

C A N A D A

S U P E R I O R C O U R T
(Class Action)

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° 500-06-001116-207

JOHN BRANDONE

BERTA RICCIUTI

and

VINCE BASCIANO

Plaintiffs

v.

RECY-BETON INC.

and

TRANS-CANADA CRUSHING LTD.

Defendants

**AMENDED AND RESTATED APPLICATION
FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION
AND TO OBTAIN THE STATUS OF REPRESENTATIVE
(dated April 2, 2024)**

(Art. 574 ff C.C.P., art. 976, 1457, 1465 C.C.Q.,
sections 19-21 *Environment Quality Act*)

**TO THE HONORABLE DONALD BISSON, J.S.C, JUDGE ASSIGNED TO HEAR
ALL PROCEEDINGS RELATING TO THE PRESENT CLASS ACTION,
PLAINTIFFS RESPECTFULLY SUBMIT THE FOLLOWING:**

1. INTRODUCTION

1. Plaintiffs John Brandone, Berta Ricciuti, and Vince Basciano wish to institute a class action on behalf of all persons forming part of the following class, of which Plaintiffs are members:

All persons who, between December 30, 2017, and April 30, 2022, (the "**Class Period**") were owners, tenants or residents of immovables located in the Borough of Riviere-des-Prairies–Pointe-aux-Trembles, in the City of Montreal (Québec) within a 2 kilometers radius from the limits of the Defendants' property located at 10575, Henri-Bourassa Blvd. East (the "**Class Members**").

2. As more fully appears from the facts exposed hereinafter, all Class Members have over the course of the Class Period suffered damages, including being subject to pollution from asphalt dust and other construction debris, due to the Defendants' fault and/or as a result of abnormal neighbourhood annoyances for which Defendants are responsible. Plaintiffs and all Class Members are entitled to be compensated for the damages they suffered, and they ask for the collective remedy of damages.

2. PROCEDURAL BACKGROUND

3. On December 30th, 2020, Plaintiffs, who were then represented by M^{re} Charles O'Brien, of the firm Lorax Litigation, instituted an *Application for Authorization to institute a class action, to obtain the status of representatives and injunction* (the "**Application**"). An amended version of this Application was later filed in November 2021.
4. On December 8, 2021, in light of the multiple deficiencies that affected the Application, the Court requested that Plaintiffs' former attorney of record submit a revised Application meeting the requirements of article 99 C.C.P., the whole as appears from an exchange of emails Exhibit **R-1**.
5. Although amended versions of the Application were filed in January 2022, February 2022 and in April 2022, Defendants once again objected that the Application still contained many deficiencies, both as to form and content, and did not meet the requirements of article 99 C.C.P., the whole as appears from the email exchanges, Exhibit R-1.
6. On April 28th, 2022, Plaintiffs notified a *Notice of Substitution of Attorneys* advising the Court and Defendants that they were now represented by the undersigned attorneys, as appears from the Court Record.
7. Plaintiffs instructed their new attorneys to file an application requesting the authorization to discontinue the present proceedings given that they were satisfied with the recent changes made by Defendants following the filing of the present case, the whole as appears from the letter sent to the honorable Judge Bisson dated May 5th, 2022, **Exhibit R-2**.
8. Following this letter, Defendants reached out to Plaintiffs in order to discuss the opportunity of reaching a settlement in the present file, instead of discontinuing the proceedings.
9. In light of the above, Plaintiffs wish to amend and entirely restate their *Application*, as outlined herein.
10. Plaintiffs having now reached an agreement with Defendants, they also intend to submit an application to authorize the class action for settlement purposes only.

3. THE PARTIES

11. The Plaintiffs are all property owners and residents of the Rivière-des-Prairies neighborhood (“**RDP**”) in the east end of Montreal.
12. Plaintiff John (Giovanni) Brandone resides at 10315 Thomas-Paine Street, a property he purchased in 2010, the whole as appears from an extract of the land registry, **Exhibit R-3**.
13. Plaintiff Berta Ricciuti also purchased her residential property in 2010, which is located at 10339 Thomas-Paine Street, the whole as appears from an extract of the land registry, **Exhibit R-4**.
14. Plaintiff Vince Basciano purchased his residential property located at 10331 Thomas-Paine Street in 2009, the whole as appears from an extract of the land registry, **Exhibit R-5**.
15. For the duration of the Class Period, Defendant Trans-Canada Crushing inc. was operating a recycling services facility for dry materials, at 10575 boul. Henri-Bourassa E, a property which it also owned when the *Application for Authorization to Institute a Class Action* was filed (the “**Property**”), the whole as appears from the extracts of the Quebec Company Registry and the Montreal Property Assessment Roll, **Exhibits R-6** and **R-7** respectively.
16. For the duration of the Class Period, Defendant Recy-Béton inc. – a corporation related to Defendant Trans-Canada Crushing inc. – was operating a concrete, asphalt and paving stone dump site and recycling facility on the Property, the whole as appears from the extract of their website, **Exhibit R-8** and the extract of the Quebec Company Registry, **Exhibit R-9**.
17. These facilities and the Property are situated in the RDP neighbourhood in Montreal, the whole as appears from the extract of Google Maps, **Exhibit R-10**.
18. These industrial recycling facilities are located between 500 meters and 1 km from Plaintiffs’ properties, the whole as appears from the attached extracts from Google Maps, **Exhibit R-11**.
19. On December 5, 2022, Defendants sold the facilities and the Property located at 10575 boul. Henri-Bourassa E. to Construction DJL Inc., with the result that they no longer have control over the facilities.

4. FACTS GIVING RISE TO CLASS CLAIMS

4.1 Dust and Noise Pollution from Defendants’ Property

20. Starting in the summer of 2017, Plaintiffs began noticing mounds of concrete, rock, asphalt, stone and sand (the “**Debris**”) piling up on the Property,

reaching an estimated 30 meters in height in December 2020, the whole as appears from the photographs filed as **Exhibit R-12**.

21. In fact, these mounds of Debris on the Property were visible directly from outside Plaintiff John Brandone's property.
22. During the Class Period, dozens of trucks operated and dumped construction Debris on the Property daily, creating large clouds of dust raising several meters into the sky and spreading through the air to neighbouring residential areas, as appears from the videos of a truck dumping construction Debris, filed as **Exhibit R-13**.
23. In addition, the Debris and dust from the Property settled on the roadways inside and outside the Property, raising up and contaminating the air with each passage of trucks, the whole as appears from the video **Exhibit R-14**.
24. Since 1997, Defendant Trans-Canada Crushing Ltd has held a Section 22 Certificate of Authorisation for its operations and had control over the emissions described herein, as appears from the Certificates of Authorization, **Exhibit R-15**.
25. The Property has also been registered on the Quebec *Répertoire des terrains contaminés*, since 2007, with no rehabilitation having been brought to the soil on site, as appears from the extract from the *Répertoire des terrains contaminés*, **Exhibit R-16**.
26. According to the Quebec contaminated land registry, the Property is contaminated with petroleum hydrocarbons C10 to C50, the whole as appears from Exhibit R-16.
27. Defendants' dumping ground, and in particular the rising mounds of Debris, have, for the whole duration of the Class Period, been a constant source of asphalt dust and other construction particles polluting Plaintiffs' properties.
28. Since 2017 and for the whole Class Period, Plaintiffs have experienced daily dust contamination on their properties due to the operations of Defendants' facilities.
29. For instance, Mr. Brandone has had to clean his car, patio furniture, outside railings, doors and windows on his property on a daily basis due to the dust pollution carried from the Defendants' facilities, the whole as appears from the pictures and video at **Exhibit R-17**.
30. Mr. Brandone's air conditioning unit has also become clogged with dust daily due to the pollution emanating from the Property, the whole as appears from the pictures **Exhibit R-18**.

31. Significant amounts of dust have also regularly settled on Ms. Ricciuti's and Mr. Basciano's properties, obliging them to consistently clean their outside furniture and property.
32. Dust also collected on Plaintiffs' pools which, as a result, were covered in a film of dust during the summertime.
33. The amount of construction dust and its staining and corrosive composition meant that Plaintiffs were obliged to constantly clean and maintain their property, outdoor furniture, windows and cars.
34. In the summer, Mr. Brandone and Ms. Ricciuti would avoid opening their windows due to the dust pollution and had to wash their window screens every couple of weeks from the dust accumulation.
35. Plaintiffs' daily exposure to dirt and dust deposits circulating in the air they breathe was also a significant source of stress and anxiety.
36. Defendants' pollution has also contaminated the soil and gardens of Plaintiffs' properties.
37. Class Members have suffered the same damages as Plaintiffs as they all reside within a close periphery of the Property.
38. Plaintiffs and Class Members have also suffered abnormal, excessive, and unreasonable neighbourhood annoyance from the noise pollution emanating from Defendants' facilities, as appears from the videos at **Exhibit R-19**.
39. This noise pollution included loud slamming from trucks' tailgates and noise from the back-up alarms of trucks circulating in and around the Property and dumping and manipulating construction Debris.
40. The noise levels were particularly unreasonable from 5 pm to 9 am on weekdays and during the day on weekends.

4.2 Applicable Legislative and Regulatory Standards and Defendants' Liability

41. According to the *Règlement numéro 2001-10 sur les rejets à l'atmosphère et sur la délégation de son application*, Annex 1, sections 7.0.01 to 7.04, Defendants were, during the Class Period, obliged to comply with the following rules regarding emissions from their Property:
 - a) Emissions from transferring, moving, dropping, handling or processing of materials must not be visible more than 2 meters from the point of emission and outside the limits of the property where the emission takes place (article 7.0.01);

- b) Access roads, traffic and parking areas and vacant lots must be maintained so as to not emit particulates into the atmosphere and to prevent dragging onto public thoroughfares of matter which are likely to produce particulates (article 7.02);
- c) A pile of coal, sand, gravel, crushed stone or any other matter must be enclosed, covered or watered so as to prevent the entrainment of particulates by wind (article 7.04);
- d) It is forbidden to release on the ground or into the atmosphere aggregate, sand, gravel, crushed stone, earth or other matter when they are transported (article 7.05),

the whole as appears from **Exhibit R-20**.

- 42. Defendants were also required to limit the height of the mounds of Debris on the Property to a maximum of 5 meters, the whole in accordance with section 5 of the « *Addenda – Lignes directrices relatives à la gestion de béton, de brique et d’asphalte issus des travaux de construction et de démolition et des résidus du secteur de la pierre de taille* » published by the *Ministère de l’Environnement et de la Lutte contre les changements climatiques* in August 2019, as appears from **Exhibit R-21**.
- 43. With regards to the noise emitted by Defendants’ activities during the Class Period, noise levels must not exceed, for any 1-hour interval, the highest of the following sound levels:
 - a) residual noise;
 - b) 40 dBA during the night (from 7 p.m. to 7 a.m.) and 45 dBA during the day (from 7 a.m. to 7 p.m.);

the whole as appears from section 8 of the *Regulation respecting the reclamation of residual materials* (Q-2, r. 49), **Exhibit R-22**.

- 44. As owners of their construction dump and recycling facilities, Defendants were required to supervise their operations and ensure that they did not cause harm or excessive annoyances to their neighbours.
- 45. As guardians of their Property, they are also presumed liable, for the damages caused to their neighbours by the pollution emanating from the Debris.
- 46. As such, Defendants are responsible for the damages, troubles and inconveniences suffered by Plaintiffs and Class Members during the Class Period, as well as for the stress and anxiety they suffered during the same period as a result of their exposure to dust and contaminants.

47. In light of the above, Plaintiffs and Class Members are entitled to request that Defendants be condemned to pay damages to Class Members in the amount of \$1,000 per year, per household.
48. Furthermore, it should be noted that Defendants knew before the institution of the present class action proceedings that the emissions resulting from their activities exceeded the standards prescribed by law and caused damage and abnormal troubles and inconvenience to Class Members.
49. Defendants also knew, before the institution of the class action, that they were acting in violation of the Class Members' right to a healthy environment and to peaceful enjoyment of their property.
50. Therefore, Plaintiffs and Class Members are also entitled to request that Defendants be condemned to pay punitive damages for the intentional violation of their right to a healthy environment and to the peaceful enjoyment of their property, as guaranteed by the Quebec *Charter of Human Rights and Freedoms*.

4.3 Modifications in Defendants' Actions

51. Following complaints filed by Plaintiffs John Brandone and Vince Basciano with the City of Montreal, an inspector from the City's Environmental services inspected the Property and issued Notices of non-conformity for violations of By-law 2001-10 relating to atmospheric emissions in November 2020, as appears from the email communication between Mr. Brandone and City of Montreal employees, **Exhibit R-23** as well as the letters exchanged between Mr. Basciano and the City of Montreal, **Exhibit R-24**.
52. In January 2021, city inspectors paid a second visit to Defendants' facility and did not note any further violations of city regulations, as appears from the email communication, Exhibit R-23.
53. In fact, since February 2022, the height of Debris piles on the Property, although still above the regulatory standards, were reduced by approximately 50%, as appears from the pictures at **Exhibit R-25**.
54. Starting in the spring and summer 2022, Plaintiffs also noticed a significant decrease in the amount of dust settling on and around their properties.
55. Plaintiffs acknowledge that particularly since April 2022, Defendants started to take mitigation measures to decrease both their dust and noise pollution.
56. Since December 2022, Defendants are no longer the owners of the facilities and of the Property.

5. THE CLASS MEMBERS' CLAIMS RAISE IDENTICAL, SIMILAR OR RELATED ISSUES OF LAW OR FACT (ARTICLE 575 (1) C.C.P.)

57. The Class Members' claims raise the following identical, similar or related issues of fact and law:

- a) Were Defendants negligent in the management of their equipment and/or facilities or in the establishment of pollution mitigation measures?
- b) Were the dust emissions and/or noise pollution from Defendants' activities excessive, and/or did they constitute abnormal neighborhood annoyances within the meaning of article 976 C.C.Q.?
- c) Are Defendants liable for damages to Class Members caused by the construction debris in their care and control?
- d) Did Defendants' emissions contravene sections 19.1 and 20 *in fine* of the *Environment Quality Act*?
- e) Were Defendants' emissions or pollution intentional?
- f) Did the Plaintiffs and Class Members suffer injuries due to the emissions and/or noise pollution from Defendants' activities during the Class Period, and if so, what is the nature of these injuries and the quantum of damages suffered?
- g) What are the limits of the territory on which injury was suffered by Class Members during the Class Period?
- h) Are Defendants liable for punitive or exemplary damages pursuant to the Quebec *Charter of Human Rights and Freedoms*, and if so, what is the quantum of damages owed?

6. THE COMPOSITION OF THE CLASS JUSTIFIES THE BRINGING OF A CLASS ACTION (ART. 575 (3) C.C.P.)

58. The composition of the class makes the application of articles 91 or 143 of the *Code of Civil Procedure* difficult or impractical for the following reasons.

59. There are thousands of persons residing in the RDP neighbourhood who have been affected by Defendants' conduct and who would form part of the Class, making it impossible for these persons to meet together and negotiate a specific mandate by virtue of which they might name a mandatary, or act as plaintiffs together in the same case.

60. It would therefore be highly impracticable, costly, uneconomical, unjust – not to mention contrary to the principle of proportionality – to require that Class Members pursue individual actions.
61. Furthermore, all the Class Members are affected in the same or in a very similar manner by Defendants' behavior, and their interests will be better protected in a class action (where the Court will have broad powers to protect the rights of absent parties) than they would be if they were required to institute individual actions.
62. Class action proceedings are effective, efficient and appropriate legal proceedings available to ensure that the rights of members of large groups (such as the members of the present class) are duly protected and preserved, and particularly in the context of environmental claims (such as the present claim).
63. Finally, due to the significant expert costs associated with the litigation of this matter, litigating individual actions would be prohibitive, and it is in the best interests of the Class Members, and of justice, that the institution of a class action be authorized.

7. THE CLASS MEMBERS DESIGNATED TO ACT AS REPRESENTATIVE PLAINTIFFS ARE IN A POSITION TO PROPERLY REPRESENT THE CLASS (ART. 575 (4) C.C.P.)

64. Plaintiffs request that they be ascribed the status of Representatives and submit that they are in a position to adequately represent the Class Members, for the reasons outlined below.
65. Plaintiffs all live in a neighbourhood directly affected by the dust contamination and resulting pollution emanating from Defendants' property, and they have been the victims of this pollution for several years.
66. Plaintiffs have taken numerous steps to acquaint themselves with the nature of the problems created as a result of the contamination from Defendants' activities and they are informed of the impacts and consequences of this activity on all residents in their neighbourhood.
67. In particular, Plaintiff John Brandone went door to door collecting the names, addresses, phone numbers and signatures of 30 Class members who have been affected by the dust contamination and resulting pollution from the Property, the whole as appears from the collected registry of names, **Exhibit R-26**.
68. Plaintiffs have acquainted themselves with the concerns of different Class Members and have been present and involved at every stage of the proceedings.

69. Plaintiffs have no conflict of interest with the Class Members and are acting gratuitously in the present proceedings.
70. As way of background, Plaintiffs are full time professionals: Mr. Brandone is a project director for an architectural hardware company, Mr. Basciano is an IT network architect for an airline company, and Ms. Ricciuti is a high school teacher.
71. Plaintiffs possess all the personal, moral and intellectual qualities required to see this class action through to its final resolution, and they will act for the benefit of all Class Members.

8. THE FACTS ALLEGED APPEAR TO JUSTIFY THE CONCLUSIONS SOUGHT (ART. 575 (2) C.C.P.)

72. As outlined in section 4 above, Plaintiffs and Class Members have suffered damages and abnormal neighbourhood annoyances from Defendants' negligent management and operation of their construction material dumping and recycling facilities.
73. Defendants' acts and omissions have caused each Plaintiff and each Class Member a loss of enjoyment of their property, have affected their right to security and their right to live in a healthful environment in accordance with the Quebec *Charter of Human Rights and Freedoms*.
74. Defendants' actions and omissions, in particular their failure to suppress and curtail their pollution and emissions, also constituted a breach of their obligations pursuant to the *Environment Quality Act* and applicable provincial and municipal regulations.
75. Based on the above, Plaintiffs are justified in seeking the following conclusions:
- a) **DECLARE** that Defendants have contravened articles 976, 1457 and 1465 C.C.Q., 19.1 and 20 of the *Environment Quality Act* and articles 1, 6 and 46.1 of the *Charter of Human Rights and Freedoms*;
 - b) **CONDEMN** Defendants solidarily to pay each Class Member household an amount of \$1,000 per year (for each year they were Class Members), or such other sum as this Court finds appropriate, as compensation for the neighbourhood annoyance, damages and trouble and inconveniences caused by their exposure to dust and contaminants, the whole with legal interest and additional indemnity from the date of service of the current Application;

- c) **CONDEMN** Defendants solidarily to pay each Class Member \$100 per year (for each year they were Class Members) as punitive damages pursuant to article 49 of the *Charter of Human Rights and Freedoms*;
 - d) **ORDER** the collective recovery of all amounts due to Class Members.
76. The present Application has been served upon the Attorney General of Quebec, as required pursuant to s. 19.7 of the *Environment Quality Act*.

WHEREFORE, PLAINTIFFS PRAY THIS HONOURABLE COURT TO:

- [1] **GRANT** the present Application and **AUTHORIZE** the institution of the current class action;
- [2] **ATTRIBUTE** to Plaintiffs the status of Representative plaintiffs for the purpose of bringing the class action for the benefit of the persons in the following class:

All persons who, between December 30, 2017, and April 30, 2022, were owners, tenants or residents of immovables located in the Borough of Riviere-des-Prairies–Pointe-aux-Trembles, in the City of Montreal (Québec) within a 2 kilometers radius from the limits of the Defendants' property located at 10575 Henri-Bourassa Blvd. East (the "**Class Members**").

- [3] **IDENTIFY** as follows the principal questions of fact and of law to be treated collectively in the class action proceedings:
 - [3.1] Were Defendants negligent in the management of their equipment and/or facilities or in the establishment of pollution mitigation measures?
 - [3.2] Were the dust emissions and/or noise pollution from Defendants' activities excessive, and/or did they constitute abnormal neighborhood annoyances within the meaning of article 976 C.C.Q.?
 - [3.3] Are Defendants liable for damages to Class Members caused by the construction debris in their care and control?
 - [3.4] Did Defendants' emissions contravene sections 19.1 and 20 *in fine* of the *Environment Quality Act*?
 - [3.5] Were Defendants' emissions or pollution intentional?
 - [3.6] Did the Plaintiffs and Class Members suffer injuries due to the emissions and/or noise pollution from Defendants' activities

during the Class Period, and if so, what is the nature of these injuries and the quantum of damages suffered?

- [3.7] What are the limits of the territory in which injury was suffered by Class Members during the Class Period?
- [3.8] Are Defendants liable for punitive or exemplary damages pursuant to the Quebec *Charter of Human Rights and Freedoms*, and if so, what is the quantum of damages owed?
- [4] **IDENTIFY** as follows the conclusions sought with relation to such questions:
- [4.1] **DECLARE** Defendants have contravened articles 976, 1457 and 1465 C.C.Q., 19.1 and 20 of the *Environment Quality Act* and articles 1, 6 and 46.1 of the *Charter of Human Rights and Freedoms*;
- [4.2] **CONDEMN** Defendants solidarily to pay each Class Member household \$1,000 per year (for each year they were Class Members), or such other sum as this Court finds appropriate for neighborhood annoyance, damages and trouble and inconveniences for exposure to dust and contaminants, the whole with legal interest and additional indemnity from the date of service of the current Application;
- [4.3] **CONDEMN** Defendants solidarily, to pay each Class Member \$100 per year (for each year they were Class Members) as punitive damages pursuant to article 49 of the *Charter of Human Rights and Freedoms*;
- [5] **ORDER** the collective recovery of all amounts due to Class Members;
- [6] **DECLARE** that any Class Member who has not requested their exclusion from the class be bound by any judgment to be rendered on the class action, in accordance with the law;
- [7] **SET** the delay for exclusion at thirty (30) days following the notice to members, and **ORDER** that at the expiry of this delay members of the class who have not requested their exclusion be bound by any judgment in the present class action;
- [8] **ORDER** the publication of notices to members according to the terms and conditions this Court deems appropriate in the present class action, after receiving a proposal for such publications from Plaintiffs;
- [9] **ORDER** that Defendants bear the cost of publishing notices to Class Members;

- [10] **REFER** the present matter to the Chief Justice of this Honourable Court so that he or she may determine the district in which the class action is to be brought;
- [11] **ORDER** that should the class action be in another district, the clerk of the Court, upon receiving the decision of the Chief Justice, transfer the present record to the clerk of the designated district.
- [12] **MAKE ANY OTHER ORDER** this Honourable Court deems appropriate;
- [13] **THE WHOLE** with legal costs, including expert fees.

MONTREAL, April 2, 2024



LCM ATTORNEYS INC.

Attorneys for Plaintiffs

John Brandone, Berta Ricciuti and

Vince Basciano

NOTICE OF PRESENTATION

PLEASE NOTE that this *Amended Restated Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* will be presented before the Honorable Mr. Justice Donald Bisson, J.C.S. as soon as this matter may be heard, at the Montreal Superior Court located at 1 Notre Dame East, in a room and at a time to be determined by his Lordship.

PLEASE DO GOVERN YOURSELVES ACCORDINGLY

MONTREAL, April 2, 2024



LCM ATTORNEYS INC.

Attorneys for Plaintiffs

John Brandone, Berta Ricciuti and
Vince Basciano

C A N A D A

SUPERIOR COURT
(Class Action)

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° 500-06-001116-207

JOHN BRANDONE**BERTA RICCIUTI**

and

VINCE BASCIANO

Plaintiffs

v.

RECY-BETON INC.

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TRANS-CANADA CRUSHING LTD.

Defendants

AMENDED LIST OF EXHIBITS
(dated April 2, 2024)

*(in support of the Amended Restated Application for
Authorization to Institute a Class Action and to Obtain
the Status of Representative)*

R-1:	Exchange of emails between the Court and former attorney, Charles O'Brien, on December 8, 2021.
R-2:	Letter sent to the honorable Judge Bisson dated May 5 th , 2022.
R-3:	Extract of Land Registry concerning John Brandone's place of residence in 2010.
R-4:	Extract of Land Registry concerning Berta Ricciuti's place of residence in 2010.
R-5:	Extract of Land Registry concerning Vince Basciano's place of residence in 2009.
R-6:	Extract of Quebec Company Registry for Trans-Canada Crushing inc.

R-7:	Extract of Montreal Property Assessment Roll for Trans-Canada Crushing inc.
R-8:	<i>En liasse</i> , extracts of the websites of Recy-Béton Inc. and Trans-Canada Crushing inc.
R-9:	<i>En liasse</i> , extract of the Quebec Company Registry of Recy-Béton Inc. and Trans-Canada Crushing inc.
R-10:	Extract from Google Map regarding the Property.
R-11:	Extract from Google Map the industrial recycling facilities.
R-12:	<i>En liasse</i> , photographs of mounds.
R-13:	Video of a truck dumping construction debris.
R-14:	Videos inside and outside of the dust.
R-15:	Certificates of authorization.
R-16:	Extract of the <i>Répertoire des terrains contaminés</i> .
R-17:	Pictures and video of Mr. Brandone's property.
R-18:	Pictures of Mr. Brandone's air conditioner.
R-19:	Videos of noise pollution from Defendant's facilities.
R-20:	<i>Règlement numéro 2001-10 sur les rejets à l'atmosphère et sur la délégation de son application.</i>
R-21:	<i>Addenda – Lignes directrices relatives à la gestion de béton, de brique et d'asphalte issus des travaux de construction et de démolition et des résidus du secteur de la pierre de taille.</i>
R-22:	Regulation respecting the reclamation of residual materials (Q-2. R. 49).
R-23:	Email communication between Mr. Brandone and City of Montreal employees
R-24:	<i>En liasse</i> , letters exchanged between Mr. Basciano and the City of Montreal
R-25:	<i>En liasse</i> , pictures of the height of debris.

R-26:	Registry of names of class members
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MONTREAL, April 2, 2024



LCM ATTORNEYS INC.

Attorneys for Plaintiffs

John Brandone, Berta Ricciuti and

Vince Basciano

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EXHIBITS**

ORIGINAL



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File 71542.1
BL5788

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