

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

Class Action
SUPERIOR COURT

NO: 500-06-000605-127

OLIVIER MIELENZ,

Petitioner

c.

LE PROCUREUR GÉNÉRAL DU QUÉBEC,

Respondent

NOTICE TO MEMBERS

(Article 1006 C.c.p.)

1. PLEASE NOTE that on June 3rd, 2014, the Superior Court of Québec in Montréal authorised the institution of a class action on behalf of all those who are part of the following group of people ("Class members"):

« All natural persons, associations and legal persons with 50 employees or less since April 2nd 2011, who have paid, either directly or through a mandatary, court office fees in order to photocopy a document, and this since April 2nd 2009 »
2. The chief justice has ordered that the class action authorised by the above-mentioned judgement be heard in the judicial district of Montréal.
3. The status of representative of the Class members had been ascribed to Mr. Olivier Mielenz.
4. The common questions of fact or of law for all Class members are as follows:
 - a) Are the court office fees for photocopying disproportionate with regards to the respective effort of each party?

- b) Do the court office fees for photocopying equate to the exploitation of Class members?
 - c) If the answers to questions a) and b) are affirmative, should the court fees for photocopying be reimbursed to the Class members in their entirety, or alternatively, should the amount exceeding 0,35\$ per page be reimbursed to the Class members?
 - d) Are the court office fees for photocopying unreasonable, excessive or exorbitant?
 - e) If the answer to questions d) is affirmative, should the court fees for photocopying be reimbursed to the Class members in their entirety, or alternatively, should the amount exceeding 0,35\$ per page be reimbursed to the Class members?
 - f) Has the Respondent breached any legal obligations imposed by the *Consumer Protection Act*?
 - g) If the answer to questions f) is affirmative, should the Respondent be ordered to pay punitive damages?
5. The class action conclusions associated with these questions are as follows:
- a) **GRANT** the Petitioner's motion to institute proceedings;
 - b) **CONDEM** the Respondent to pay the Petitioner the amount equivalent to the court fees he was charged since April 2nd 2009 for the photocopying of documents, with interest calculated at the legal rate, including the additional indemnity provided for by s. 1619 of the *Civil Code of Québec*, the whole, calculated as of the date the motion to institute proceedings was served;
 - c) ALTERNATIVELY, **CONDEM** the Respondent to pay the Petitioner the amount exceeding 0,35\$ per page he was charged since April 2nd 2009 in court fees for the photocopying of documents, with interest calculated at the legal rate, including the additional indemnity provided for by s. 1619 of the *Civil Code of Québec*, the whole, calculated as of the date the motion to institute proceedings was served;
 - d) **CONDEM** the Respondent to pay each of the Class members the amount equivalent to the court fees for photocopying they were charged since April 2nd 2009, with interest calculated at the legal rate, including the additional indemnity provided for by s. 1619 of the *Civil Code of Québec*, the whole, calculated as of the date the motion to institute proceedings was served;

- e) ALTERNATIVELY, **CONDEM** the Respondent to pay each of the Class members the amount exceeding 0,35\$ per page that they were charged since April 2nd 2009 in court fees for photocopying, with interest calculated at the legal rate, including the additional indemnity provided for by s. 1619 of the *Civil Code of Québec*, the whole, calculated as of the date the motion to institute proceedings was served;
 - f) **CONDEM** the Respondent to pay a yet to be determined lump sum amount in punitive damages;
 - g) **ORDER** that, if possible, the above-mentioned damages will be awarded on an individual basis, and that only the amount for punitive damages be awarded on a collective basis, as per articles 1031 through 1040 Québec's *Civil code of procedure*;
 - h) **CONDEM** the Respondent to pay a yet to be determined lump sum amount in punitive damages;
 - i) **THE WHOLE** with costs, including fees for the exhibits, the expert's reports, the expert witness' testimony and the publication of the notice to members.
6. The class action to be instituted by the Representative on behalf of the Class members is a claim against the Attorney General of Québec for damages resulting from a policy concerning fees and charges deemed to be disproportionate and/or abusive.
7. All Class members, who have not requested to be excluded in the manner indicated hereinafter, will be bound by any judgement rendered in the class action.
8. The date by which a class member can no longer request to be excluded from the group has been set at **May 15th 2015 at 4:30 pm.**
9. A member who has not already made a personal request, can advise the clerk of the Superior Court, district of Montréal, by registered mail prior to the expiration of the above-mentioned delay at the following address:

Office of the Superior Court, civil division
1, rue Notre-Dame Est
Montréal (Québec) H2Y 1B6
Re : Mielenz -c- PGQ
Court number : 500-06-000605-127

10. Any member who has instituted a motion that the final judgement of the class action would remedy, is deemed to have requested his or her exclusion from the group, if he or she does not discontinue the suit prior to the above-mentioned delay.
11. The Court may allow for a member to intervene in the class action if the intervention is deemed useful to the group. An intervening member may be required to submit to an examination upon discovery or a medical examination (depending on the situation) at the request of the Respondent. A member who does not intervene in the class action can only be required to submit to an examination upon discovery or a medical examination if these actions are deemed useful by the court.
12. No member, other than the Representative or an intervening member, can be ordered to pay the costs of the class action.
13. For any additional information, please contact the counsel for the Representative:

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