

C A N A D A

**PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL**

NO : 500-06-001115-209

**(Class Action)
SUPERIOR COURT**

JANE DOE

Applicant

c.

9219-1568 QUÉBEC INC.

and

AYLO FREESITES LTD, formerly known as
MG FREESITES LTD

and

FERAS ANTOON

and

DAVID TASSILLO

and

COREY URMAN

and

9279-2738 QUÉBEC INC.

and

SOCIÉTÉ DE GESTION FDCO INC.

and

9288-1259 QUÉBEC INC.

and

9288-1275 QUÉBEC INC.

Defendants

**RE-RE-RE-AMENDED APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS
ACTION AND TO OBTAIN THE STATUS OF REPRESENTATIVE**

(as of November 28, 2025)

(Sections 571 C.C.P. and following)

**TO THE HONOURABLE JUSTICE DONALD BISSON, S.C.J., DESIGNATED TO HEAR ALL
PROCEEDINGS IN THE PRESENT ACTION, THE APPLICANT STATES AS FOLLOWS:**

I. GENERAL PRESENTATION

A) THE CLASS ACTION

1. Applicant wishes to institute a class action on behalf of the natural persons forming part of the class hereinafter described, namely:

Since 2007, all natural persons in Canada whose intimate videos or photos, (including child sexual abuse material, images of sexual assault and non-consensual intimate images) were posted without their consent on a website owned or operated by the defendants, directly or indirectly;

(hereinafter referred to as the “**Class**”)

or any other Class to be determined by the Court;

2. This action arises from the publication by the defendants, on several websites that one or more of them own or host, of intimate videos or photos that were posted without the consent of the subjects (the “**non-consensual content**”). This includes, but is not limited to, the illegal dissemination by the defendants, directly or indirectly, of content for streaming and download that depicts child sexual abuse material, the sexual assault of non-consenting adults, and intimate images (“**non-consensual intimate images**”) of adults who have not consented to the public dissemination of such content;
3. As a consequence of the foregoing, the Applicant, and the Class members, who featured in the non-consensual content published on the defendants’ websites, suffered, and continue to suffer damages for which they are entitled to receive compensation;

B) THE DEFENDANTS

- 3.1 For the purpose of this application and when collectively referred to, the named defendants will be identified as “**MindGeek**”;
- 3.2 In March 2023, Ethical Capital Partners, a private equity firm based in Ottawa, purchased MindGeek;
- 3.3 On August 17, 2023, it was announced that MindGeek was rebranded as Aylo, as appears from a press release dated August 17, 2023, which will be produced as **Exhibit P-47**;
4. The defendant 9219-1568 Québec Inc. (which used to carry on business as Entreprise MindGeek Canada) is a Montréal-based company with between 750 and 999 employees, as appears from the État des renseignements d’une personne morale au registre des entreprises which will be produced as **Exhibit P-1**, with a portfolio of pornographic websites;
5. [...];
6. The defendant, Aylo Freesites Ltd, formerly known as MG Freesites Ltd, (d/b/a Pornhub) is a private limited liability company incorporated under the laws of the Republic of Cyprus having a place of business at 195-197 Old Nicosia-Limassol Road, Block 1 Dali Industrial Zone, Cyprus 2540. Aylo Freesites Ltd. owns, operates and/or manages one or several of the websites;
7. [...];
8. [...];
- 8.1. [...];
- 8.2. [...];
- 8.3. [...];
- 8.4. [...];
- 8.5. The defendant Feras Antoon is a natural person who resides in Quebec and was the chief executive officer (CEO) of 9219-1568 Québec Inc., among other things;

- 8.6. The defendant David Tassillo is a natural person who resides in Quebec and was the chief operating officer (COO) of 9219-1568 Québec Inc., among other things;
- 8.6.1. On June 21, 2022, Feras Antoon and David Tassillo resigned from their position as CEO and COO of 9219-1568 Québec Inc., as appears from the Journal de Montréal article “*Le PDG de MindGeek démissionne 18 mois après la controverse de Pornhub*”, dated June 21, 2022, which will be produced as **Exhibit P-48**;
- 8.6.2. Under the leadership of the defendants Feras Antoon and David Tassillo, 9219-1568 Québec Inc. signed various agreement with the then named defendant MG Freesites and its predecessors to provide services including “website development and enhancement,” “search engine optimization” and “content management” as appears from the response to undertaking U-10 by Andreas Alkiviades Andreou during his pre-trial examination held on January 28, 2025 which will be produced as **Exhibit P-53**;
- 8.7. The defendant Corey Urman is a natural person who resides in Quebec and is the vice-president of product management, video-sharing platforms for 9219-1568 Québec Inc.;
- 8.8. The defendants Feras Antoon, David Tassillo, and Corey Urman together are referred to as “**MindGeek Principals**”;
- 8.9. The defendant 9279-2738 Québec Inc. is a holding company incorporated in Québec and the majority owner of 9219-1568 Québec Inc., as appears from the État des renseignements d’une personne morale au registre des entreprises, which will be produced as **Exhibit P-3**;
- 8.10. The defendant Société de gestion FDCO Inc., previously known as MindGeek Holding Inc., is a holding company incorporated in Québec, as appears from the État des renseignements d’une personne morale au registre des entreprises, which will be produced as **Exhibit P-4**;
- 8.11. Société de gestion FDCO Inc. is the majority owner of MindGeek s.a.r.l. as appears from the Formulaire de réquisition filed on November 25, 2013 on the Registre de Commerce et des Sociétés du Luxembourg, which will be produced as **Exhibit P-5**. MindGeek s.a.r.l., (formerly known as Manwin and now known as Aylo holdings s.a.r.l.), is a legal person having a place of business in Luxembourg;
- 8.12. The defendant 9288-1259 Québec Inc. is a holding company incorporated in Québec, and the majority owner of Société de gestion FDCO Inc. Its majority owner is Feras Antoon, as appears from the État des renseignements d’une personne morale au registre des entreprises, which will be produced as **Exhibit P-6**;
- 8.13. The defendant 9288-1275 Québec Inc. is a holding company incorporated in Québec and the second owner of Société de gestion FDCO Inc. Its majority owner is David

Tassillo, as appears from the État des renseignements d'une personne morale au registre des entreprises, which will be produced as **Exhibit P-7**;

- 8.14. Together, the defendants Feras Antoon, David Tassillo, and Bernd Bergmair owned more than 90 percent of MindGeek, as appears from the Globe and Mail article "MindGeek owner stymies multiple bids by investors to buy firm" dated October 4, 2021, which will be produced as **Exhibit P-8**;
- 8.15. The defendants Feras Antoon and David Tassillo were shareholders of 9219-1568 Québec inc., from March 28, 2013, to June 6, 2022, as appear from the response of Andreas Alkiviades Andreou to undertaking U-6 attached to Exhibit P-53;
- 8.16. It also appears from the same exhibit that Corey Urman was a shareholder of 9219-1568 Québec inc. from March 28, 2013 to August 18, 2021;
9. [...];
10. MindGeek has incorporated hundreds of subsidiaries and related companies around the world over time, the details of which are unknown to the Class at this time. The structure of MindGeek has changed numerous times throughout the years. However, MindGeek, including the MindGeek Principals, operate as a single business enterprise, commingling its funds and other assets to shelter and avoid liabilities and to hide the identity of its owners, treating each other's assets as their own, issuing shares haphazardly and without authority, holding themselves out as being personally liable for the debts of each other, failing to maintain proper minutes and corporate records, using the same business locations and employing the same employees, failing to adequately capitalize the entities, failing to maintain arm's length relationships among themselves, and diverting assets without consideration to the detriment of and are thus jointly and severally liable in this action as alter egos of the other;
 - 10.1. The purpose of these subsidiaries is to seek, to facilitate and to mask illegal conduct and to consequently insulate MindGeek, and the MindGeek Principals, from liabilities;
 - 10.2. For instance, as of 2018, the defendants 9219-1568 Québec Inc., Aylo Freesites Ltd, and 9279-2738 Québec Inc., were owned directly or indirectly by MindGeek s.a.r.l., and all their financial statement were consolidated under it, as appears from the Consolidated Financial Statements for the financial year that ended December 31, 2018, which will be produced as **Exhibit P-9**;
 - 10.3. MindGeek deliberately uses a complex corporate structure which is an amalgam of at least 48 subsidiaries in Luxembourg, Cyprus, Ireland, the U.S., Canada and Romania, among other countries, as appears from the Globe and Mail article "Lifting the veil of secrecy on MindGeek's online pornography empire", dated February 4, 2021, which will be produced as **Exhibit P-10**;

- 10.4. Other analyses of MindGeek's complex corporate structure refer to a myriad of multiple companies in countries such as the British Virgin Islands, Canada, Curaçao, Cyprus, Germany, Ireland, Luxembourg, Mauritius, the Netherlands, the U.K and the United States, managing 172 companies in 11 countries, as appears from the online article "Offensive OSINT s01e05-OSINT & Corporate espionage. Tentacles of Mindgeek part 1." on the website "offensiveosint.io", dated May 20, 2020, which will be produced as **Exhibit P-11**;
11. The most popular of MindGeek's websites is called Pornhub, but it also owns multiple other similar websites, such as RedTube, YouPorn, Tube8, PornMD, Thumbzilla, Xtube (which shut down in September 2021), and others (collectively with Pornhub, the "**offending websites**");
12. As part of its business, MindGeek actively solicits, promotes, and facilitates the payment for dissemination on its offending websites of explicit sexual images and videos, from which it generates significant profits;
13. Although the offending websites offer premium subscription plans, they offer free content for non-members (the majority of visitors), and profit from advertising, co-promotions, and other business arrangements;
14. Pornhub, for example, is one of the most-visited websites in the world, attracting 3.5 billion visits a month and recording almost three billion ad impressions per day, as appears from The New York Times article "The Children of Pornhub" dated December 4, 2020, which will be produced as **Exhibit P-12**;
15. Pornhub has been visited 42 billion times in 2019, as appears from Le Journal de Montréal article "MindGeek: agir là où ça fait mal!" dated December 22, 2020, which will be produced as **Exhibit P-13**;
16. The offending websites enable visitors to upload pornographic photos and videos from the general public, including non-consensual content;
17. Until December 2020, anyone could upload pornographic content to Pornhub, which content was then available for streaming or download to save for viewing on a personal computer in perpetuity;
- 17.1. The content hosted on the offending websites are stored on servers located throughout the world, including in Los Angeles, New York, and Montréal, with backups in Amsterdam, as appears from a video interview with the previous owner of MindGeek Fabian Thylmann during the 2017 edition of the event WHD.global (also known as Cloudfest), which will be produced as **Exhibit P-14**;

18. Despite knowing that there was a high risk that non-consensual content would be uploaded, MindGeek took no steps to ensure that only consensual images and videos would be allowed on the offending websites it owned or operated, directly or indirectly. Instead, MindGeek monetized the non-consensual images and videos for profit;

C) THE NON-CONSENSUAL CONTENT

19. A 2019 investigation by the United Kingdom's Sunday Times discovered dozens of illegal videos of child sexual abuse on Pornhub within minutes, some of which depicted children as young as three years old, with some of this content having been posted on the platform several years earlier, as appears from the article "Unilever and Heinz pay for ads on Pornhub, the world's biggest porn site" dated November 3, 2019, which will be produced as **Exhibit P-15**;
20. MindGeek also hosts content for streaming and downloading, which depict intimate representations, including sexual acts, featuring persons who never consented to such publication;
21. MindGeek knows that the offending websites host non-consensual content for streaming and download including, but not limited to, the sexual abuse of children and intimate depiction of adults, who have not consented to the public dissemination of the content;
- 21.1. On October 29, 2019, it was reported in an online Jezebel's article "Hidden Camera Clips Popped Up on Pornhub – and the Problem Won't Go Away", which will be produced as **Exhibit P-16**, that five videos of women showering and changing in a locker room at South Carolina's Limestone College in the United States, without their knowledge or consent, were hosted on Pornhub, and despite alerts from parents, MindGeek only took down the videos once the police became involved;
- 21.2. Following these events, a civil lawsuit was launched by nine plaintiffs in South Carolina on March 4, 2020, against multiple defendants, including MindGeek. The lawsuit alleges that MindGeek did not take any steps to remove the offending content even though it knew that the content was non-consensual as a result of the take down notices that it received, profiting from the non-consensual content, as described in the Complaint, which will be produced as **Exhibit P-17**;
- 21.3. On January 24, 2020, it was reported in the Insider's article "The US Navy wants to know who secretly uploaded videos of sailors to Porn Hub" that dozens of service members of the US Navy were secretly filmed while showering and the videos were uploaded to Pornhub, which will be produced as **Exhibit P-18**;
- 21.4. In this article, MindGeek, via a representative, stated that "*Here at Pornhub, we immediately remove any content that violates our terms of use as soon as we are made aware of it.*", which is false;

22. Other examples described in public news articles include:
- a) Pornhub hosted a video of a 14-year-old girl being raped, as appears from the BBC News article “I was raped at 14, and the video ended up on a porn site” dated February 10, 2020 which will be produced as **Exhibit P-19**;
 - b) The mother of a missing 15-year-old girl discovered many videos of her daughter’s rape and sexual abuse on Pornhub, as appears from The New York Times article P-10 and the article from the Sun Sentinel titled “58 porno videos of 15-year-old girl led to Davie man’s arrest” dated October 23, 2019 which will be produced **Exhibit P-20**;
 - c) Pornhub hosted the video of a 14-year-old Indigenous girl’s sexual assault and torture for months, despite requests for the video’s removal;
23. These examples are described in an open letter to Justin Trudeau, Prime Minister of Canada, dated March 9, 2020, from a group of Canadian Members of Parliament and Senators, which stated in part as follows:

“ Dear Prime Minister,

[...]

Pornhub, owned by Montréal-based MindGeek, is the largest website in the world producing, making available and distributing sexually explicit content, with 42 billion visits and 6.8 million videos uploaded per year. It has come to our attention that some of this content contains the real exploitation of women and minors. In several cases, Pornhub has either refused to remove such videos, or has failed to remove them in a reasonable timeframe.

An investigation late last year by the Sunday Times UK found “dozens” of illegal videos of child sexual exploitation on Pornhub within “minutes”. Some of the illegal content had been on the platform for more than three years. Following this investigation, PayPal cut off its services to Pornhub in November 2019.

Over the last few months, the media has highlighted additional examples of content featuring victims of child sexual exploitation, sex trafficking, and sexual assault being published on Pornhub including:

- A 15-year-old girl who had been trafficked and missing for a year was found after 58 videos of her rape and sexual abuse were discovered online, many on Pornhub.*

- *Twenty-two females were lured into filming sex acts and the videos subsequently uploaded to Pornhub. The perpetrators have been charged with sex trafficking.*
- *A 14-year-old indigenous girl's sexual assault and torture were filmed and uploaded to Pornhub which hosted her videos for months despite repeated requests to remove the videos.*
- *A 14-year-old girl was filmed being raped by a 49-year old woman and videos of her rape were uploaded to Pornhub.*
- *A victim of domestic violence was sexually assaulted, and the videos of her abuse uploaded to Pornhub.*

Each time these videos are viewed-and many have hundreds of thousands of views-the victims are revictimized. This is deeply harmful to those exploited in these videos.

The ability for Pornhub, and other online companies, to publish this content, and in some cases to profit off crimes committed against children, victims of sex trafficking and sexual assault, is fundamentally contrary to any efforts to increase gender equality in Canada and protect women and youth from sexual exploitation.

In addition, these videos are available online because Pornhub verifies the email address of the account creator and does not require verification of the age or consent of each person featured in subsequent videos that are uploaded.

The Government of Canada has a responsibility to ensure that people who appear in sexually explicit content that is uploaded and published online by companies operating in Canada are not children, nor victims of human trafficking or sexual assault. Further, the Government of Canada has a responsibility to investigate those who produce, make available, distribute and sell sexually explicit content featuring victims of child sexual exploitation, sex trafficking, and sexual assault.

We, the undersigned Senators and Members of Parliament, call upon the Government of Canada to:

[...]

2. Ensure that MindGeek's activities are in compliance with Canadian law including, Bill C-22, an Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service, which came into force on December 8, 2011, and Bill C-13, the Protecting Canadians from Online Crime Act, which came into force on March 10, 2015; and

3. Take whatever other steps are necessary at the federal level to ensure that companies that sell, produce, make available or publish sexually explicit content be required to verify the age and consent of each individual represented in such material.

We are committed to working with your government to protect women and youth, particularly those who are victims of child sexual exploitation, sex trafficking, and sexual assault from further exploitation online and addressing this issue in a timely manner.

Thank you for your immediate attention to this matter.

Sincerely,

*Senator Julie Miville-Dechéne
Independent Senator for Quebec*

*Senator Kim Pate
Independent Senator for Ontario*

*John McKay, MP
Scarborough-Guildwood*

*Senator Frances Lankin
Independent Senator – Ontario*

*Rosemarie Falk, MP
Battlefords- Lloydminster*

*Dr. Colin Carrie, MP
Oshawa*

*Arnold Viersen, MP
Peace River – Westlock*

*Cathay Wagantall, MP
Yorkton – Melville*

*Tom Kmiec, MP
Calgary Shepard”*

- 23.1. Pornhub also hosted the video of a 16-year-old girl which was viewed 2,447 times since its upload by a verified account on February 27, 2018, as appears from the ABC News article “Tuscaloosa man charged for producing porn with a minor, uploading it to Pornhub” dated September 16, 2020, which will be produced as **Exhibit P-21**;

24. [...];
- 24.1 [...];
25. MindGeek waited until December 2020, to block unverified users from uploading new content on Pornhub and to suspend millions of videos uploaded by non-verified users across its platforms, including Pornhub, as appears from the The Globe and Mail article “MindGeek suspends millions of videos uploaded by non-verified users across its platforms, including Pornhub” dated December 14, 2020 which will be produced as **Exhibit P-24**;
26. MindGeek should have taken these and other steps (many of which involve minimal and easily implementable processes) far earlier, in 2007, to ensure that non-consensual content was not posted on its offending websites;
27. Instead, it generated significant revenue and profit from non-consensual intimate images and videos hosted on its offending websites;
- 27.1. On December 11, 2020, the Standing Committee on Access to Information, Privacy and Ethics of the House of Commons (“**ETHI**”) adopted a motion to study the “Protection of privacy and reputation on platforms such as Pornhub”;
- 27.2. On December 23, 2020, the website Cuestionone reported that REDIM, the Network for the Rights of Children in Mexico, has denounced the presence of child sexual abuse material (“**CSAM**”) to MindGeek on the offending websites for many years, but never received any response, as appears from the original article in Spanish “Pornhub recibió denuncias desde México sobre pornografía infantil en su sitio y las ignoró” and an automated English translation generated by the website, which will be jointly produced as **Exhibit P-25**;
- 27.3. On February 2, 2021, the ETHI held its first meeting on the “Protection of privacy and reputation on platforms such as Pornhub” and heard the testimony of Serena Fleites and her lawyer, Michael Bowe. Ms. Fleites is a 19-year-old woman whose intimate videos, while she was 13 years old, were posted on Pornhub and were repeatedly reposted on Pornhub even after they were initially removed;
- 27.4. In her testimony, Serena Fleites explained that despite the videos stating her age and multiple comments pointing that she was a minor, the videos persisted being hosted on the offending websites. Ms. Fleites also explained that Pornhub did not deal with her takedown requests in good faith, thus prolonging her torment, because Pornhub earned significant profits by hosting the videos:

“Ms. Serena Fleites: Basically, when the videos were first uploaded online and I didn't want to tell my mom about them—and I pretended to be my mom—they would

say, like, "Oh, well, it's not actually you in the video, so to provide proof that's your daughter and that she's underage, you're going to have to provide...." like, pictures of me next to some sort of identification. They would ask for all these different things. Even after I sent one picture next to whatever identification they asked for, they would ask for another picture next to a different sort of identification, and so on and so forth. They were just dragging out the process for so long even though it was very obvious it was a child in the video. Even if, say, it wasn't me in the video, they could still tell that was a child in the video, yet they were still dragging out this process. They didn't want to take the video down because it had, at that point, millions of views. It was bringing them ad revenue and clicks to their site. It would be at the top of Google for the searches."

as appears from the transcript of the first meeting, which will be produced as **Exhibit P-26**;

- 27.5. Michael Bowe provided testimony describing further details of child pornography hosted on the offending websites:

"To drive home how real it is, let me give you just a few examples of other victims we've talked to and verified.

A girl was raped at 15, and a video was posted on Pornhub and distributed through a community. Pornhub refused to remove the video for three weeks, then said it had been removed when in fact it wasn't removed for another two months, with several hundred thousand additional views, downloads and distribution in that community.

A child younger than 10 was sold into trafficking and was the subject of child pornography for almost 10 years. Those videos were distributed on various MindGeek platforms where they could remain at least until later last year.

A 15-year-old was secretly filmed via computer hack and then extorted to do other videos. Those videos were posted on Pornhub with her personal information, distributed widely, including to her community and to her family, and subjected her to long-term abuse and stalking. When she raised the issue at Pornhub, it refused to search for the videos or take any other proactive steps to prevent their distribution. The trauma led her to consider suicide.

A woman was raped on videotape and it was distributed on Pornhub, including through her community.

A 17-year-old was secretly recorded by an underage boyfriend, and it was posted to Pornhub and distributed throughout her school community and to her family, subjecting her to harassment and extortion.

A woman was drugged and raped after meeting someone on a date. The rape was videotaped and posted on Pornhub. We believe it was sold on Pornhub by the person who posted it.

A 14-year-old was secretly recorded by her boyfriend, who posted the video to Pornhub and distributed it, again, through her school and community.

Child pornography posted on Pornhub of an individual had hundreds of thousands of views and an unknown number of downloads. When confronted, Pornhub failed to report it to the authorities. That's something I'll talk about in a second.

A 16-year-old was coerced into a sexual act that was videotaped and posted on Pornhub without her knowledge or consent.

A 16-year-old girl was trafficked by two American men who filmed the sexual acts as part of the trafficking. In fact, that was what she was offered for. Those acts were posted to Pornhub. This individual is aware of other women in that trafficking ring who were sold for the same purpose.

An underage girl was trafficked for years by a business colleague of her father's. Videos were monetized on Pornhub. She reported the incident, but the videos were not taken down for an extended period of time.

An underage girl attempted suicide multiple times and turned to drugs after videos were posted on Pornhub.”

as appears from his testimony before the ETHI on February 2, 2021, Exhibit P-26;

- 27.6. The second meeting of the ETHI on the “Protection of privacy and reputation on platforms such as Pornhub” was held on February 5, 2021;
- 27.7. [...];
- 27.8. [...];
- 27.9. [...];
- 27.10. [...];
- 27.11. [...];
- 27.12. [...];

- 27.13. [...];
- 27.14. [...];
- 27.15. [...];
- 27.16. [...];
- 27.17. [...];
- 27.18. On March 9, 2021, Rose Kalembe, the woman appearing in the BBC article, Exhibit P-19, submitted a written testimony to the ETHI recounting her story and the refusal of MindGeek to remove the video of her rape and assault, while she was 14 years old, for more than half a year, as appears from her brief submission to the ETHI, which will be produced as **Exhibit P-31**;
- 27.19. On April 3, 2021, a CTV News article described the story of a Canadian woman who found a video of her assault while she was unconscious on Pornhub, as appears from the article “I will always be someone's porn': One woman's struggle to remove all traces of her videotaped sexual assault” dated April 3, 2021, which will be produced as **Exhibit P-32**;
- 27.20. Despite finally removing the video from Pornhub, still images of the videos remained on search engines, which MindGeek did little to resolve, allowed it to attract visitors to its offending websites;
- 27.21. In April 2021, an article from La Presse highlighted the story of a woman from Sherbrooke who tried to have intimate images of herself removed from Pornhub after her ex-boyfriend uploaded them without her consent. Even with the help of the police, it took many requests to MindGeek to have the content removed, as appears from the article “J’ai voulu mourir” dated April 26, 2021, which will be produced as **Exhibit P-33**;
- 27.22. [...];
- 27.23. On June 17, 2021, the ETHI presented their report “Ensuring the Protection of Privacy and Reputation on Platforms such as Pornhub” to the House of Commons;
- 27.24. In its report, the ETHI indicates to be “*of the view that the onus to protect individuals depicted in CSAM and non-consensual content from violations of their privacy and reputation online should lie with the platform hosting that content. Canadians’ privacy rights and by extension, their safety and dignity, should outweigh any profit motives that such platforms may have.*”;

- 27.25. On July 19, 2021, an article from the Independent reported the story of a Chinese woman who discovered a video of herself on Pornhub filmed without her consent while she was underage, as appears from the article “Chinese woman who found her video on Pornhub creates app to help victims” dated July 19, 2021, which will be produced as **Exhibit P-36**;
28. Despite all of the above, non-consensual content remains on the offending websites;
- 28.0.1. During the year 2021, several lawsuits were started in the United States against MindGeek for similar allegations as those stated in this application for authorization;
- 28.0.2. On November 17, 2023, the United States District Court for the Central District of California, central division, issued an order granting a motion for class certification against some of the MindGeek entities, including the defendants Aylo Freesites Ltd. and 9219-1568 Quebec inc., as appears from the order which will be produced as **Exhibit P-49**;
- 28.0.3. On December 19, 2023, the United States District Court for the Northern District of Alabama, western division, issued a memorandum of opinion and order granting a motion for class certification against some of the MindGeek entities, including the defendants Aylo Freesites Ltd. and 9219-1568 Quebec inc., as appears from the order which will be produced as **Exhibit P-50**;
- 28.0.4. On December 19, 2024, the United States District Court for the Northern District of Alabama, western division, issued a memorandum of opinion and order denying the motion for summary judgment of the MindGeek entities, as appears from the order which will be produced as **Exhibit P-54**;
- 28.0.5. The MindGeek entities were seeking a dismissal of the Plaintiff’s claim based on an alleged immunity as computer service provider under section 230 of the Communications Decency Act (CDA) in the US and that some of the named entities had no involvement with the possession of distribution of the non-consensual content, among other things;
- 28.0.6. Their request was denied, the Court finding that the MindGeek entities were not only service providers, but also content providers, since they materially contribute to the provision of CSAM and other non-consensual content by generating thumbnails and images, all revealed by undisputed facts provided by the parties, as appear from Exhibit P-54;
- 28.0.7. In relation with the California class certification order (P-49) and according to an article of La Presse dated March 14, 2024 “Des questions au sujet d’une faille potentielle », on February 15, 2024, the U.S. Federal Court filed a motion for a rogatory commission before the Superior Court of Montreal to examine MindGeek Principals and a former MindGeek employee, as appears from the article which will be produced as **Exhibit P-52**;

D. CAUSES OF ACTION

- 28.1. Most of MindGeek's activities relating to the offending websites took place, and still take place, in Montréal;
- 28.2. [...];
- 28.3. The MindGeek principals, who were the key representatives who are responsible for the direction and operation of MindGeek, reside in Quebec;
- 28.4. MindGeek operates a complex web of shell and sham companies, as described above, but its offices in Montréal are legitimate offices with hundreds of employees and potential witnesses, as appears from an article from La Presse titled "Porno et Impôts" dated October 10, 2016, which will be produced as **Exhibit P-37**;
- 28.5. Therefore, the harm suffered by the members stems from MindGeek's actions or omissions that occurred in the province of Québec;
29. The availability of non-consensual content, including but not limited to, photos and videos of sexual abuse and sexual assault, including those of minors, on the offending websites is a direct and foreseeable result of those sites' failure to elicit the consent of persons in the photos and videos and to comply with the applicable legal obligations;
30. Until recently, MindGeek had no policies or procedures or seriously inadequate ones that were not enforced, to, among other things, investigate:
- prospective content partners' business practices or reputation;
 - prospective content users practices or reputation;
 - on each video or image before they were published, steps to ensure they were obtained with consent;
 - on allegations of offenses committed by its content partners or users;
31. MindGeek did not employ enough properly trained content moderators to review the footage on the offending websites for acts of sex trafficking, rape or underage persons;
32. The non-consensual content would not have been accessible to the public but for MindGeek's breaches of its duties owed to the Class members to securely and responsibly ensure that images and videos are posted with consent;

- 32.1. MindGeek has never implemented, and still does not have in place, an appropriate system to verify and confirm the consent and age of the people involved in the content hosted on the offending websites;
- 32.2. Before December 2020, anyone could upload, anonymously, content on the offending websites. MindGeek only asked the uploader to click a button or a series of buttons to “confirm” consent and the age of persons involved in the content;
- 32.3. [...];
- 32.4. [...];
- 32.5. [...];
- 32.6. [...];
- 32.6.1. [...];
- 32.6.2. [...];
- 32.6.3. [...];
- 32.7. [...];
- 32.8. Some of the alleged moderation activities took place in Montreal, at MindGeek’s headquarters;
- 32.9. [...];
- 32.10. [...];
- 32.11. Further, MindGeek’s alleged team of moderators was instructed to review videos in bad faith, as appears from an article in the Daily Mail titled “‘Our job was to find weird excuses not to remove them’: Pornhub moderators, who watched 1,200 videos A DAY, reveal lenient guidelines at the site being sued for \$80m for ‘profiting from sex trafficking’” dated December 17, 2020, a former moderator working in Montreal revealed moderators had to meet content quotas to be reviewed each day and that they needed to find excuses to let suspicious content through, which will be produced as **Exhibit P-38**;
- 32.12. Further evidence of the lax moderation practices in relation to content uploaded on Pornhub is described in the news show W5, broadcasted on April 3, 2021, on CTV, which will be produced as **Exhibit P-39**;

- 32.13. An article from the Globe and Mail described further bad faith moderation efforts by MindGeek, based on information provided by former employees of MindGeek:

“MindGeek will not say how many moderators it employs, however. There is a group of employees in Montréal, known as content formatters, who prepare material to go online and also screen user-uploaded videos for inappropriate material. Formatters were told a team in Cyprus first flagged videos that did not meet MindGeek’s terms of service such as material depicting children.

But if the content is not professionally produced, determining the ages of those in user-uploaded videos and whether it’s even consensual is ultimately impossible according to former content formatters interviewed by the Globe, whose tenures spanned from 2012 to 2020.

On a typical day, a formatter could review between 100 and 200 videos. They don’t watch videos from start to finish, but instead click through at various points. The amount of videos employees were expected to review could be overwhelming, and one said formatters had around two minutes with each one. Any extra time spent assessing whether something violated the company’s guidelines created a risk of falling behind.

If they encountered videos that were clearly illegal, the content was quickly removed, formatters said. But difficulties arose if a video fell into a grey area, such as if it looked homemade or when trying to assess if someone is intoxicated, which would violate the terms of service. In cases where a content formatter was uncertain, a senior employee would make the decision.

Two former employees said that more often than not, managers favoured approving the videos, rather than removing them. Sometimes managers would spot a tattoo, and use that as evidence that a person was of legal age and presumably consenting.

Occasionally, employees flagged content so egregious they recommended contacting the police. But two former formatters said they were discouraged by managers from doing so. One was told not to bother, since uploaders are typically anonymous and unlikely to be identifiable.”

as appears from the Globe and Mail’s article “Lifting the veil of secrecy on MindGeek’s online porn empire” dated February 4, 2021, as appears from article, Exhibit P-10;

32.14. [...];

32.15. [...];

32.16. [...];

- 32.17. [...];
- 32.18. [...];
- 32.19. Instead of doing everything in their power to ensure that non-consensual content is not hosted on the offending websites, MindGeek profits from this content by way of advertisement, the sale of user data, premium memberships, etc.;
- 32.20. MindGeek is not diligent in removing non-consensual content. It ignores or delays responding to victims' takedown requests, causing them undue harm;
- 32.21. In instances where MindGeek does act on takedown requests concerning non-consensual content, it only disables the content in question. The page, the title, the tags and the descriptions are still displayed on the offending websites and remain accessible to the visitors to generate traffic and profits for MindGeek, as appears from article, Exhibit P-32;
- 32.22. The removed non-consensual content is not deleted. It is kept on servers and sometimes reuploaded by MindGeek on the offending websites to make it look like the content was uploaded by users;
- 32.23. MindGeek also allowed users to reupload non-consensual content that was removed through the flag system or the Content Removal Request Form;
- 32.24. MindGeek Principals are personally liable for the class members damages as administrators of MindGeek;
- 32.25. MindGeek Principals knowingly oversee and manage MindGeek with a view to maximize revenues and profits, with knowledge or wilful blindness as to compliance with the law or ensuring that non-consensual content is absent or eradicated from the offending websites;
- 32.26. [...];
- 32.27. To the contrary, MindGeek Principals took active steps through the MindGeek corporate network to generate, acquire and diffuse non-consensual content, and profit from it, and to take active steps to shield profits and assets from victims;
- 32.28. MindGeek Principals knew that the offending websites were rife with non-consensual content and that non-consensual content was routinely uploaded, but they knowingly and wilfully failed to take the necessary measures to curtail this content because it would negatively impact revenues and MindGeek's search engine rankings as the largest pornographic website in the world;

- 32.29. MindGeek Principals ensured that content posted on the offending websites be continuously scrutinized to ensure MindGeek's high impressions in search engines to drive traffic to the offending sites to generate revenues. At the same time, they knew that this scrutiny did not extend to ensure that non-consensual content was removed;
- 32.30. MindGeek Principals ensured that reports of non-consensual content were assigned to low-level employees to ensure plausible deniability and to cast blame on others, knowing that these employees routinely allowed non-consensual content to remain on the offending websites;
- 32.31. The sole purpose of MindGeek Principals was to drive maximum traffic to the offending websites to generate revenues and to persist with the monetization of non-consensual conduct for MindGeek's benefit and the benefit of MindGeek Principals, with complete disregard for compliance with the law;
- 32.32. [...];
- 32.33. [...];
- 32.34. [...];
- 32.35. [...];
- 32.36. Moreover, since 2015, the website cybertip.ca, Canada's tipline to report the online sexual exploitation of children, received more than 2,600 reports of CSAM or sexual exploitation regarding MindGeek's offending websites, as appears from the C3P brief submitted to the ETHI on February 18, 2021, which will be produced as **Exhibit P-44**;
- 32.37. [...];
- 32.38. [...];
- 32.39. Indeed, the RCMP never received any direct report of sexual exploitation of minors from MindGeek in the last 10 years, as appears from La Presse article "Dénonciation d'exploitation sexuelle juvénile Pornhub au-dessus des Lois" dated March 10, 2021, which will be produced as **Exhibit P-45**;
- 32.40. MindGeek claimed in the past that it did not need to report cases of CSAM to the RCMP for alleged jurisdictional reasons, as appears from the article, Exhibit P-45;
33. It is a fundamental human right to have control over the dissemination of intimate images and videos of oneself. The right to privacy is internationally recognized in multiple instruments, including article 12 of the *Universal Declaration of Human Rights*, article 17

of the *International Covenant on Civil and Political Rights*, article 16 of the *Convention on the Rights of the Child*, article 8 of the *European Convention on Human Rights*, and article 11 of the *American Convention on Human Rights*;

34. Every province in Canada has similar legislation and rules of law that protects any individual's right to inviolability, dignity and to the protection of his or her privacy, among others;
35. In Québec, articles 3, 10, 35, 36, 37 and 1457 of the *Civil Code of Québec*, articles 1, 4 and 5 of the *Charter of human rights and freedom* and the *Act respecting the protection of personal information in the private sector*, CQLR c. P-39.1 protect the individual's rights to inviolability, to the safeguard of one's dignity, honor and reputation and to respect one's private life;
36. In several common law provinces, legislation has been enacted establishing a statutory cause of action for violation of privacy, which apply to individuals residing in those jurisdictions:
 - British Columbia: *Privacy Act*, RSBC 1996, c. 373;
 - Manitoba: *Privacy Act*, CCSM c. P125;
 - Saskatchewan: *Privacy Act*, RSS 1978, c. P-24;
 - Newfoundland: *Privacy Act*, RSNL 1990, c. P-22;
37. Several provinces have also enacted legislation respecting civil remedies for the non-consensual distribution of intimate images, which apply to individuals residing in those jurisdictions:
 - Manitoba: *Intimate Image Protection Act*, CCSM, c. 187;
 - Alberta: *Protecting Victims of Non-Consensual Distribution of Intimate Images Act*, RSA 2017, c. P-26.9;
 - Saskatchewan: *The Privacy Amendment Act*, 2018, SS 2018, c. 28;
 - Nova Scotia: *Intimate Images and Cyber-protection Act*, SNS 2017, c. 7;
 - Newfoundland: *Intimate Images Protection Act*, RSNL 2018, c. I-22;

38. The court may take judicial notice of the law of other provinces or territories of Canada and of that of a foreign state or require that proof be made of it;
39. In addition, the *Criminal Code*, R.C.S., 1985, c. C-46 and *An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service*, S.C. 2011, c. 4 apply to this case;
40. Among other things, it is an offence contrary to s. 162.1 of the *Criminal Code* to knowingly publish, distribute, transmit, sell or advertises an intimate image of a person knowing that the person did not give their consent, or being reckless as to whether or not that person gave their consent;
41. By its actions and omissions, and in the duties owed to the Class members, MindGeek has breached and violated Class members' rights and is responsible for the damages suffered, such breaches including;
- a) failing to verify the consent and age of the persons depicted on the offending websites;
 - b) failing to prohibit non-verified users to post content before December 2020;
 - c) failing to have effective policies and procedures to avoid the dissemination of non-consensual content on its offending website;
 - d) failing to have an effective takedown system in place by, among other things, failing to remove the non-consensual content from all websites and failing to remove the information associated with such content, once informed;
 - e) failing to effectively and completely takedown images and videos posted on related websites or licensed for use on third party websites;
 - f) failing to take steps to prevent non-consensual content from being re-posted on a particular website and/or from being posted on any of the other websites owned, operated and/or managed by MindGeek or licensed for use on third party websites;
 - g) failing to advise Class members of the existence and availability of technology to prevent non-consensual content from being re-posted on a particular website and/or from being posted on any of the other websites owned, operated and/or managed by MindGeek;
- 41.1. While MindGeek violates the privacy and reputation of the Class members, the MindGeek Principals, MindGeek's representatives and shareholders use a complex web

of shell and sham corporations and even aliases to protect their financial interests and profits derived from non-consensual conduct of Class Members;

41.2. [...];

41.3. The laws and provisions on privacy, inviolability, dignity, honor, and reputation are rules of public order and principles of basic human rights applicable to every person;

41.4. By using MindGeek to violate these rules of public order and principles of human rights, the defendants Feras Antoon and David Tassillo are also personally liable for damages to the class as owner/shareholders of MindGeek and cannot invoke the corporate veil to limit their liability;

E. DAMAGES

42. The circumstances give rise to serious and far-reaching consequences on the Class members' personal lives, the full extent of which has yet to be determined;

42.1. Once content is posted the offending websites sites, it exists permanently on the Internet. There is no way to ensure the content removed from the offending websites will not resurface. The permanent loss of control over intimate images and videos has devastating effects on class members, including, among others but not limited to:

- a. loss of time and money trying to get the non-consensual content removed from the offending websites;
- b. living in a state of constant fear and anxiety that the non-consensual content could resurface at any time;
- c. interference with social, occupational, or educational functioning, including loss of income;
- d. negative effect on interpersonal relationships;
- e. reputational harm;
- f. bullying or harassment;
- g. prolonged and severe psychological harm including depression and PTSD, sometimes requiring lengthy and costly therapy follow-ups;
- h. revictimization and reliving past trauma; and

- i. Suicidal ideation or attempted suicide.
- 42.2. The more people to whom the image is exposed, the greater the invasion of privacy, and the greater the harm caused to the class member is;
43. On behalf of herself and the Class members, the Applicant claims pecuniary and non-pecuniary damages and compensation, with respect to:
- 1. Breach of the *Universal Declaration of Human Rights*, article 17 of the *International Covenant on Civil and Political Rights*, article 16 of the *Convention on the Rights of the Child*, article 8 of the *European Convention on Human Rights*, and article 11 of the *American Convention on Human Rights*;
 - a. Breach of the Charter of Human Rights and Freedoms, CQLR c C-1, art. 1, 4 and 5;
 - b. Breach of the *Privacy Act*, RSBC 1996, c. 373, s. 1(1); breach of the *Privacy Act*, CCSM c. P125, s. 2(1); breach of the *Privacy Act*, RSS 1978, c. P-24, s. 2; breach of the *Privacy Act*, RSNL 1990, c. P-22, s. 3; and breach of the *Civil Code of Quebec* SQ 1991, c. 64 art. 3, 10, and 35-37;
 - c. Breach of the *Intimate Image Protection Act*, CCSM, c. 187, s. 11(1); breach of the *Protecting Victims of Non-Consensual Distribution of Intimate Images Act*, RSA 2017, c. P-26.9, s. 3; breach of the *Privacy Amendment Act*, 2018, SS 2018, c. 28, s. 7.3(1); breach of the *Intimate Images and Cyber-protection Act*, SNS 2017, c. 7, s. 2; and breach of the *Intimate Images Protection Act*, RSNL 2018, c. I-22, s. 4(1);
 - d. Breach and loss of privacy including, but not limited to, the publication of embarrassing or private facts, without consent, publicly placing a person in a false light, and intrusion upon seclusion;
 - e. Breach of copyright and appropriation of likeness;
 - f. Defamation and damage to reputation;
 - g. Negligence; and
 - h. Inducing breach of confidence;
44. On behalf of herself and the Class members, the Applicant also claims aggravated, punitive, and exemplary damages, the particulars of which will be provided prior to trial;

II. FACTS GIVING RISE TO THE APPLICANT'S CLAIM

45. The facts on which the Applicant's personal claim against MindGeek is based, are as follows;
46. The Applicant is an adult female residing in Ontario;
47. As a child, the Applicant was a victim of sexual abuse, some of which was recorded and subsequently published online, including on the offending websites;
48. The Applicant is aware of a video depicting her abuse as a child that was disseminated on Pornhub's website. The video depicts the abuse of the Applicant when she was approximately 12 years old;
49. Indeed, between September and October 2019, she received a private message on her Twitter account from a man she knew, which said something to the effect that she was appearing on a link, which was also contained in the message;
50. The Applicant did not see this message until January of 2020;
51. Once she saw the message, the Applicant clicked on the link which took her to the video hosted on Pornhub;
52. While the videos behind a pay screen are not accessible to non-paying users, the link allows anyone who clicks on it to see the video title, a still image from the video and the comments underneath;
53. On the basis of the image, the Applicant was able to identify herself, and also identify the particular incident of abuse it depicted;
 - 53.1. The comments under the video mentioned that it had been posted before;
 - 53.2. The comments under the video also provided links to other videos of the Applicant and when she clicked on those links, she could each time be able to view a still image from the video and the comments underneath;
 - 53.3. In all these still images, she was between 12-14 years old;
54. Following the events described here above, the Applicant filled out a Content Removal Request Form to request removal of the video provided on the Defendants' website under the contact support section;

- 54.1. The Form asked her to provide her name, email address and to choose a subject from a drop-down list of issues;
- 54.2. Under the drop-down list, the Applicant selected “content removal request” and, under the comment section, she provided the original URL link sent to her, and stated that more videos of her were linked in the comments under that video, which she also wanted removed;
55. All the Applicant received was an automated response, 4-5 business days later and the Defendants have never followed up in any manner with the Applicant afterwards;
- 55.1. Since the discovery of the images on Pornhub, the Applicant has felt as though every aspect of her privacy and dignity have been stripped away;
- 55.2. Knowing that the images were viewed and probably downloaded from Pornhub by thousands of people around the world, and can never be deleted, took a severe mental toll on the Applicant. She lost a sense of safety or ability to trust others;
- 55.3. The Applicant continues to experience shame, disgust, and fear regarding the dissemination of the images by the defendants. She lives in fear of being recognized in the content by family members, friends, coworkers or strangers;
- 55.4. The Applicant made multiple suicide attempts as a result of the mental distress caused by the content posted on Pornhub. The Applicant incurred expenses for therapy as a result of this mental distress;

III. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY EACH CLASS MEMBER

56. The facts giving rise to the personal claim of each Class member against MindGeek are as follows:
- a) Each Class member has, at the relevant time, appeared in non-consensual content disseminated by MindGeek, on one or more offending websites it owns or hosts, directly or indirectly, for streaming and download;
 - b) Each Class member’s rights to inviolability, to the safeguard of dignity, honor and reputation and to respect for one’s private life were violated by MindGeek;
 - c) MindGeek owed duties to the Class members to protect their rights to inviolability, to the safeguard of one’s dignity, honor and reputation and to respect for one’s private life;

- d) MindGeek and the MindGeek Principals who directed the actions of MindGeek breached its duties to the Class members, and took active steps to cause harm to the Class members, all in the in the province of Québec;
- e) All the damages suffered by the Class members are a direct and proximate result of MindGeek's conduct and the breaches of its duties;
- f) In consequence of the foregoing, the Applicant and Class members are justified in claiming the payment of all damages and losses they suffered and continue to suffer due to MindGeek's conduct;
- g) Each Class member was the victim of an unlawful and intentional interference with his fundamental rights, thus giving rise to punitive damages;

IV. COMPOSITION OF THE CLASS

57. The composition of the Class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings, with respect to provision 575 (3) of the *Code of civil procedure*, for the following reasons:

- a) It is expected that there are numerous Class members;
- b) The names and addresses of people who can be part of the Class are unknown to the Applicant;
- c) The facts alleged in the foregoing paragraphs make it difficult, if not impossible, to contact each Class member to obtain a warrant or to proceed by way of joinder;

57.1. Since the filing of the application for authorization on December 29, 2020, until September 10, 2024:

- Eight hundred and eighty-three (883) Canadian individuals contacted the undersigned lawyers, or Sotos LLP in Ontario. These individuals are from Québec, and the rest of Canada;
- Eleven (11) potential Class members from Québec had contacted La Sortie, an organization based in Montréal and designed to help and support victims of sex trafficking, as appears from a letter dated October 19, 2021, from Ronald Lepage, director of La Sortie, which will be produced as **Exhibit P-46**. At the date of this application, two others person had contacted La Sortie;
- One (1) class members testified, orally, before the ETHI;

- 57.2. As mentioned in paragraphs 32.36 of the present application, more than 2,600 reports of CSAM and other non-consensual content were made to cybertip.ca since 2015;
- 57.3. [...];
- 57.4. Other potential class members were also identified in the different articles produced in the section here above;
- 57.5. The number of class members in Canada is far larger than the Class members identified to date. However, it is impossible for the undersigned lawyers to estimate the number of Class members;
58. The class action is the only procedural vehicle that will enable all victims of MindGeek to access justice and get compensation for the harm suffered;
59. It would be impossible, as well as disproportionate, to require each individual member of the Class to institute an individual action, whereas a class action allows an economy of resources by having one judge hear all of the evidence and render a decision binding upon the defendants and all Class members;

V. QUESTIONS

60. The identical, similar, or related questions of law or fact between each member of the Class and MindGeek which the Applicant wishes to have decided by the class action are:
- a) Do the offending websites facilitate the dissemination of non-consensual content?
 - b) Did the defendants breach any of its duties to the Class members?
 - c) Did the defendants violate the Class members' rights to inviolability, to the safeguard of their dignity, honor and reputation and to respect for their private life?
 - d) Did the defendants fail to abide by the rules of conduct incumbent upon it, according to the circumstances, usage, or law, so as not to cause injury to the Class members, thereby causing injuries to the Class members as a result of its fault?
 - e) Are the defendants liable to pay any damages or compensation to the Class members?
 - f) If so, what kind of damages are commonly suffered by the Class members?

- g) May the Court determine a minimum quantum of damage that the Class members suffered in common and/or set parameters for the damages suffered by the Class members, based on the gravity of the defendants' conduct and the consequence thereof?
 - h) Did the defendants unlawfully and intentionally interfere with the fundamental rights of the Class members?
 - i) If so, what is an appropriate amount of punitive damages to which the defendants should be condemned in order to sanction and deter the conduct in question?
 - j) Is it appropriate for punitive damages to be recovered collectively?
61. The questions of law or of fact which are particular to each of the members of the Class are:
- a) Did each Class member appear in non-consensual content published by the defendants, on one or more offending websites it owns or hosts, for streaming and download, that depicts the sexual abuse of children, the sexual assault of non-consenting adults, and/or non-consensual intimate images of adults who have not consented to the public dissemination of such content?
 - b) What is the quantum of the pecuniary and non-pecuniary damages suffered by each of the Class members?

VI. NATURE OF THE ACTION

62. The action that the Applicant wishes to institute for the benefit of the Class members is a class action in civil liability for compensatory and punitive damages against the defendants;

VII. CONCLUSIONS SOUGHT

63. The conclusions sought by the Applicant against the defendants are as follows :

GRANT the Class Action;

CONDEMN the defendants to pay pecuniary and non-pecuniary damages temporarily evaluated at \$500 million, to be enhanced, plus interest at the legal rate as of the date of the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative*, as well as the additional indemnity provided by the law in virtue of article 1619 C.c.Q.;

CONDEMN the defendants to pay punitive damages temporarily evaluated at \$100 million, to be enhanced, plus interest at the legal rate as of the date of the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative*, as well as the additional indemnity provided by the law in virtue of article 1619 C.c.Q.;

DECLARE :

- a) That all Class members are entitled to be compensated for all of their pecuniary damages resulting from the faults of the defendants, including, but without limitation, their loss of income, their loss of earning capacity and their expenses and relevant disbursements;
- b) That all Class members are entitled to be compensated for their non-pecuniary damages resulting from the faults of the defendants, in accordance with parameters to be set by the Court during the trial pertaining to the collective questions;

ORDER collective recovery of the punitive damages claimed herein, and the liquidation of the Class members claims pursuant to articles 595 to 598 C.C.P.;

CONDEMN the defendants to pay the costs incurred for any investigation necessary to establish its liability in this case, including the extrajudicial fees of the lawyers and out-of-court disbursements;

CONDEMN the defendants to pay to Class members the costs of distributing the funds to Class members;

CONDEMN the defendants to any further relief as may be just and proper;

THE WHOLE with the legal costs, including the cost of all exhibits, reports, expertise, and publication of notices;

A) The Applicant requests the status of representative of the Class

64. Applicant, who seeks to obtain the status of representative, is able to adequately represent the Class members, for the following reasons:

- a) That person is a Class member, as she appeared in non-consensual content disseminated by MindGeek, on website(s) it owned or operated, directly or indirectly;

- b) That person has the capacity and interest to fairly and adequately protect and represents the interest of the members;
- c) That person acts in good faith and has instituted this action for the sole goal of having her rights, as well as the rights of other Class members recognized and protected so that they may be compensated for the damages that they have suffered as a consequence of MindGeek's conduct;
- d) That person understands the nature of the action;
- e) That person is available to dedicate the necessary time for an action and to collaborate with Class members; and
- f) That person does not have any conflict of interests with the other Class members on the issues common to the Class members;

B) The Applicant suggests that this class action be exercised before the Superior Court of justice in the district of Montreal

- 65. The Applicant suggests that the class action should be brought before the Superior Court of the district of Montréal because MindGeek has its principal place of business in the judicial district of Montréal;
- 66. The Applicant adds that the Superior Court of Québec, district of Montréal, has competence over the proposed international or national Class;
- 67. The present motion is well-founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present *Re-re-re-amended Application for Authorization to Institute a Class Action and to Obtain the Status of Representative*;

AUTHORIZE the institution of a Class Action;

ASCRIBE the Applicant the status of representative of the persons included in the Class herein described as:

Since 2007, all natural persons in Canada whose intimate videos or photos, (including child sexual abuse material, images of sexual assault and non-consensual intimate images) were posted without their consent on a website owned or operated by the defendants, directly or indirectly;

IDENTIFY the principal questions of fact and law to be dealt collectively as the following:

- a) Do the offending websites facilitate the dissemination of non-consensual content?
- b) Did the defendants breach any of its duties to the Class members?
- c) Did the defendants violate the Class members' rights to inviolability, to the safeguard of their dignity, honor, and reputation and to respect for their private life?
- d) Did the defendants fail to abide by the rules of conduct incumbent upon them, according to the circumstances, usage, or law, so as not to cause injury to the Class members, thereby causing injuries to the Class members as a result of their fault?
- e) Are the defendants liable to pay any damages or compensation to the Class members?
- f) If so, what kind of damages are commonly suffered by the Class members?
- g) May the Court determine a minimum quantum of damage that the Class members suffered in common and/or set parameters for the damages suffered by the Class members, based on the gravity of the defendants' conduct and the consequence thereof?
- h) Did the defendants unlawfully and intentionally interfere with the fundamental rights of the Class members?
- i) If so, what is an appropriate amount of punitive damages to which the defendants should be condemned in order to sanction and deter the conduct in question?
- j) Is it appropriate for punitive damages to be recovered collectively?

IDENTIFY the conclusions sought by the class action to be instituted as being the following:

GRANT the Class Action;

CONDEMN the defendants to pay pecuniary and non-pecuniary damages temporarily evaluated at \$500 million, to be enhanced, plus interest at the legal rate as of the date of the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative*, as well as the additional indemnity provided by the law in virtue of article 1619 C.c.Q.;

CONDEMN the defendants to pay punitive damages temporarily evaluated at \$100 million, to be enhanced, plus interest at the legal rate as of the date of the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative*, as well as the additional indemnity provided by the law in virtue of article 1619 C.c.Q.;

DECLARE :

- a) That all Class members are entitled to be compensated for all of their pecuniary damages resulting from the faults of the defendants, including, but without limitation, their loss of income, their loss of earning capacity and their expenses and relevant disbursements;
- b) That all Class members are entitled to be compensated for their non-pecuniary damages resulting from the faults of the defendants, in accordance with parameters to be set by the Court during the trial pertaining to the collective questions;

ORDER collective recovery of the punitive damages claimed herein, and the liquidation of the Class members claims pursuant to articles 595 to 598 C.C.P.;

CONDEMN the defendants to pay the costs incurred for any investigation necessary to establish its liability in this case, including the extrajudicial fees of the lawyers and out-of-court disbursements;

CONDEMN the defendants to pay to Class members the costs of distributing the funds to Class members;

CONDEMN the defendants to any further relief as may be just and proper;

THE WHOLE with the legal costs, including the cost of all exhibits, reports, expertise, and publication of notices;

DECLARE that all Class members that have not requested their exclusion from the Class in the prescribed delay will be bound by any judgement to be rendered on the Class action to be instituted;

FIX the delay of exclusion at 60 days from the date of the publication of the notice to Class members;

ORDER the publication of a notice to Class members pursuant to article 591 C.C.P.;

PERMIT the use of pseudonyms for the identification of the Applicant and of the Class members in the proceedings, exhibits, and/or all other documents filed into the Court record, in order to protect their identities;

THE WHOLE with costs, including the costs of all publications of notices and expert reports.

Québec, December 12, 2025

Siskinds, Desmeules, Avocats

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De: Todoc.ca <info@todoc.ca>
Envoyé: 12 décembre 2025 12:24
À: Christine Béland
Objet: Objet : 500-06-001115-209 - Confirmation de Notification des documents 'Re-re-re-Amended Application for Authorization to Institute a Class Action and to Obtain the Status of Representative (Sections 571 C.C.P. and following)' par Christine Béland



CONFIRMATION DE NOTIFICATION

Nous confirmons que votre notification du ou des document(s) intitulé(s) '**Re-re-re-Amended Application for Authorization to Institute a Class Action and to Obtain the Status of Representative (Sections 571 C.C.P. and following)**' a été effectuée le 12 décembre 2025, à 12:20 HNE.

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Document(s) notifié(s)

Nom

Re-re-re-Amended Application for Authorization to Institute a Class Action and to Obtain the Status of Representative.pdf

Clé de validation

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Information sur le dossier

Parties au dossier: **Jane Doe c. 9219-1568 Québec inc. & als.**
Cour: Cour supérieure
District: District de Montréal
Numéro de dossier: 500-06-001115-209
Référence interne: 67-256

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