

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:)	
)	
Jullian Jordeal Reddock)	<i>H. Michael Rosenberg and James Sayce for</i>
)	the Plaintiff
Plaintiff)	
)	
- and -)	
)	
Attorney General of Canada)	<i>Barney Brucker, Cynthia Koller and Lorcan</i>
)	<i>Gregory for the Defendant</i>
Defendant)	
)	
)	
)	
)	
)	HEARD: June 21, 2018

PERELL, J.

REASONS FOR DECISION

[1] Pursuant to the *Class Proceedings Act, 1992*,¹ Jullian Jordea Reddock sues the Attorney General of Canada. This is a motion for certification of the action as a class proceeding. The motion is on consent.

[2] This action arises out of the Government of Canada’s alleged breaches of inmates’ rights in federal correctional institutions, including their rights under sections 7, 9, 11(h) and 12 of the *Canadian Charter of Rights and Freedoms*. Mr. Reddock alleges that by subjecting inmates to prolonged Administrative Segregation pursuant to sections 31 to 37 of the *Corrections and Conditional Release Act*,² the inmates’ rights have been violated.

[3] The parties have agreed to certification of the Class Members’ claims for breaches of the *Charter* and to hold in abeyance the claims for negligence.

[4] The proposed class definition is as set out below:

¹ S.O. 1992, c.6.
² S.C. 1992, c. 20.

All persons, except Excluded Persons, as defined below, who were involuntarily subjected to a period of Prolonged Administrative Segregation, as defined below, at a Federal Institution, as defined below, between November 1, 1992 and the present, and were alive as of March 3, 2015 (“the Class”);

Excluded person are:

i. All offenders incarcerated at a Federal Institution who were diagnosed by a medical doctor with an Axis I Disorder (excluding substance abuse disorders), or Borderline Personality Disorder, who suffered from their disorder in a manner described in Appendix “A”, and reported such during their incarceration, where the diagnosis by a medical doctor occurred either before or during incarceration in a federal institution and the offenders were incarcerated between November 1, 1992 and the present and were alive as of July 20, 2013; and

ii. All persons who were involuntarily subjected to Prolonged Administrative Segregation, as defined below, only at a Federal Institution situated in the Province of Quebec after February 24, 2013. Persons who were involuntarily subjected to Prolonged Administrative Segregation at Federal Institutions situated in Quebec and another Canadian province, or at a Federal Institution situated in Quebec prior to February 24, 2013, are not Excluded Persons.

“Administrative Segregation” is defined as sections 31 to 37 of the *Corrections and Conditional Release Act*, S.C. 1992, c. 20.

“Prolonged Administrative Segregation” is defined as the practice of subjecting an inmate to Administrative Segregation for a period of at least fifteen (15) consecutive days.

“Federal Institutions” are defined as the system of Federal correctional facilities across Canada that is administered by the Correctional Service of Canada, a Federal Government body.

[5] Mr. Reddock proposes the following common issues:

- (a) By its operation and management of the Federal Institutions from November 1, 1992 to the present, did the Defendant breach the Class members’ rights under section 7 of the *Canadian Charter of Rights and Freedoms* (“Charter”)?
- (b) If so, were its actions saved by Section 1 of the *Charter*?
- (c) By its operation and management of the Federal Institutions from November 1, 1992 to the present, did the Defendant breach the Class members’ rights under section 9 of the *Charter*?
- (d) If so, were its actions saved by Section 1 of the *Charter*?
- (e) By its operation and management of the Federal Institutions from November 1, 1992 to the present, did the Defendant breach the Class members’ rights under section 11(h) of the *Charter*?
- (f) If so, were its actions saved by Section 1 of the *Charter*?
- (g) By its operation and management of the Federal Institutions from November 1, 1992 to the present, did the Defendant breach the Class members’ rights under section 12 of the *Charter*?
- (h) If so, were its actions saved by section 1 of the *Charter*?
- (i) If the answer to any of common issues (a), (c), or (e) is yes, and the answer to any of (b), (d) and (f) is no, are damages available to the Class under section 24 of the *Charter*?
- (j) If the answer to common issue (g) is “yes”, can the Court make an aggregate assessment of the damages suffered by all class members as a part of the common issues trial?

(k) If the answer to any of common issues is “yes”, does the Defendant’s conduct justify an award of punitive damages, and if so, in what amount?

[6] There is a parallel action in Québec that has been authorized as a class action: *Gallone c. Canada (Procureur général)*.³

[7] Similar *Charter* claims have been certified as class actions against government actors; see: *Brazeau v. Attorney General (Canada)*,⁴ *Good v. Toronto (Police Services Board)*,⁵ *Ewert v. Canada (Attorney General)*,⁶ and *Johnson v. Ontario*.⁷ Similar claims involving systemic institutional abuses have been certified; see: *Cloud v. Canada (Attorney General)*,⁸ *Baxter v. Canada (Attorney General)*.⁹

[8] Pursuant to s. 5(1) of the *Class Proceedings Act, 1992*, the court shall certify a proceeding as a class proceeding if: (1) the pleadings disclose a cause of action; (2) there is an identifiable class; (3) the claims or defences of the class members raise common issues of fact or law; (4) a class proceeding would be the preferable procedure; and (5) there is a representative plaintiff or defendant who would adequately represent the interests of the class without conflict of interest and there is a workable litigation plan.

[9] I am satisfied that all the criteria for certification are satisfied in the immediate case.

[10] The certification motion is granted. There shall be no order as to costs.



Perell, J.

Released: June 21, 2018

³ 2017 QCCS 2138.

⁴ 2016 ONSC 7836.

⁵ 2013 ONSC 3026, aff'd 2014 ONSC 4583 (Div. Ct.), aff'd 2016 ONCA 250, leave to appeal to S.C.C. ref'd [2016] S.C.C.A. No. 255.

⁶ 2016 BCSC 962.

⁷ 2016 ONSC 5314.

⁸ (2004), 73 O.R. (3d) 401 (C.A.).

⁹ (2006), 83 O.R. (3d) 481 (S.C.J.).

Reddock v. Canada (Attorney General), 2018 ONSC 3914
COURT FILE NO.: CV-17-570771CP
DATE: 20180621

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Plaintiff

– and –

Attorney General of Canada

Defendant

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PERELL J.

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