the reimbursement of the mandatory victim surcharge paid (either entirely or partially) since December 14, 2018?
- h) Is the federal government liable for any of the Class members' damages?

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

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

CONDEMN the Defendants, solidarily, to pay Tomas McEniry the sum of **\$450.00** in compensation of the pecuniary damages suffered, as well as moral damages in an amount to be determined, pursuant to s. 24(1) of the *Charter*;

CONDEMN the Defendants, solidarily, to pay Yossef Marciano the sum of **\$500.00** in compensation of the pecuniary damages suffered, as well as moral damages in an amount to be determined, pursuant to s. 24(1) of the *Charter*;

CONDEMN the Defendants, solidarily, to pay to each Class A, Class B and Class D member the sum representing the amount of the mandatory victim surcharge paid pursuant to s. 24(1) of the *Charter*, and **ORDER** collective recovery of these sums;

CONDEMN the Defendants, solidarily, to pay to each of the members of the Class moral damages, in an amount to be determined, pursuant to s. 24(1) of the *Charter*, and **ORDER** collective recovery of these sums;

CONDEMN the Defendants, solidarily, to pay to each of the members of the Class punitive damages, in an amount to be determined, pursuant to s. 24(1) of the *Charter*, 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 Plaintiffs*;

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 Mandatory Victim Surcharge – Avis d’une action collective concernant la suramende compensatoire obligatoire”;

RENDER any other order that this Honourable Court shall determine;

The whole with costs including publications fees.

Montréal, May 22, 2019

(s) *LPC Avocat Inc.*

LPC AVOCAT INC.
Per: Me Joey Zukran
JZUKRAN@LPCLEX.COM
Co-Counsel for Applicants

Montréal, May 22, 2019

(s) *Ticket911.ca inc.*

TICKET911.CA INC.
Per: Me Bernard Levy-Soussan
BLS@TICKET911.CA
Co-Counsel for Applicants

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

(Class Action)
SUPERIOR COURT

NO: 500-06-000960-183

TOMAS MCENIRY ET AL.

Applicants

-vs-

ATTORNEY GENERAL OF QUÉBEC ET
ALS.

Defendants

AMENDED LIST OF EXHIBITS

- Exhibit P-1:** Copy of Yossef Marciano's Probation Order dated September 13, 2017;
- Exhibit P-2:** Copy of Yossef Marciano' statement of account as of December 4, 2018;
- Exhibit P-3 :** Copy of the "*Demande de retrait de dépôt judiciaire*", signed by Yossef Marciano on December 7, 2018;
- Exhibit P-4 :** Copy of Tomas McInery's "*Ordonnance de paiement de l'amende / de la suramende*" dated January 26, 2018;
- Exhibit P-5:** Copy of Tomas McInery's proof of payment dated March 12, 2018;
- Exhibit P-6:** Bureau des infractions et amendes Statement of Account for Mr. Marciano dated December 20, 2018;
- Exhibit P-7:** *En liasse*, Bureau des infractions et amendes Statement of Account for Mr. Marciano dated May 21, 2019, evidencing that mandatory victim surcharge payments were processed on January 7, 2019.

Montréal, May 22, 2019

(s) LPC Avocat Inc.

LPC AVOCAT INC.
Co-Counsel for Applicants

500-06-000960-183

(Class Action)
SUPERIOR COURT
DISTRICT OF MONTREAL

TOMAS MCINERY ET AL.

Applicants

v.

THE ATTORNEY GENERAL OF QUÉBEC ET AL.

Defendants

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

ORIGINAL

Me Joey Zukran
LPC AVOCAT INC.
Avocats • Attorneys
5800 blvd. Cavendish, Suite 411
Montréal, Québec, H4W 2T5
Téléphone: (514) 379-1572 • Télécopieur: (514) 221-4441
Email: jzukran@lpclex.com

BL 6059

N/D : JZ-189
