

Court File No. CV-20-00642705-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

DANIEL CARCILLO and GARRETT TAYLOR

Plaintiffs

- and -

ONTARIO MAJOR JUNIOR HOCKEY LEAGUE, CANADIAN HOCKEY LEAGUE, WESTERN HOCKEY LEAGUE, QUEBEC MAJOR JUNIOR HOCKEY LEAGUE, BARRIE COLTS JUNIOR HOCKEY LTD., GUELPH STORM LTD., HAMILTON BULLDOGS FOUNDATION INC., KINGSTON FRONTENACS HOCKEY LTD., KITCHENER RANGERS JR. A. HOCKEY CLUB, LONDON KNIGHTS HOCKEY INC., MISSISSAUGA STEELHEADS HOCKEY CLUB INC., 2325224 ONTARIO INC. o/a MISSISSAUGA STEELHEADS, NIAGARA ICEDOGS HOCKEY CLUB INC., NORTHBAY BATTALION HOCKEY CLUB LTD., OSHAWA GENERALS HOCKEY ACADEMY LTD., OTTAWA 67'S LIMITED PARTNERSHIP c.o.b. OTTAWA 67S HOCKEY CLUB, THE OWEN SOUND ATTACK INC., PETERBOROUGH PETES LIMITED, 649643 ONTARIO INC. o/a 211 SSHC CANADA ULC o/a SARNIA STING HOCKEY CLUB, SOO GREYHOUNDS INC., SUDBURY WOLVES HOCKEY CLUB LTD., WINDSOR SPITFIRES INC., MCCRIMMON HOLDINGS, LTD., 32155 MANITOBA LTD., A PARTNERSHIP c.o.b. as BRANDON WHEAT KINGS, BRANDON WHEAT KINGS LIMITED PARTNERSHIP, CALGARY FLAMES LIMITED PARTNERSHIP, CALGARY SPORTS AND ENTERTAINMENT CORPORATION, EDMONTON MAJOR JUNIOR HOCKEY CORPORATION, KAMLOOPS BLAZERS HOCKEY CLUB, INC., KAMLOOPS BLAZERS HOLDINGS LTD., KELOWNA ROCKETS HOCKEY ENTERPRISES LTD., PRINCE ALBERT RAIDERS HOCKEY CLUB INC., EDGEPRO SPORTS & ENTERTAINMENT LTD., QUEEN CITY SPORTS & ENTERTAINMENT GROUP LTD., BRAKEN HOLDINGS LTD., REBELS SPORTS LTD., SASKATOON BLADES HOCKEY CLUB LTD., VANCOUVER JUNIOR HOCKEY LIMITED PARTNERSHIP and VANCOUVER JUNIOR HOCKEY PARTNERSHIP, LTD c.o.b. VANCOUVER GIANTS, WEST COAST HOCKEY LLP, WEST COAST HOCKEY ENTERPRISES LTD., o/a VICTORIA ROYALS, MEDICINE HAT TIGERS HOCKEY CLUB LTD., 1091956 ALTA LTD. o/a THE MEDICINE HAT TIGERS, SWIFT CURRENT TIER 1 FRANCHISE INC. and SWIFT CURRENT BRONCOS HOCKEY CLUB INC. o/a SWIFT CURRENT, ICE SPORTS & ENTERTAINMENT INC.

o/a WINNIPEG ICE, MOOSE JAW TIER 1 HOCKEY INC. D.B.A. MOOSE JAW and MOOSE JAW WARRIORS TIER 1 HOCKEY, INC. WARRIORS o/a MOOSE JAW WARRIORS, LETHBRIDGE HURRICANES HOCKEY CLUB, 649643 ONTARIO INC. c.o.b. as SARNIA STING, KITCHENER RANGER JR A HOCKEY CLUB and KITCHENER RANGERS JR "A" HOCKEY CLUB, LE TITAN ACADIE BATHURST (2013) INC., CLUB DE HOCKEY JUNIOR MAJEUR DE BAIE-COMEAU INC. o/a DRAKKAR BAIE-COMEAU, CLUB DE HOCKEY DRUMMOND INC. o/a VOLTIGEURS DRUMMONDVILLE, CAPE BRETON MAJOR JUNIOR HOCKEY CLUB LIMITED o/a SCREAMING EAGLES CAPE BRETON, LES OLYMPIQUES DE GATINEAU INC., HALIFAX MOOSEHEADS HOCKEY CLUB INC., CLUB HOCKEY LES REMPARTS DE QUEBEC INC., LE CLUB DE HOCKEY JUNIOR ARMADA INC., MONCTON WILDCATS HOCKEY CLUB LIMITED, LE CLUB DE HOCKEY L'OCEANIC DE RIMOUSKI INC., LES HUSKIES DE ROUYN-NORANDA INC., 8515182 CANADA INC. c.o.b. CHARLOTTETOWN ISLANDERS, LES TIGRES DE VICTORIAVILLE (1991) INC., SAINT JOHN MAJOR JUNIOR HOCKEY CLUB LIMITED, CLUB DE HOCKEY SHAWINIGAN INC. o/a CATARACTES SHAWNIGAN, CLUB DE HOCKEY JUNIOR MAJEUR VAL D'OR INC. o/a VAL D'OR FOREURS, 7759983 CANADA INC. c.o.b. AS CLUB DE HOCKEY LE PHOENIX, 9264-8849 QUEBEC INC. c.o.b. as GROUPE SAGS 7-96 AND LES SAGUENEENS, JAW HOCKEY ENTERPRISES LP c.o.b. ERIE OTTERS, IMS HOCKEY c.o.b. FLINT FIREBIRDS, SAGINAW HOCKEY CLUB, L.L.C., EHT, INC., ~~JOHN DOE CORP. A o/a EVERETT SILVERTIPS HOCKEY CLUB~~, WINTERHAWKS JUNIOR HOCKEY LLC, PORTLAND WINTER HAWKS INC., THUNDERBIRDS HOCKEY ENTERPRISES, L.L.C., ~~JOHN DOE CORP. B. o/a SEATTLE THUNDERBIRDS~~, BRETT SPORTS & ENTERTAINMENT, INC., HAT TRICK, INC., ~~JOHN DOE CORP. C o/a SPOKANE CHIEFS~~, TRI-CITY AMERICANS HOCKEY LLC, and TOP SHELF ENTERTAINMENT, INC. and ~~JOHN DOE CORP. D o/a TRI-CITY AMERICANS~~

Defendants

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF ÉRIC CHOUINARD
(Sworn November 1, 2021)

I, Éric Chouinard, of Québec City, in the Province of Québec, **MAKE OATH AND SAY:**

1. I am the Director of Player Safety for the Quebec Major Junior Hockey League (the **QMJHL**) and have held this position since June 2019. I held the role of Assistant to the Director of Player Safety from August 2017 until my promotion to Director in June 2019.
2. I played one game for the QMJHL's Laval Titan Collège Français during the 1996-1997 season and played three seasons for the Québec Remparts from 1997 to 2000. In 1998, I was drafted 16th overall into the National Hockey League (**NHL**) by the Montreal Canadiens. I played my first season for the Canadiens in 2000.
3. I know about the matters in this affidavit. If I have made statements of my information and belief, the source of the information and the fact of the belief are specified in this affidavit.

My Background Playing Hockey

4. I grew up in Cap-Rouge, Québec. I began playing hockey when I was four, and played various levels of minor hockey until I was drafted into the QMJHL in 1996. I was surrounded by hockey growing up, as both my father and cousin played in the NHL. My father is Guy Chouinard, who played in the QMJHL from 1971 to 1974 when he was drafted into the NHL. I learned to skate on the rinks after my father's NHL practices. After his NHL career, my dad coached various QMJHL teams on and off between 1986 and 2010. My cousin is Marc Chouinard, who played in the QMJHL from 1993 to 1997 when he was drafted into the NHL.

5. Both my father and my cousin told me about their formative and positive experiences in the QMJHL which contributed to my desire to join the league. I have been passionate about the game for as long as I can remember.

My Experience Playing for the Laval Titan Collège Français

6. I was drafted into the QMJHL by the Laval Titan Collège Français in 1996 when I was 15 years old. I attended the Titan training camp and played one regular season game before being sent back to Midget AAA, and eventually being traded to the Québec Remparts.

7. I am aware of the allegations made by the plaintiffs. The abuse, hazing and general atmosphere described does not at all reflect what I experienced or witnessed while playing in the QMJHL.

8. There was no initiation party for the Titan rookies, and I did not experience or witness hazing during my time with the Titan. To the extent that any tradition of singling out new players took place, rookies did harmless chores such as making the veteran players' beds at training camp, or picking up the team laundry.

My Experience Playing for the Québec Remparts

9. I played my first year for the Remparts at 17 years old. Like my experience on the Titan, I did not experience or witness hazing as described by the plaintiffs during any of my three seasons with the Remparts.

10. The Remparts did have rookie "initiation" parties while I was on the team, although their purpose was not to degrade or abuse new players. The initiation parties were simply meant to

welcome the new players to the team, and foster team bonding generally. I remember these parties fondly as they were a lot of fun. For instance, we would play consensual drinking games where the last rookie to finish his beer would have to drink another one. I never felt forced to drink more than I wanted and I never saw any other rookies forced to drink more than they wanted. I would be extremely surprised if any players during this period on the Remparts had an unpleasant experience with initiation.

11. The Remparts were a well-run organization. By the time I became a veteran during my second and third seasons with the team, I participated in direct discussions with our owners and coaching staff who made it very clear to the veterans that “initiation” of new players should go no further than hosting welcome parties. It was important to the owners and coaching staff alike that the players did not damage the reputation of the team, negatively effect the mental health of the rookies, or impact the rookies’ performance by engaging in degrading or humiliating forms of hazing.

12. To be clear, I am not saying that hazing did not exist in the QMJHL then. I heard of one or two incidents of more serious hazing on other teams, though nothing amounting to physical or sexual abuse. The worst incident I heard about involved a rookie drinking a live fish during a drinking game that he was playing with his teammates. I cannot imagine he was forced to do that. I also heard about an instance of a version of the “hot box”, where rookie players went into the bus bathroom, but the players were not naked, nor was anything poured through the vents while the players were inside. These instances seemed to be one-off occurrences on specific teams.

13. While player protection is primarily the responsibility of the teams, some team organizations in the QMJHL had better leadership than others. I played in league for several years. From what I observed, the culture on every team is different, and developed over many years by all the players and stakeholders involved with a particular team organization. Whether hazing was permitted or tolerated would depend on a particular team's management and coaching staff, and the personalities of the veteran players, at a given time.

14. I had friends who played all across the QMJHL and never heard from them about any hazing of a sexual nature. In particular, I never experienced, witnessed, or heard of any hazing or abuse resembling the "elephant walk". I never experienced, witnessed, or heard about any other hazing of a sexual nature occurring in the QMJHL, on the Titan, the Remparts or any other team.

15. Though I have heard of the "hot box", I am confident that this would have never been allowed to occur on the Remparts. Our coach and several staff members were always on the team bus with us, and would not have permitted any such action by the veteran players. I simply cannot imagine a situation in which multiple rookie players would be in the bus bathroom for extended periods without a veteran player, or someone on the coaching staff, intervening.

16. Had anything like the hazing or abuse described in the plaintiffs happened to me or to a teammate, I would not have hesitated to report it or felt any cultural pressure not to do so. I would have reported it to the team captain, Gordie Dwyer; head coach, Guy Chouinard; assistant coach, Guy Lamontagne; or General Manager, Raymond Bolduc. The Remparts were a professional, well-structured organization that made players feel comfortable making complaints or reporting issues.

17. Everyone on the Remparts was treated with respect. The importance of mutual respect began with the ownership and coaching staff and was impressed upon us as players.

Management and coaching staff held veteran players to a high standard to treat the rookie players with respect, which in turn established a positive team culture throughout my three seasons with the Remparts. This positive team culture allowed us to make strong and lasting friendships. I will be attending a 25-year reunion for my Remparts team and coaching staff later this year, and am looking forward to it.

18. The years I spent playing in the QMJHL were formative not just for my hockey career, but also my life, as I made amazing friends, had great experiences, and matured as a leader. I would not have had the success I experienced as a professional player without the hockey and life skills I developed in the QMJHL. I had an unbelievable experience playing in the QMJHL. I am surprised and saddened to know that it wasn't the same for some others. I can only imagine that they are in the minority.

My Experience as the Director of Player Safety for the QMJHL

19. I pursued a career in professional hockey after my time in the QMJHL. From 2000 to 2006, I played in the NHL for the Montréal Canadiens, Philadelphia Flyers and Minnesota Wild, during which time I often played for their development league affiliates. From 2006 until 2018, I played in Europe, including for the Straubing Tigers and Nurnberg Ice Tigers in Germany, Dynamo Minsk in Russia, Vålerenga in Norway, and Brûleurs de loups in France.

20. When I retired from professional hockey, I joined the QMJHL in 2017 as the Assistant to the Director of Player Safety before becoming the Director of Player Safety in 2019. I was eager

to join the QMJHL in an employment capacity in large part because of the fond memories I have as a player.

21. As Director of Player Safety, I, along with the Discipline Committee made up of three members, including a former NHL and QMJHL player, a former referee and police inspector, and a long-time QMJHL employee, review in-game incidents to determine whether any players deserve consequence for their actions. If the committee members and I decide there was an illegal play, I am in charge of deciding the length of the suspension, if any. Protecting players' health and safety is my primary responsibility.

22. Along with moderating players' on-ice behaviour, I regularly speak with Natacha Llorens, the Director of Player Services, about the player experience off-ice. Ms. Llorens' role concerns off-ice conduct more than mine, but she keeps me apprised of important incidents. As a result, I expect that I would learn of any incidents of hazing that were reported to her.

23. Since rejoining the QMJHL, I have not heard of any instances of hazing as described by the plaintiffs occurring in the QMJHL. I also speak regularly with players about their experiences and concerns related to safety and well-being. If players were experiencing degrading or humiliating hazing at the hands of veteran players, I believe I would be aware of such incidents.

24. The policies and programs in place for players today have evolved significantly from when I played in the QMJHL. Management and coaching staff at the team level are extremely involved in the players' physical and mental well-being. The anti-harassment, discrimination and abuse training that players and staff receive is thorough and meaningful. The QMJHL's policies

and programs surrounding mental health are similarly thorough, and the teams take their implementation very seriously.

25. I do not think that players today would hesitate to ask for help or report misconduct. The QMJHL offers confidential reporting mechanisms and a network of external professionals to players. I have worked directly with many teams in the QMJHL, each of which is responsible for implementation of QMJHL policies and programs. Every organization is unique, and some teams have additional programs and policies related to player physical and mental well-being. I have been incredibly impressed by the leadership on the various teams I have been involved with, and, on a more general level, proud of the strides the QMJHL has made and continues to make in this regard.

SWORN by Éric Chouinard of the City of Québec City, in the Province of Québec, before me at the City of Toronto, in the Province of Ontario, on November 1, 2021 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



DocuSigned by:

Mina Butz

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Commissioner for Taking Affidavits
(or as may be)

DocuSigned by:

632C102386C048F

ÉRIC CHOUNARD

DANIEL CARCILLO et al.
Plaintiff

-and-

ONTARIO MAJOR JUNIOR HOCKEY LEAGUE et al.
Defendants

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PROCEEDING COMMENCED AT
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