

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**MARK ZUCCALA**

Plaintiff

- and -

**JUDE JOSEPH**

Plaintiff

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Defendant

- and -

**THE ATTORNEY GENERAL OF CANADA**

Defendant

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**NOTICE OF ACTION**

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Pursuant to section 7(1) of the *Proceedings Against the Crown Act*, R.S.O. 1990, c. P.27, please be advised that the above-mentioned Plaintiffs intend to commence a class action proceeding against Her Majesty the Queen in Right of Ontario, represented by the Ministry of Community Safety and Correctional Services, and the Attorney General of Canada.

The Plaintiffs, on behalf of the intended class, will make claim pursuant to the *Class Proceedings Act*, 1992, S.O. 1992, c.6. and section 24(1) of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”) alleging violation of the rights of the class under sections 7 and 12 of the *Charter*, including rights to be free

from cruel and unusual treatment or punishment.

Particulars of the intended class action claim against the Crown are set out below:

- the Plaintiffs and all members of the intended class are individuals who were incarcerated at the Ottawa Carleton Detention Centre (“OCDC”) at some point from May 25, 2014 to July 1, 2016;
- the Plaintiff, Jude Joseph, and all members of the intended subclass are individuals who were incarcerated at OCDC at some point from May 25, 2014 to July 1, 2016 as immigration detainees, pursuant to an agreement between the Government of Canada and the Government of Ontario, and claim that the Defendant Attorney General of Canada is jointly and severally liable for any and all damages awarded to members of this subclass;
- while incarcerated at OCDC, the Plaintiffs and all members of the intended class experienced frequent periods of lockdown, combined with one or more of the following conditions of confinement:
  - double-bunking due to overcrowding;
  - triple-bunking due to overcrowding;
  - required to sleep on the floor of a cell next to a toilet due to overcrowding;
  - extended 24-hour confinement to cells in double- and triple-bunking situations due to frequent lockdowns that were predictable and preventable;
  - inhumane conditions related to cleanliness and hygiene, including mold in shower, lack of access to laundry and clean linen, due to frequent lockdowns that were predictable and preventable;
  - family visit(s) cancelled due frequent lockdowns that were predictable and preventable;
  - lawyer visit(s) cancelled due to frequent lockdowns that were predictable and preventable;
  - medical appointment(s) cancelled due to frequent lockdowns that were predictable and preventable;
  - medications delayed or denied due to frequent lockdowns that were predictable and preventable;

- programming and recreational activities, including yard time and exposure to fresh air, cancelled due to frequent lockdowns that were predictable and preventable;
- persistently and regularly cold temperatures in cells during the winter months;
- denial of shower(s) and/or services and facilities for personal hygiene and grooming due to frequent lockdowns that were predictable and preventable; and/or
- subjected to weekly mass strip-searches in front 25 to 30 other inmates and 7-9 staff.

The Plaintiffs, on behalf of the intended class, will make claim for remedies pursuant to section 24(1) of the *Charter*, including damages, declarations and orders to rectify systemic problems that contribute to cruel and unusual treatment.

This shall be your good and sufficient notice of the intention to commence proceedings as against Her Majesty the Queen in Right of Ontario.

Dated this 25th day of May, 2016.

**CHAMP & ASSOCIATES**  
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**TO: HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**  
c/o Ministry of the Attorney General  
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**AND TO: OFFICE OF THE DEPUT ATTORNEY GENERAL OF CANADA**  
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