

CLASS ACTION

AUTHORIZED BY THE SUPERIOR COURT (Full version)
Court Record No.: 500-06-000586-111

“CLASS ACTION AGAINST FTQ CONSTRUCTION UNION: ILLEGAL STRIKE AND PRESSURE TACTICS ON OCTOBER 21, 24 AND 25, 2011”

This notice relates to a class action authorized on **April 15, 2013** by the Honourable Richard Nadeau, J.S.C. against the *Association de salariés FTQ Construction* on behalf of the persons of the following Group:

“All natural persons and legal persons (with not more than fifty (50) employees) of which at least one worksite was disrupted or suspended on October 21, 24 and 25, 2011;

and

All natural persons and legal persons (with not more than fifty (50) employees) who were deprived of remuneration as a result of the disruptions or closings of worksites that occurred on October 21, 24 and 25, 2011”

This class action is brought in the district of Montreal.

WHO ARE THE REPRESENTATIVES?

The status of representatives for the bringing of this class action has been assigned to ***N.Turenne Briques et Pierre Inc., Maçonnerie Magloire Gosselin Inc., Tomassini et Frères Limited, Construction Marc Carrier Inc., and Patrick Dorais.***

WHO ARE THE MEMBERS OF THE CLASS ACTION?

You are a member of the Group bringing the class action if on October 21, 24 and 25, 2011:

- You were a construction employee or a construction contractor with less than 50 employees, residing or having resided in Quebec;

AND

- you sustained damages as a result of the disruptions and closings of construction worksites that occurred on October 21, 24 and 25, 2011 (period of the action) in the Province of Quebec, namely :
 - For **lost salary** if you were an employee.
 - **or**
 - for **lost profits** and **additional costs** sustained as a result of the disruptions and closings of worksites, if you were a construction contractor in the meaning of the action.

WHAT IS THE MATTER OF THE ACTION?

The petitioners have been authorized to bring a class action for damages against FTQ Construction for worksite disruptions and closings that occurred on October 21, 24 and 25, 2011.

The Superior Court will determine if FTQ Construction was at fault and if the members should be compensated. The principal questions that will be dealt with in this action are as follows:

- a) *Did the respondent violate the Labour Code and/or the Act Respecting Labour Relations, Vocational Training and Workforce Management in the Construction Industry?*
- b) *What pressure tactics and/or unlawful activities were exercised in concert by the respondent and its representatives from October 21 to 25, 2011 inclusive?*
- c) *Do these pressure tactics, unlawful activities and/or concerted acts constitute a fault or faults giving rise to liability in the meaning of the Civil Code of Québec?*
- d) *In the affirmative, did this fault or these faults cause damages to the petitioners and to the Members?*
- e) *If so, what are the counts of damages open to the petitioners and to the Members?*
- f) *Is the respondent bound to pay the punitive damages?*

The conclusions sought by the Petitioners may be summarized as follows:

- a) **ALLOW** the motion to institute proceedings;
- b) **SENTENCE** the respondent to pay the petitioners Carrier, Tomassini, Turenne and Gosselin the sum equal to the lost profits and additional costs sustained, together with interest at the legal rate plus the additional indemnity provided by article 1619 of the Civil Code of Québec, calculated as of the date of service of the motion for authorization to bring this class action [...];
- c) **SENTENCE** the respondent to pay the petitioner Patrick Dorais the sum equal to lost salary, together with interest at the legal rate plus the additional indemnity provided by article 1619 of the Civil Code of Québec, calculated as of the date of service of the motion for authorization to bring this class action [...];
- d) **SENTENCE** the respondent to pay each of the Members of the 1st Group the sum equal to the lost profits and additional costs sustained, together with interest at the legal rate plus the additional indemnity provided by article 1619 of the Civil Code of Québec, calculated as of the date of service of the motion for authorization to bring this class action [...];

- e) **SENTENCE** the respondent to pay each of the Members of the 2nd Group the sum equal to the lost profits and additional costs sustained, together with interest at the legal rate plus the additional indemnity provided by article 1619 of the Civil Code of Québec, calculated as of the date of service of the motion for authorization to bring this class action [...];
- f) **SENTENCE** the respondent to pay each of the Members of the 2nd Group a sum equal to the moral damages to be determined, together with interest at the legal rate plus the additional indemnity provided by article 1619 of the Civil Code of Québec, calculated as of the date of service of the motion for authorization to bring this class action [...];
- g) **SENTENCE** the respondent to pay a lump sum of **\$10,000,000.00** as punitive damages;
- h) **ORDER** that the above damages be the object of individual claims and of collective recovery for the punitive damages only, the whole in accordance with articles 1031 to 1040 of the Code of Civil Procedure;
- i) **SENTENCE** the respondent to any other remedy deemed just and reasonable;

WHAT ARE YOUR RIGHTS?

To participate in the class action

If you are a person falling within the Group described above, then you will automatically be included in the Group unless you opt out of the Group.

To exclude oneself from the Group

Any Group member that has not opted out of the action by **June 30, 2013**, 5 p.m. in the manner indicated below shall be bound by any judgment to be rendered on this class action.

Financial responsibility of Group members

Members other than the representatives may not be required to pay the costs of the class action if the action is unsuccessful.

WHAT IS THE DEADLINE FOR EXCLUDING ONESELF FROM THE CLASS ACTION?

Opting out will allow you to sue FTQ Construction on your own to obtain compensation for the damages sustained as a result of the disruptions and closings of construction worksites that occurred on October 21, 24 and 25, 2011.

Be advised that if you opt out, you will not be entitled to compensation if the action is successful or a settlement is reached.

Members may exclude themselves from the action before **June 30, 2013, 5 p.m.** in one of two ways:

- **The first:** by notifying in writing the Clerk of the Superior Court of the district of Montreal by **registered** or **certified** mail before the expiration of the exclusion deadline, at the following address:

Greffe de la Cour supérieure, chambre civile
District de Montréal
1, rue Notre-Dame Est, Montréal (Québec) H2Y 1B6

Objet : *N.Turenne Briques et Pierre Inc.*, et als c. FTQ Construction
N° : 540-06-000006-108

- **The second:** by completing the online exclusion form available on the web page www.bga-law.com/ftq/exclusion, before **June 30, 2013**.

**FOR MORE INFORMATION ON THIS CLASS ACTION
PLEASE REFER TO THE COURT RECORD.**

Visit the website of BGA Avocats LLP at:

www.bga-law.com/ftq or

Dial **1-877-707-8008** or

Contact petitioners' attorneys:

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THIS NOTICE IS PUBLISHED BY ORDER OF THE COURT.