

## LONG FORM NOTICE OF A CLASS ACTION

**DID YOU PAY FOR A TRANSPORT TICKET OR PASS ISSUED BY EXO FOR TRAVEL ON THE DEUX-MONTAGNES OR MASCOUCHE TRAIN LINES ON ANY DATE BETWEEN NOVEMBER 1<sup>ST</sup>, 2017 AND FEBRUARY 28<sup>TH</sup>, 2018?**

**IF SO, YOU MAY BE A MEMBER OF A CLASS ACTION.**

THE JUDGMENT AUTHORIZING THIS CLASS ACTION MAY AFFECT YOUR RIGHTS, WHETHER YOU TAKE ACTION OR NOT. PLEASE READ THIS NOTICE CAREFULLY.

*Spiros Konstas v. Réseau de transport métropolitain (exo) et l’Autorité régionale de transport métropolitaine (ARTM) S.C. 500-06-000937-181*

- On April 1<sup>st</sup>, 2020, the Superior Court of Quebec authorized a class action against Le Réseau de transport métropolitain (exo) (hereinafter “EXO”) and the ARTM on behalf of all persons who paid for a transport ticket issued by EXO for travel on the Deux-Montagnes or Mascouche train lines between November 1<sup>st</sup>, 2017 and February 28<sup>th</sup>, 2018, and who allegedly suffered damages as a result of commuter train delays and cancellations during the period in question (the “Class Action”).
- The Class Action seeks financial compensation for the damages allegedly incurred as a result of these commuter train delays and cancellations on the Deux-Montagnes and Mascouche train lines between November 1<sup>st</sup>, 2017 to February 28, 2018.
- The appointed representative is Mr. Spiros Konstas.
- The class action is to proceed in the judicial district of Montreal.

YOUR RIGHTS IN THIS CLASS ACTION:	
<b>OPT OUT</b>	If you opt out, you will not receive any payment if a settlement is reached between the parties or if the Court grants a final decision in favour of the Plaintiff. This option allows you to pursue your own lawsuit against EXO and/or the ARTM for their alleged fault(s) as identified in this notice.
<b>DO NOTHING</b>	If you are a class member and you wish to be included in the present Class Action against EXO and the ARTM, you have nothing to do in order to participate in this class action.

- Your rights -and the deadline for exercising them- are explained in this notice.

**Should you have any questions, please contact:**

*Duggan Avocats-Lawyers*

Windsor Station, 9<sup>th</sup> floor, 1100 Avenue des Canadiens de Montréal, H3B 2S2  
Tel: (514)-879-1459, Fax: (514)-879-5468, email: [info@dugganavocats.ca](mailto:info@dugganavocats.ca)

*Nelson Champagne*

Windsor Station, 9<sup>th</sup> floor, 1100 Avenue des Canadiens de Montréal, H3B 2S2  
Tel: (514)-843-4855, Fax: (514)-843-8440, email: [general@ncc-lex.com](mailto:general@ncc-lex.com)

**LONG FORM NOTICE OF A CLASS ACTION**

**CONTENT OF THIS NOTICE**

THE CLASS ACTION ..... P.3  
Learn more about the authorized Class Action.

CLASS MEMBERS ..... P.4  
Find out if you are a class member.

OPTING OUT ..... P.5-6  
How to exclude yourself and the consequences.

CLASS COUNSEL ..... P.7  
Find out about the Class Action lawyers.

FOR MORE INFORMATION ..... P.7

## LONG FORM NOTICE OF A CLASS ACTION

### THE CLASS ACTION

#### 1. WHY ARE YOU RECEIVING THIS NOTICE?

By judgment rendered on April 1<sup>st</sup>, 2020, which was rectified on May 5, 2020, the Honourable Justice Pierre-C. Gagnon of the Superior Court of Quebec authorized Mr. Spiros Konstas to undertake the present Class Action against Defendants EXO and the ARTM. This notice explains how the class action works, who the class members are and what their rights are.

#### 2. WHAT IS A CLASS ACTION?

It is a court procedure instituted by an individual or individuals called the "class representative(s)" on behalf of everyone who faces a similar alleged problem, called the "class member(s)". A class action allows the Court to rule on the dispute regarding all class members, except for those who choose to opt out. In this Class Action, Mr. Spiros Konstas acts as the class representative.

#### 3. WHAT IS THIS CLASS ACTION ABOUT?

The Class Action seeks financial compensation for the damages allegedly incurred as a result of commuter train delays and cancellations on the Deux-Montagnes and Mascouche train lines between November 1<sup>st</sup>, 2017 to February 28, 2018.

The main issues of fact and law to be dealt with collectively are:

- (a) Did EXO and ARTM breach their obligations in between November 1<sup>st</sup>, 2017 and February 28<sup>th</sup>, 2018, to provide reliable and punctual service to the users of the Deux-Montagnes and Mascouche train lines?
- (b) Are the members of the class entitled to compensatory damages and, with regard to EXO only, to punitive damages?
- (c) If the members are entitled to punitive damages, what is the amount of same payable by EXO?

The conclusions sought by the present Class Action are:

- (a) DECLARE that the defendants contravened their obligations to provide reliable and punctual service to the users of the Deux-Montagnes and Mascouche train lines;
- (b) CONDEMN the defendants to pay compensatory damages to the members of the class;

## LONG FORM NOTICE OF A CLASS ACTION

- (c) CONDEMN in addition EXO to pay punitive damages to the members of the class in an amount to be set by the judgment on the merits;
- (d) Concerning the compensatory damages, DETERMINE whether they can benefit from collective recovery and if so, SET the amount of said collective recovery; and in the negative,
- (e) SPECIFY the modalities of individual recovery;
- (f) CONDEMN the defendants to pay legal interest and the additional indemnity of Article 1619 C.C.Q., running from the date of the initial application for authorization;
- (g) CONDEMN the defendants to pay legal costs, including all expert fees at any stage of the class action;

### THE CLASS MEMBERS

#### 4. WHO IS A CLASS MEMBER?

"Class Member" is defined as the following: "All persons who paid for a transport ticket issued by EXO to travel on train line Deux-Montagnes or train line Mascouche on any date in between November 1<sup>st</sup>, 2017 and February 28<sup>th</sup>, 2018."

The expression "**transport ticket**" comprises all forms of paid transport tickets and/or passes as issued by EXO.

#### 5. HOW DO I PARTICIPATE IN THIS CLASS ACTION?

If you are a class member and wish to be included in the Class Action against EXO and the ARTM, you have nothing to do in order to participate in this Class Action and benefit from any favourable judgment.

#### 6. CAN I INTERVENE IN THIS CLASS ACTION?

Yes. If you are a class member and you request it, the Court may allow you to intervene in the court proceedings, if your intervention is deemed useful to the class. If you intervene, you may be subject to an examination at the request of one of the Defendants, and you may have to pay judicial fees.

## LONG FORM NOTICE OF A CLASS ACTION

### OPTING OUT

This is your only chance to opt out of the class action.

The delay to do so expires on : September 15, 2020.

#### **7. WHAT HAPPENS IF I OPT OUT?**

- 1) You retain your rights to institute your own lawsuit, at your own costs, against EXO and the ARTM for allegedly breaching their obligations in between November 1<sup>st</sup>, 2017 and February 28<sup>th</sup>, 2018, to provide reliable and punctual service to the users of the Deux-Montagnes and Mascouche train lines.
- 2) You will not be bound by the judgment rendered by the Court in this Class Action;
- 3) You will not be entitled to receive a payment if a settlement is reached between the parties, or if the Court grants a final decision in favour of the class.

Any member who has not opted out of the Class Action will be bound by any further judgment to be rendered in this case, as provided by law.

A class member who does not discontinue an originating application having the same subject matter as the Class Action before the time for opting out has expired is deemed to have opted out.

#### **8. WHAT HAPPENS IF I DO NOT OPT OUT?**

- 1) You give up your rights to institute your own lawsuit against EXO and the ARTM for allegedly breaching their obligations between November 1<sup>st</sup>, 2017 and February 28<sup>th</sup>, 2018, to provide reliable and punctual service to the users of the Deux-Montagnes and Mascouche train lines.
- 2) You will be bound by the judgment rendered by the Court in this class action;
- 3) You may be entitled to receive a payment if the Court grants a final decision in favour of the class, or if a settlement is reached.

## LONG FORM NOTICE OF A CLASS ACTION

### 9. HOW DO I OPT OUT?

If you do not wish to be bound by this Class Action, you can opt out by sending to the Clerk of the Superior Court of Quebec a signed letter containing the following information:

- The file number: 500-06-000937-181;
- Your name, address and telephone number;
- Your declaration: *I am a class member and I want to opt out of the class action;*
- Your signature.

**You must send your letter by registered or certified mail not later than September 15, 2020, to the following address:**

Clerk of the Superior Court of Quebec  
File: 500-06-000937-181  
Montreal Courthouse  
1 Notre Dame East, Suite 1.120 Montreal (QC)  
H2Y 1B6.

### CLASS COUNSEL

### 10. WHO ARE THE LAWYERS ON THIS CLASS ACTION?

The law firms Duggan Avocats-Lawyers and Nelson Champagne represent Mr. Spiros Konstas, and therefore the class members.

***Duggan Avocats-Lawyers***  
*(Me Alexander H. Duggan)*  
Windsor Station, 9<sup>th</sup> floor,  
1100 Avenue des Canadiens de Montréal,  
H3B 2S2  
Tel: (514)-879-1459, Fax: (514)-879-5468,  
email: [info@dugganavocats.ca](mailto:info@dugganavocats.ca)

***Nelson Champagne***  
*(Me Marie Helene Desautettes)*  
Windsor Station, 9<sup>th</sup> floor,  
1100 Avenue des Canadiens de Montréal,  
H3B 2S2  
Tel: (514)-843-4855, Fax: (514)-843-8440,  
email: [general@ncc-lex.com](mailto:general@ncc-lex.com)

In order to obtain information about the Class Action, **determine whether or not you are a class member** or to know more about your rights, do not hesitate to contact these lawyers.

## LONG FORM NOTICE OF A CLASS ACTION

**11. ARE THERE FEES FOR THE CLASS MEMBERS?**

**No. You do not have to personally pay the class counsel working on this Class Action.**

Should the Class Action be granted or should there be a settlement, class counsel will ask the Court to approve their fees and disbursements. The Class Members, with the exception of the class representative and any intervening members, cannot be condemned to pay legal costs associated with the Class Action if it is dismissed.

### **FOR MORE INFORMATION**

It is possible to read the judgment that authorizes Mr. Spiros Konstas to undertake this Class Action against EXO and the ARTM on the following website:

<https://www.canlii.org/fr/qc/qccs/doc/2020/2020qccs1099/2020qccs1099.html?autocompleteStr=Konstas&autocompletePos=2>

As well, you may consult the Registry of Class Actions on the following website:

<https://www.registredesactionscollectives.quebec/en#>