MOTION TO INSTITUTE PROCEEDINGS

I - INTRODUCTION

1. Plaintiff, Graduate Student Association of Concordia University ("GSA"), is a non-profit organization, duly constituted under part III of the Québec Companies Act, on August 17th, 1993, as appears from the CIDREQ of the Registraire des entreprises du Québec for GSA, Exhibit P-1;
2. GSA’s purpose is to represent the collective interest and promote the general welfare of the Graduate Students of Concordia University who are individuals recognized by Concordia University as such and who have paid their current membership fees to Plaintiff;

3. Plaintiff, Erik Chevrier, is a graduate student presently registered at Concordia University in Humanities (Ph.D.) and was, at all times pertinent to the present proceedings, a member of GSA;

4. Defendant Canadian Federation of Students ("CFS") is a not for profit corporation incorporated pursuant to letters patent under Part II of the Canada Corporations Act on October 19, 1981, as appears from an extract of Industry Canada’s website for CFS, Exhibit P-2;

5. CFS’ stated purpose is to represent Canadian students at the federal level of government and to voice student interests to government;

6. CFS has two types of members:
   i) voting members who are local student associations who represent their respective individual student members; and
   ii) non-voting members who are the fee paying individual student members of the local student associations members of CFS;

7. CFS alleges having approximately five hundred thousand (500,000) individual non-voting student members and eighty (80) voting student association members;

8. At all times pertinent to the present proceedings, out of the total of approximately eighty (80) voting student association members, only four (4), including GSA, were from the province of Quebec;

9. GSA was a voting member of CFS since May 14th, 1994, as appears from extracts of the minutes of the 25th Semi-Annual National General Meeting of the CFS and of the 13th Annual General Meeting of the CFS, en l'assise, Exhibit P-3;

10. Said membership was approved at a General Assembly of the membership of the GSA held on September 15th, 1994 where 63 of the 66 members present voted in favour of membership in the CFS, as appears from a letter dated March 9th, 1995 from GSA to Concordia University, Exhibit P-4;
II - THE REQUEST FOR REFERENDUM DATES ON GSA'S CONTINUED MEMBERSHIP IN THE CFS

11. On November 10th, 2009, CFS was advised by letter that GSA's individual members had signed a petition calling for a referendum on GSA's continued membership in CFS, as appears from a letter dated November 5, 2009 from GSA to CFS and its minutes of service, en liesse, Exhibit P-5;

12. Plaintiff, Erik Chevrier, is one of the signatories of the petition calling for a referendum on GSA's continued membership in CFS;

13. Similar petitions were submitted to CFS in the fall of 2009 by all of its other voting members in Quebec and by a number of other Canadian voting members, i.e.:

a) the Post Graduate Student Society of McGill University (“PGSS”) on October 19th, 2009;

b) the Dawson Student Union (“DSU”) on October 19th, 2009;

c) the Concordia Student Union (“CSU”) on October 19th, 2009;

d) the Alberta College of Art and Design Students’ Association;

e) the University of Victoria Students’ Society;

f) the University of Calgary Graduate Students’ Association;

g) the University of Regina Students’ Union;

h) the Carleton University Students’ Association;

i) the University of Western Ontario Society of Graduate Students;

j) the University of Guelph Central Students’ Association; and

k) the Trent Central Students’ Association,

14. The process through which a referendum on continued membership in the CFS can be held is provided for in CFS’ BYLAW I, as appears from the Constitution and By-Laws of CFS as amended at the November 2008 national general meeting, Exhibit P-6;
15. Article 3 a. i. of BYLAW I of CFS reads as follows:

"3. Membership Rights and Responsibilities

a. Rights of Individual Members

i. The individual members of the Federation collectively belonging to a member local association will have sole authority to make decisions through referendum on all questions of membership in the Federation, subject to the other provisions of this Bylaw."

16. On November 10\textsuperscript{th}, 2009, Article 6. a. of BYLAW I of CFS provided that the referendum on continued membership process was initiated by the filing of a petition signed by no less than ten percent (10\%) of the individual members of a member local association, as appears from Article 6. a. of BYLAW I of CFS in force on November 10\textsuperscript{th}, 2009 (Exhibit P-6);

17. During the 2009 CFS Annual General Meeting held later that month in Gatineau, Québec, CFS, through its representative Noah Stewart, acknowledged receipt of GSA’s petition;

18. On January 12\textsuperscript{th}, 2010, GSA submitted to CFS a letter dated December 17\textsuperscript{th}, 2009 from the University of Concordia Dean of Students certifying the petition and confirming that 11.15\% of graduate student members of the GSA had signed the petition, as appears from a letter dated December 17\textsuperscript{th}, 2009 from the University of Concordia Dean of Students, Exhibit P-7;

19. On February 5\textsuperscript{th}, 2010, GSA requested that CFS comply with its own by-laws to schedule a referendum on GSA’s continued membership in CFS and accordingly requested that this referendum be held from March 23 to March 25, 2010, as appears from a letter dated February 4\textsuperscript{th}, 2010 from GSA to CFS, Exhibit P-8;

20. On February 8\textsuperscript{th} and 11\textsuperscript{th}, 2010, GSA, through the undersigned attorneys, reiterated their request that CFS comply with its own by-laws to schedule a referendum on GSA’s continued membership in CFS, as appears from a letter dated February 8\textsuperscript{th}, 2010 from RSS to Gowlings and a letter dated February 11\textsuperscript{th}, 2010 from RSS to Gowlings, en liasse, Exhibit P-9;

21. On February 15\textsuperscript{th}, 2010, CFS’ attorneys, Gowlings, informed the undersigned attorneys notably of the following:

a) that, in accordance with Article 6 b. iii. of BYLAW I of CFS, no referendum on GSA’s continued membership would be held in the winter/spring semester of 2010, since already two referendums had allegedly been fixed
in March and April 2010 to decide the issue of the continued membership of two other member local associations (i.e. Post-Graduate Students' Society of McGill University and Alberta College of Art and Design Students' Association);

b) that CFS would provide dates to GSA for a referendum to be held in the month of October 2010;

c) that in order to hold a referendum on its continued membership, GSA would need to pay all of its alleged outstanding membership fees owed to CFS no less than six (6) weeks prior to the first day of voting; and

d) that CFS would provide GSA its amount of outstanding membership fees within the next days;

as appears from a letter dated February 10, 2010 from Gowlings, but only faxed to RSS on February 15th, 2010, Exhibit P-10;

22. To add to the confusion created by Gowlings’ letter, on February 19th, 2010, GSA received from CFS a letter dated February 8th, 2010 stating that:

a) CFS was in receipt of a petition calling for a referendum on GSA’s continued membership in CFS;

b) the petition appears to have been signed by at least ten percent of GSA’s individual members and, therefore, appears to meet the minimum requirement set out in CFS’ bylaws to initiate such referendum;

c) CFS was in receipt of a letter from Concordia University’s Dean of Students verifying the number of valid signatures on the petition;

d) CFS’ National Executive wishes to determine whether there are any dates or events that would conflict with a referendum (e.g. reading week); and

e) CFS’ National Executive has appointed its two members of the Referendum Oversight Committee and invites GSA to appoint its two members to serve on the committee;

as appears from a letter dated February 8th, 2010 from CFS to GSA, Exhibit P-11;

23. Although not provided for in its bylaws, CFS also requested in its February 8, 2010 letter a copy of the petition that the Concordia University Registrar’s office used in order to undertake the verification process;
24. On February 26th, 2010, the undersigned attorneys responded to Gowlings’ February 10th, 2010 letter, to advise them notably of the following:

a) that at the time of the filing of GSA’s petition for a referendum on continued membership (i.e. November 9th or 10th, 2009), nothing in CFS’ By-Laws prevented the holding of more than two referendums in a three month period;

b) that the alleged amendment of Article 6 b. iii. of BYLAW I of CFS which specifies that “There shall be no more than two (2) referendums on continued membership in any three-month period” cannot apply retroactively to GSA’s petition since it was only proposed at the November 24th, 2009 National General Meeting of CFS and only approved by the Ministry of Industry of Canada as of December 8, 2009;

c) that GSA had still not been provided with the amount allegedly owed to CFS regarding outstanding membership fees;

d) that GSA denies owing any sum of money to the CFS;

e) that following the request set out in the CFS’ February 8th, 2010, (Exhibit P-11), GSA appointed its two Referendum Oversight Committee members in the person of Roddy Doucet and Manu Jain;

as appears from a letter dated February 26th, 2010 from RSS to Gowlings, Exhibit P-12;

25. On March 12th, 2010, the undersigned attorneys wrote Gowlings’, CFS’ attorneys, to advise them notably of the following:

a) that regretfully no answer had been provided to their February 26th, 2010 letter;

b) that GSA would be putting the question of continued membership in CFS to the membership of the GSA in a referendum to be held from April 6th to April 8th, 2010;

c) that the first meeting of the Referendum Oversight Committee would be held on March 16th, 2010;

as appears from a letter dated March 12th, 2010 from RSS to Gowlings, Exhibit P-13;
26. On March 16\textsuperscript{th}, 2010, the undersigned attorneys wrote Gowlings’ to advise them notably of the following:

a) that the two members of the Referendum Oversight Committee appointed by the GSA met on that day and that no representative of the CFS was present at the meeting;

b) that a second meeting would take place on March 23\textsuperscript{rd}, 2010;

as appears from a letter dated March 16\textsuperscript{th}, 2010, from RSS to Gowlings, \textbf{Exhibit P-14};

27. On March 17\textsuperscript{th}, 2010, Gowlings’ informed the undersigned attorneys notably of the following:

a) that CFS reiterates that no referendum on GSA’s continued membership will be held in the winter-spring semester 2010;

b) that the amended By-Laws of November 2009 apply to GSA;

c) that no member of the CFS will attend the meeting of the Referendum Oversight Committee;

d) that it has been practically impossible for the CFS to assess the exact amount owed by the GSA without further verifications following the receipt of information to be obtained from GSA;

e) that in order for the CFS to provide GSA with the exact amount owed in outstanding membership fees, CFS requires GSA to provide a legal accounting going back to 1994 for each membership year.

as appears from a letter dated March 17\textsuperscript{th}, 2010, from Gowlings to RSS, \textbf{Exhibit P-15};

\textbf{III - THE NOVEMBER 2009 AMENDMENT OF THE CFS BY-LAWS}

28. The procedure to amend CFS’ Constitution and By-Laws is provided for in \textit{BYLAW XV} of CFS, as appears from the Constitution and By-Laws of CFS as amended at the November 2008 national general meeting (Exhibit P-6);
29. Article 1 of BYLAW XV of CFS reads as follows:

"Procedure for Amendment

The Constitution and Bylaws of the Federation may only be repealed or amended by the vote of at least two-thirds of the voting members present at a general meeting."

30. Article 4 of BYLAW XV of CFS reads as follows:

"Implementation of Constitution and By-law amendments

The repeal or amendment of this Constitution and Bylaws will not be enforced or acted upon until the approval of the Minister of Consumer and Corporate Affairs has been obtained."

31. On November 28, 2009, at the General Meeting of CFS held in Gatineau, Québec, an amendment proposal of Article 6 of CFS’ BYLAW I was presented by the Carleton University Graduate Students’ Association and seconded by the Student Federation of the University of Ottawa ("Amendment proposal");

32. This Amendment proposal essentially intended to:

a) increase from 10% to 20% the number of required signatures in a petition calling for a referendum on continued membership;

b) limit to two (2) the maximum number of referendums on continued membership to be conducted in any three month period;

c) increase from twenty-four (24) to sixty (60) months the minimum period between referendums on continued membership held by a member local association (university students); and

d) increase from twenty-four (24) to sixty (60) months the minimum period between a referendum to join the CFS and a referendum on continued membership held by a member local association (university students);

as appears from the November 2009 Amendment proposal of Article 6 of BYLAW I of CFS, Exhibit P-16;

33. The Amendment proposal was brought to vote of the 68 present voting members and the result of the vote was the following:

a) Forty-four (44) votes for the Amendment proposal;

b) Nineteen (19) votes against the Amendment proposal;
c) Five (5) abstentions.

34. The Amendment proposal was not validly adopted in accordance with the Constitution and Bylaws (BYLAW XV) of CFS since it was short of the required forty-six (46) votes for, representing at least two-thirds of the voting members present at the general meeting of CFS;

35. Notwithstanding the foregoing, without any admission whatsoever, even if the Amendment proposal did obtain the required majority at the November 2009 General Meeting of CFS and was then validly approved, the amendments to Article 6 of CFS' BYLAW I are not applicable to GSA's petition to hold a referendum on its continued membership in CFS, since this petition was filed on November 10th, 2009 and the Amendment proposal cannot retroactively apply to GSA's petition;

36. CFS even admitted, through its national treasurer and national chairperson, M. Dave Molenhuis, that the Amendment proposal would not retroactively affect the schools who had already filed petitions to hold a referendum on their continued membership in CFS, as appears from a press article entitled PGSS to debate CFS referendum published on January 21, 2010 in the McGill Daily, Exhibit P-17;

37. Therefore, the Amendment proposal to CFS' BYLAW I allegedly adopted on November 28, 2009 being inapplicable to GSA's petition, CFS' ground to refuse to provide GSA with referendum dates in March and/or April 2010 (i.e. since already two referendums had allegedly been fixed in March and April 2010 to decide the issue of the continued membership of two other member local associations) is unfounded, illegal and abusive and constitutes a violation of Plaintiff, Erik Chevrier's right of freedom of association provided for under article 3 of the Charter of Human Rights and Freedoms;

38. Moreover, it is to be noted that out of the two referenda announced in Gowlings' February 10, 2010 letter (Exhibit P-10), the CFS only recognized the referendum results of the Alberta College of Art and Design Students' Association, which were in favour of the continued membership in CFS;

39. Although referendum dates on continued membership in the CFS were provided by the CFS to the Post-Graduate Students' Society of McGill University, the referendum held in March/April 2010 by PGSS and its results that were not in favour of the continued membership of PGSS in CFS were not recognized by CFS. A proceeding instituted by PGSS against CFS seeking _inter alia_ a declaration from the Superior Court of Montreal that PGSS is not a member of CFS is presently pending in court file 500-17-055858-107;
IV – THE ALLEGED DEBT OF GSA FOR OUTSTANDING MEMBERSHIP FEES

40. In the Gowlings' letter of March 17, 2010 (Exhibit P-15), CFS reminds GSA that before holding a referendum on continued membership, the GSA will need to comply with the CFS Bylaw I and remit all outstanding membership fees allegedly owed to the CFS no less than six (6) weeks prior to the first day of voting;

41. CFS then goes on to allege that, notwithstanding its own admission to the effect that it has been practically impossible for the CFS to assess the exact amount allegedly owed by the GSA, in 2004 it estimated that GSA had a membership fee balance owing of $115,910.58, which subsequently accrued to an amount estimated at more than $200,000;

42. In fact, it is interesting to note that less than six weeks prior to the Gowlings' letter of March 17, 2010, the CFS letter of February 8, 2010 (Exhibit P-11) makes no reference whatsoever to the existence of uncollected and/or unremitted membership fees and no request for payment of any specific sum is made therein;

43. Moreover, the Finance National Executive Report submitted at the Annual CFS General Meeting of November 2009, mentions that an amount of unpaid membership fees owed by Local 68-York Federation of Students continues to grow and now stands at more than $700,000, but fails to report any alleged debt owed by the GSA to the CFS, as appears from an extract of CFS' Finance National Executive Report (May 17, 2009 to November 24, 2009), Exhibit P-18;

44. Subsidiarily, without any admission whatsoever, GSA submits that if an amount of approximately $200,000 or more for uncollected and/or unremitted membership fees was owed by GSA to CFS back in March 2004, such debt is now prescribed and would have at least been brought to the attention of the members of the CFS at its 2009 Annual General Meeting and would have been claimed by the CFS between 2004 and March 17, 2010;

V - REFERENDUM ON GSA’S CONTINUED MEMBERSHIP IN THE CFS

45. On March 24th, 2010, after CFS' formal refusal to provide GSA with referendum dates during the 2010 winter semester resulting in the denial of the individual GSA members' fundamental right to a referendum on continued membership in the CFS, GSA had no other choice than to announce that a referendum question on continued membership in the CFS would be put to the GSA members concurrently with the GSA 2010 Elections to be held on April 6th, 7th and 8th, 2010, as appears from the March 24th, 2010 notice of Roddy Doucet, Chief Returning Officer of GSA, Exhibit P-19;
46. The referendum took place on Concordia University Campus located in the district of Montreal, province of Quebec, on April 6th, 7th and 8th, 2010 and the question on the referendum ballot read:

   "Are you in favor of continued membership in the Canadian Federation of Students?"

   Yes or No"

47. Plaintiff Chevrier exercised his right to vote on GSA’s continued membership in CFS during the said referendum;

48. The referendum results to the question “Are you in favor of continued membership in the Canadian Federation of Students?” where the following:

   Yes : 148
   No : 456

   as appears from the official notice of results dated April 9, 2010 from Roddy Doucet, Chief Returning Officer of GSA, Exhibit P-20;

49. No contestations were filed following the referendum and the above-mentioned results were ratified by the Chief Returning Officer of GSA and the Concordia University Dean of Students;

50. On May 17, 2010, GSA informed CFS that, without prejudice to its referendum on continued membership held in April 2010, two student representatives of the GSA would attend the Semi-Annual General Meeting of the CFS scheduled to be held in Ottawa from May 22-25, 2010 and that GSA wished to submit a motion at this meeting, as appears from two emails dated May 17, 2010 from Erik Chevrier, representative of the GSA, to the National Executive of the CFS, en liasse, Exhibit P-21;

51. On May 19, 2010, the CFS, through its National Chairperson, Katherine Giroux-Bougard, responded to GSA’s request to attend the 2010 Semi-Annual General Meeting and submit a motion and stated the following inter alia:

   a) That it may still be possible for GSA to register to attend this meeting, but that a registration form needed to be received by the CFS immediately;

   b) GSA missed the deadline for submitting a motion to be considered at the meeting, since a motion is required to be received by the National Executive of the CFS at least six weeks prior to a general meeting at which the motion is to be considered;
c) in order to attend and vote at this meeting, GSA will need to be in compliance with BYLAW I, Article 3 b. i. of CFS, i.e. all outstanding delegate fees for past meetings must have been paid in full; and

d) "I am unclear what the statement ‘...without prejudice to our referendum on continued membership in the CFS’ is intended to mean. I would ask that you please provide clarification prior to submitting a registration form."

as appears from an email dated May 19, 2010 from Katherine Giroux-Bougard to Erik Chevrier, Exhibit P-22;

52. On the same day, GSA faxed to CFS its registration forms for the 2010 Semi-Annual General Meeting of the CFS;

53. On May 21, 2010, the CFS informed GSA that its registration forms to the 2010 Semi-Annual General Meeting were unacceptable given that they were not accompanied by a certified cheque or money order for the registration and travel pool fees, as appears from an email dated May 21, 2010 from Katherine Giroux-Bougard to Erik Chevrier, Exhibit P-23;

54. CFS then states in its May 21st, 2010 email, that:

"Even if travel pool and registration fees for this meeting are paid prior to the start of the meeting, your association will not be permitted to vote or participate unless fees from previous meetings are paid in full. According to our records, the following remains outstanding:

- $824.38 – November 2008 National General Meeting
- $570.00 – February 2009 National Graduate Caucus Meeting
- $400.00 – February 2010 National Graduate Caucus Meeting

Payment by certified cheque or money order is also required in advance of the meeting in order for your association to vote at or participate in the upcoming general meeting."

55. Later that day, GSA, through its representative Erik Chevrier, attempted without success to obtain an invoice and/or official statement of account from CFS, in order to present and support a proper cheque request to the GSA;

56. On May 22, 2010, two representatives of the GSA presented themselves at the registration table of the 2010 Semi-Annual General Meeting of the CFS. They explained that, given the unusual sudden request from the CFS for an up-front payment of the registration and travel pool fees and request for payment of the alleged outstanding fees for previous meetings, the whole made within a 24
hours notice prior to the meeting, they were not able to meet payment requirements of the CFS, but undertook to make the necessary arrangements for CFS to receive payment after the meeting, upon receiving an invoice and/or official statement of account from the CFS;

57. Notwithstanding their explanation and undertaking, the two representatives of the GSA were denied access to the 2010 Semi-Annual General Meeting of the CFS;

58. On May 23, 2010, GSA informed CFS of the results of the referendum on continued membership in the CFS and formally notified the CFS of GSA’s intention to withdraw from the CFS, as appears from a letter dated May 21, 2010 from GSA to CFS, Exhibit P-24;

59. On March 2, 2011, CFS notified GSA of an increase of the membership fees for the 2011-2012 academic year, as appears from a letter dated March 2, 2011 of CFS to GSA, Exhibit P-25;

60. As of the date of the present proceedings, although CFS continues to refuse to recognize the results of the referendum held from April 6th to April 8th, 2010 and notwithstanding CFS’ undertaking to provide dates to GSA for a referendum on continued membership to be held in the month of October, 2010 (see letter communicated as Exhibit P-10), CFS never provided GSA with any referendum dates whatsoever;

61. Out of the twelve (12) petitions it received in the fall of 2009 calling for a referendum on continued membership, CFS refused to provide referendum dates for the 2009-2010 academic year to ten (10) local student association members (including GSA);

62. Further to these refusals of CFS, the University of Calgary Graduate Students’ Association, the Concordia Student Union and the GSA, each held a referendum during the 2010 winter-spring semester in which the question on continued membership in the CFS was put to their respective members. The results of these referenda, which were not in favour of continued membership in the CFS, were not recognized by the CFS;

63. Although a referendum was ordered by the Ontario Superior Court of Justice in the case of the University of Guelph Central Student Association, as appears from a judgment dated March 24, 2010 in the matter of University of Guelph Central Student Association c. Canadian Federation of Students and Canadian Federation of Students-Ontario, 2010 ONSC 1790, Exhibit P-26, the results of said referendum, which were not in favour of continued membership in the CFS, were not recognized by the CFS;
64. With respect to the University of Regina Students’ Union, a referendum was held in the fall of 2010 and the results of said referendum were in favour of continued membership in CFS;

65. With respect to the University of Western Ontario Society of Graduate Students, a referendum was held in the winter of 2011 and the results of said referendum were in favour of continued membership in CFS;

66. A referendum was finally ordered by the Supreme Court of British Columbia in the case of the University of Victoria Students’ Society, as appears from a judgment dated February 1, 2011 in the matter of University of Victoria Students’ Society v. Canadian Federation of Students, 2011 BCSC 122, Exhibit P-27, and a judgment dated February 18, 2011 in the matter of University of Victoria Students’ Society v. Canadian Federation of Students, 2011 BCSC 401, Exhibit P-28. Said referendum was held in March 2011 and its results were not in favour of continued membership in the CFS;

67. GSA, as a voting member of CFS until May 23, 2010, has an interest to seek orders from this Court to ensure that:

a) its members’ fundamental right to vote in a referendum on continued membership and results of said referendum are recognized by the CFS;

b) CFS abide by its own Constitution and Bylaws; and

c) CFS does not frustrate GSA and its members in the legitimate exercise of their rights;

68. Plaintiff Chevrier, as a GSA member and non-voting fee paying individual student member of CFS until May 23, 2010, also has an interest to seek orders from this Court to ensure that:

a) his fundamental right to vote in a referendum on continued membership and results of said referendum are recognized by the CFS;

b) CFS abide by its own Constitution and Bylaws; and

c) CFS does not frustrate him in the legitimate exercise of his rights;

69. Plaintiffs submit that the above-mentioned course of action and campaign of the CFS has been made with the sole intent to interfere with GSA members’ fundamental right to vote in a referendum on continued membership. This constitutes an unlawful and intentional interference with their right of freedom of association provided for under article 3 of the Charter of Human Rights and Freedoms;
70. Plaintiffs hereby claim from CFS a sum of one hundred thousand dollars ($100,000.00) by way of punitive damages, the whole with interest at the legal rate, together with the indemnity provided by Article 1619 of the Civil Code of Quebec, from the date of institution of the present proceedings;

71. Given the foregoing, Plaintiffs are entitled to seek to from this court, the following orders:

DECLARE that the proposal submitting Amendments to BYLAW I of the Canadian Federation of Students presented during the November 2009 Annual Meeting of the Canadian Federation of Students was not validly adopted in accordance with the Constitution and BYLAWS (BYLAW XV) of the Canadian Federation of Students and that this proposal is consequently deemed to be invalid for all legal purposes;

DECLARE that the results of the referendum held from April 6th to April 8th, 2010 on the Graduate Student Association of Concordia University’s continued membership in the Canadian Federation of Students, namely:

“Are you in favor of continued membership in the Canadian Federation of Students?”: Yes: 148 No: 456

are valid and binding on the Canadian Federation of Students;

DECLARE that, following the results of the referendum held from April 6th to April 8th, 2010 on the Graduate Student Association of Concordia University’s continued membership in the Canadian Federation of Students, the Graduate Student Association of Concordia University is no longer a member of the Canadian Federation of Students as of May 23, 2010;

CONDEMN Defendant, Canadian Federation of Students, to pay to Plaintiffs by way of punitive damages pursuant to Articles 3 and 49 of the Charter of Human Rights and Freedoms the sum of one hundred thousand dollars ($100,000.00), the whole with interest at the legal rate, together with the indemnity provided by Article 1619 of the Civil Code of Quebec, from the date of institution of the present proceedings;
WHEREFORE, MAY IT PLEASE THE COURT TO:

DECLARE that the proposal submitting Amendments to BYLAW I of the Canadian Federation of Students presented during the November 2009 Annual Meeting of the Canadian Federation of Students was not validly adopted in accordance with the Constitution and BYLAWS (BYLAW XV) of the Canadian Federation of Students and that this proposal is consequently deemed to be invalid for all legal purposes;

DECLARE that the results of the referendum held from April 6th to April 8th, 2010 on the Graduate Student Association of Concordia University’s continued membership in the Canadian Federation of Students, namely:

"Are you in favor of continued membership in the Canadian Federation of Students?": Yes : 148    No: 456

are valid and binding on the Canadian Federation of Students;

DECLARE that, following the results of the referendum held from April 6th to April 8th, 2010 on the Graduate Student Association of Concordia University’s continued membership in the Canadian Federation of Students, the Graduate Student Association of Concordia University is no longer a member of the Canadian Federation of Students as of May 23, 2010;

CONDEMN Defendant, Canadian Federation of Students, to pay to Plaintiffs by way of punitive damages pursuant to Articles 3 and 49 of the Charter of Human Rights and Freedoms the sum of one hundred thousand dollars ($100,000.00), the whole with interest at the legal rate, together with the indemnity provided by Article 1619 of the Civil Code of Quebec, from the date of institution of the present proceedings;

THE WHOLE with costs.

MONTREAL, April 15, 2011

Robinson Sheppard Shapiro

ROBINSON SHEPPARD SHAPIRO L.L.P.
Attorneys for Plaintiffs

COPIE CONFORME

Robinson Sheppard Shapiro
NOTICE TO DEFENDANTS

TAKE NOTICE that the Plaintiffs have filed this action or application in the office of the Superior Court, of the judicial district of Montreal.

To file an answer to this action or application, you must first file an appearance, personally or by advocate, at the courthouse of Montreal located at 1 Notre-Dame Street East, within 10 days of service of this motion.

If you fail to file an appearance within the time limit indicated, a judgment by default may be rendered against you without further notice upon the expiry of the 10-day period.

If you file an appearance, the action or application will be presented before the Court on May 20, 2011, at 9:00 am, in room 2.16 of the Montreal Courthouse at 1 Notre-Dame Street East. On that date, the Court may exercise such powers as are necessary to ensure the orderly progress of the proceeding or the Court may hear the case, unless you have made a written agreement with the Plaintiffs or the Plaintiffs’ advocate on a timetable for the orderly progress of the proceeding. The timetable must be filed in the office of the Court.

In support of the Motion to Institute Proceedings, the Plaintiffs disclose the following exhibits:

Exhibit P-1: CIDREQ of the Registraire des entreprises du Québec for GSA;

Exhibit P-2: Extract of Industry Canada’s website for CFS;

Exhibit P-3: Extracts of the minutes of the 25th Semi-Annual National General Meeting of the CFS and of the 13th Annual General Meeting of the CFS, en liasse;

Exhibit P-4: Letter dated March 9th, 1995 from GSA to Concordia University;

Exhibit P-5: Letter dated November 5, 2009 from GSA to CFS and its minutes of service, en liasse;

Exhibit P-6: Constitution and By-Laws of CFS as amended at the November 2008 national general meeting;

Exhibit P-7: Letter dated December 17th, 2009 from the University of Concordia Dean of Students;

Exhibit P-8: Letter dated February 4th, 2010 from GSA to CFS;

Exhibit P-9: Letter dated February 8th, 2010 from RSS to Gowlings and a letter dated February 11th, 2010 from RSS to Gowlings, en liasse;
Exhibit P-10: Letter dated February 10, 2010 from Gowlings, but only faxed to RSS on February 15th, 2010;

Exhibit P-11: Letter dated February 8th, 2010 from CFS to GSA;

Exhibit P-12: Letter dated February 26th, 2010 from RSS to Gowlings;

Exhibit P-13: Letter dated March 12th, 2010 from RSS to Gowlings;

Exhibit P-14: Letter dated March 16th, 2010, from RSS to Gowlings;

Exhibit P-15: Letter dated March 17th, 2010, from Gowlings to RSS;

Exhibit P-16: November 2009 Amendment proposal of Article 6 of BYLAW I of CFS;

Exhibit P-17: Press article entitled PGSS to debate CFS referendum published on January 21, 2010 in the McGill Daily;

Exhibit P-18: Extract of CFS’ Finance National Executive Report (May 17, 2009 to November 24, 2009);

Exhibit P-19: March 24th, 2010 notice of Roddy Doucet, Chief Returning Officer of GSA;

Exhibit P-20: Official notice of results dated April 9, 2010 from Roddy Doucet, Chief Returning Officer of GSA;

Exhibit P-21: Two emails dated May 17, 2010 from Erik Chevrier, representative of the GSA, to the National Executive of the CFS, en iiasse;

Exhibit P-22: Email dated May 19, 2010 from Katherine Giroux-Bougard to Erik Chevrier;

Exhibit P-23: Email dated May 21, 2010 from Katherine Giroux-Bougard to Erik Chevrier;

Exhibit P-24: Letter dated May 21, 2010 from GSA to CFS;

Exhibit P-25: Letter dated March 2, 2011 of CFS to GSA;

Exhibit P-26: Judgment dated March 24, 2010 in the matter of University of Guelph Central Student Association c. Canadian Federation of Students and Canadian Federation of Students-Ontario, 2010 ONSC 1790;

Exhibit P-27: Judgment dated February 1, 2011 in the matter of University of Victoria Students’ Society v. Canadian Federation of Students, 2011 BCSC 122;

Copies of these exhibits are available upon request.

Request for transfer of a small claim

If the amount claimed by the plaintiff does not exceed $7,000, exclusive of interest, and if you could have filed such an action as a plaintiff in Small Claims Court, you may make a request to the clerk for the action to be disposed of pursuant to the rules of Book VIII of the Code of Civil Procedure (R.S.Q., c. C-25). If you do not make such a request, you could be liable for costs higher than those provided for in Book VIII of the Code.

MONTREAL, April 15, 2011

[Signature]

ROBINSON SHEPPARD SHAPIRO LLP
Attorneys for Plaintiffs

COPIE CONFORME

[Signature]

ROBINSON SHEPPARD SHAPIRO
SUPERIOR COURT
DISTRICT OF MONTRÉAL

GRADUATE STUDENT ASSOCIATION OF CONCORDIA UNIVERSITY

-and-

ERIK CHEVRIER

Plaintiffs

-vs-

CANADIAN FEDERATION OF STUDENTS

Defendant

MOTION TO INSTITUTE PROCEEDINGS

COPY FOR ROBINSON SHEPPARD SHAPIRO

Mtre Martin Côté

Our file: 30177-1