

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Civil Division)

No: 500-06-000998-191

RICHARD LAUZON

Representative plaintiff

v.

ATTORNEY GENERAL OF QUÉBEC

Defendant

and/v.

VILLE DE SAINTE-MARTHE-SUR-LE-LAC

Defendant/

Plaintiff in warranty

v.

CONSULTANTS AECOM INC.

MARC GENDRON JUNIOR *es qualité*

CLAUDE F. LEFEBVRE

Defendants in warranty/

Plaintiffs in sub-warranty

v.

ATKINSRÉALIS CANADA INC.

Defendants in sub-warranty

**NOTICE TO MEMBERS FOLLOWING THE AUTHORIZATION OF THE CLASS
ACTION RELATING TO DAMAGES TO BUILDINGS FOLLOWING THE DIKE
RUPTURE ON THE TERRITORY OF VILLE DE SAINTE-MARTHE-SUR-LE-LAC**

1. Take notice that the exercise of a class action against Ville de Sainte-Marthe-sur-le-Lac and the Attorney General of Québec (hereinafter the “Defendants”) was authorized by judgment on April 19, 2023 (judgment rectified on May 5, 2023), on behalf of natural persons belonging to one of the following groups (hereinafter the “Class”):
 - A. *Any natural person (of legal age or emancipated) who owns a building which is located on the territory of Ville de Sainte-Marthe-sur-le-Lac and which sustained water damage following the dike rupture on April 27, 2019.*
 - B. *Any natural person (of legal age or emancipated) who resides in a building which is located on the territory of Ville de Sainte-Marthe-sur-le-Lac and which sustained water damage following the dike rupture on April 27, 2019.*
2. The status of representative for the exercise of the class action was assigned to Richard Lauzon.
3. The main issues of fact and law that will be dealt with collectively are the following:
 1. What caused the dike rupture on April 27, 2019?
 2. Did the Defendants commit a fault giving rise to their civil liability under article 1457 of the CCQ?
 3. Does article 1465 apply to the dike rupture?
 4. If so, who was the custodian of the dike on April 27, 2019?
 5. Did the custodian take reasonable measures to prevent the rupture?
 6. Does article 1467 of the CCQ apply to the dike rupture?
 7. If so, who was the owner liable for the ruin of the immovable on April 27, 2019?
 8. Did the ruin of the immovable result from lack of repair or a defect in construction?
 9. Who is responsible for the flood damages following the dike rupture on April 27, 2019?
 10. Did the members of the Class suffer flood damages following the dike rupture on April 27, 2019?

11. Have the members of the Class suffered abnormal annoyances under article 976 of the CCQ, giving rise to the defendants' strict liability?
12. What is the amount of damages suffered by the members of the Class?
13. Have the members of the Class received compensation or government financial assistance for these damages?
14. Can some of the damages be awarded for uses, structures and fixtures that do not comply with municipal by-laws?
15. If so, should recovery be collective or individual?

4. The conclusions sought are the following:

GRANT the present originating application;

GRANT the class action on behalf of all members of the Class;

CONDEMN the Defendants to pay *in solidum* to each member of the Class pecuniary and non-pecuniary compensatory damages in the amount of \$350,000, subject to adjustment, in reparation for the damages they suffered, for which the amounts for each of the charges will be the subject of detailed evidence at the merits stage of the class action;

ORDER the collective recovery of the amounts in question;

RENDER any other order that this Court deems appropriate and any relief it considers fit;

5. The class action will be brought in the district of Montréal.
6. Every member of the Class who has not opted out by 5:00 p.m. on April 12, 2024, as set forth below, will be bound by any judgment to be rendered on the class action.
7. If a member of the Class chooses to opt out, they will no longer be part of this class action and will not be entitled to the benefit of any judgment or settlement.
8. A member who has not already brought an individual action against the Defendants may opt out of the Class by notifying the clerk of the Superior Court of the district of Montréal by registered or certified mail before the opt-out period expires at the following address:

Clerk of the Superior Court of Québec
Palais de justice de Montréal
1 Notre-Dame Street East
Montréal (Québec) H2Y 1B6

9. Any Class member who has already brought an individual action against the Defendants which the final judgment on the class action would decide will be deemed to have opted out of the Class if they do not discontinue the action before the opt-out period expires.
10. A member of the Class may make a request to the Superior Court to intervene in the class action.
11. No member, other than the designated representative for the exercise of the class action or an intervener, can be ordered to pay the costs of the class action if the action is dismissed.
12. The lawyer of the Class members is Me Gérard F. Samet. The Class members may contact him for more information on this class action or for any questions in relation to it:

Me Gérard F. Samet
500 Place D'Armes, Suite 1800
Montréal (Québec) H2Y 2W2
Telephone: (514) 210-4553, Fax: (438) 259-3301
gerardsamet@gmail.com

13. The proceedings relating to this class action can be consulted on the website of the registry of class actions:
<https://www.registredesactionscollectives.quebec/en>

THE PUBLICATION OF THIS NOTICE WAS ORDERED BY THE COURT