



# Commission scolaire Western Québec Western Québec School Board

Gatineau, June 15, 2017

**Subject: Class action lawsuit regarding school fees**

Dear parent or guardian,

This notice is to inform you that there currently is a class action lawsuit against 68 school boards in Québec.

All persons who have paid, as parents, tutors, or assignees, for their children registered in one of our schools the costs of purchasing textbooks, instructional material and costs of education services at the primary and secondary level, are included in the class action.

If you wish to remain included in the class action, you have nothing further to do.

However, if you wish to opt out, you may do so by completing the electronic *Opting Out Form* available at <https://formulaireexclusion150-06-000007-138.org/>, before September 1<sup>st</sup>, 2017 at 4:30 PM. If you opt out, you cannot obtain payment if the class action is granted or if the action is settled.

Relevant documents and links pertaining to this action will be available on our website as of Monday June 19. Visit <http://cswq.wqsb.qc.ca/default.html> and click on the Class Action Lawsuit button.

Parents may consult the central registry of class actions at [www.tribunaux.qc.ca](http://www.tribunaux.qc.ca).

Should you have any questions concerning this class action, please contact the school board at 819-684-1313 extension 1166.

Thank you,

Mike Dubeau  
Director General

**ABRIDGED NOTICE  
CLASS ACTION  
AUTHORIZED BY THE COURT  
150-06-000007-138**

**COSTS OF PURCHASING TEXTBOOKS, INSTRUCTIONAL MATERIAL AND COSTS OF  
EDUCATION SERVICES AT THE PRIMARY AND SECONDARY LEVELS  
68 SCHOOL BOARDS**

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**TAKE NOTICE** that, on December 6, 2016, the Honourable Mr. Justice Carl Lachance of the Superior Court of Québec authorized the bringing of a class action against the defendants, being 68 school boards, on behalf of persons forming part of the class described below, being:

“All persons who have paid, as parents, tutors, or assignees, for their children registered in one of the schools forming part of the educational institutions of the respondents, costs for education services (...) and for the purchase of textbooks or instructional material, mandatory or optional, required for the teaching of programs of studies of elementary and secondary education, as well as costs for reference and reading material, as of the 2009-2010 school year, but for the ten (10) school boards listed at paragraphs 20. i., ii, iii, iv, v, vi, x, xii, xiii, and xv as of the 2008-2009 school year, until the judgment date, that are not subject to the exception contemplated by section 7 of the *Education Act* (CQLR c I-13.3), subject to certain reservations with respect to the *Commission scolaire des Samares* for which the following clarifications should be made:

- ◆ With respect to the *Commission scolaire des Samares*, all of the matters that were the subject of the discontinuance recorded in the minutes of the hearing dated February 27, 2012 in the court record 705-06-000005-109 of the Superior Court of the district of Joliette will be excluded from the claim;”

**Ms. Daisye Marcil** has been appointed representative plaintiff for the class action;

**The conclusions sought** by Ms. Marcil may be summarized as follows:

- DECLARE the defendants liable for the pecuniary losses and damages suffered by the plaintiff and by each of the members of the class;
- CONDEMN the defendants, subject to the reservations concerning the *Commission scolaire des Samares*, to reimburse each of the members of the class for the costs paid for required textbooks, instructional material required for the teaching of programs of studies, the education services imposed on parents, tutors, or assignees, as well as the costs paid for reference and reading material, as of the 2009-2010 school year;

For the following school boards, as of the 2008-2009 school year:

- *Commission scolaire de la Capitale;*
  - *Commission scolaire du Chemin-du-Roy;*
  - *Commission scolaire des Découvreurs;*
  - *Commission scolaire de l'Énergie;*
  - *Commission scolaire De La Jonquière;*
  - *Commission scolaire du Lac-St-Jean;*
  - *Commission scolaire des Navigateurs;*
  - *Commission scolaire du Pays-des-Bleuets;*
  - *Commission scolaire des Premières-Seigneuries;*
  - *Commission scolaire des Rives-du-Saguenay.*
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- ORDER the defendants to cease all measures to claim and/or recover these costs from members of the class;
  - ORDER the defendants to provide, free of charge, the education services, the textbooks, the instructional material, and any other document of like nature required for the teaching of programs of studies in accordance with the *Education Act*, as well as reference and reading material;
  - CONDEMN the defendants to pay for each of the members of the class an amount of \$100 as punitive damages;

**If you wish to remain included in the class action, you have nothing to do.**

If you are not a representative or an intervener, you cannot be required to pay legal costs arising from the class action.

**Any member of the class who wants to opt out** may do it by completing the electronic Opting Out Form available at <https://formulaireexclusion150-06-000007-138.org/>, before September 1<sup>st</sup>, 2017 at 4:30 PM. The electronic signature will attest that the member is willing to opt out.

Any member of the class who wants to opt out may also print and fill the form available at <https://formulaireexclusion150-06-000007-138.org/>, duly sign it and send it by registered or certified mail to the clerk of the Superior Court of Québec in the district of Chicoutimi on or before **September 1<sup>st</sup>, 2017** at the following address:

**Greffe**  
**Cour supérieure du Québec**  
**Palais de justice de Chicoutimi**  
227 Racine Street East  
Chicoutimi (Québec) G7H 7B4

**A class member may request to opt out of the class action before September 1<sup>st</sup>, 2017 at 4:30 PM.**

If you opt out, you cannot obtain payment if the class action is granted or if the action is settled.

Any member of the class who is not excluded from the class will be bound by any judgment rendered in the class action.

Any member of the class who has already introduced a personal action having the same subject matter as the class action is deemed to opt out of the class if he does not discontinue his personal action prior to the deadline for opting out of the class.

**A class member may seek to intervene in the class action**, which intervention will be authorized if the Court is of the opinion that the intervention will be helpful to the class.

This notice is an abridged version of the complete notice. In the event of a conflict between the two versions, the complete notice will prevail.

**A new notice will be published once a final judgment has been rendered in this action;**

A detailed notice to members with respect to this class action, including the formalities pertaining to the procedure for opting out of the class, is available at the court office of the Superior Court of Québec, district of Chicoutimi; you may also contact counsel for the class and the representative plaintiff by providing them with your e-mail address or other address.

The address of ad litem counsel for the representative plaintiff and the members of the class is:

Me Manon Lechasseur  
Me Yves Laperrière  
Aubin Côté, avocats  
1700 Talbot Blvd., Suite 310  
Chicoutimi (Québec) G7H 7Y1  
Telephone: 418-543-0786  
Fax: 418-543-9932  
E-mail: mlechasseur@aubincoteavocats.ca  
E-mail: ylaperriere@aubincoteavocats.ca

The address of counsel for the representative plaintiff and the members of the class is:

Me Lucien Bouchard  
Me Jean-Philippe Groleau  
Davies Ward Phillips & Vineberg, s.e.n.c.r.l., s.r.l./LLP  
1501 McGill College Avenue, Suite 2600

Montréal (Québec) H3A 3N9  
Telephone: 514-841-6400  
E-mail: jpgroleau@dwpv.com

The address of counsel for the defendants (all of the school boards except for the 5 school boards on the Island of Montréal) is:

Me Bernard Jacob  
Me Mélanie Charest  
Me Marie-Andrée Gagnon  
Morency, société d'avocats  
Édifice Le Delta 3  
2875 Laurier Blvd., Office 200  
Québec (Québec) G1V 2M2  
Telephone: 418-651-9900  
E-mail: mcharest@morencyavocats.com

The address of counsel for the defendants (the 5 school boards on the Island of Montréal) is:

Me Malaythip Phommasak  
Meagher Phommasak, avocates  
500 Crémazie Blvd. East  
Montréal (Québec) H2P 1E7  
Telephone: 514-384-1830  
E-mail: malaythip.phommasak@cgtsim.qc.ca

Class members may consult the central registry of class actions at the following address:

[www.tribunaux.qc.ca](http://www.tribunaux.qc.ca)

**THE PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT.**