

CANADA

(Class Action)
SUPERIOR COURT

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

NO: 500-06-001225-230

S.N.

Applicant

-vs.-

ROBERT GERALD MILLER

and

FUTURE ELECTRONICS INC.

and

SAM JOSEPH ABRAMS, domiciled and
residing at 6810 chemin Louis-Pasteur, City of
Côte Saint-Luc, Province of Quebec, H4W
3E9

and

RAYMOND POULET, address unknown

and

HELMUT LIPPMANN, domiciled and residing
at 5587 chemin Queen Mary, City of
Hampstead, Province of Quebec, H3X 1W6

Defendants

**THIRD AMENDED APPLICATION TO AUTHORIZE THE
BRINGING OF A CLASS ACTION & TO APPOINT THE
APPLICANT AS REPRESENTATIVE PLAINTIFF
(Art. 574 C.C.P and following)**

TO THE HONOURABLE MR. JUSTICE IMMER, J.S.C., CASE-MANAGEMENT
JUDGE OF THE PRESENT CLASS ACTION, SITTING IN AND FOR THE DISTRICT
OF MONTREAL, YOUR APPLICANT STATES AS FOLLOWS:



I. GENERAL PRESENTATION

A) The Action

1. The Applicant wishes to institute a class action on behalf of the following class, of which she is a member, namely:
 - All persons who, while under the age of 18 years, performed sexual services in exchange for consideration¹ with and/or were victims of sexual exploitation and/or were victims of sexual interference by Robert G. Miller or any other group to be determined by the Court;
2. On February 2, 2023, Radio-Canada's investigative program *Enquête* aired a program called « *Le Système Miller – des jeunes filles, de l'argent, des hôtels* »² and *The Fifth Estate* aired a program called "*The girls around Robert G. Miller*"³. A copy of the written article published by Radio-Canada on February 2, 2023 is produced as if recited at full-length herein as **Exhibit R-1**. An MP4 of the video of the *Enquête* episode is produced as if recited at full-length herein as **Exhibit R-1A**. A copy of the written article published by CBC News on February 2, 2023 is produced as if recited at full-length herein as **Exhibit R-2**. An MP4 of the video of the *Fifth Estate* episode is produced as if recited at full-length herein as **Exhibit R-2A**;
3. As reported by *Enquête* (Exhibit R-1):

« Une dizaine de femmes ont confié leurs histoires à *Enquête*; six d'entre elles affirment avoir eu des relations sexuelles avec Robert Miller lorsqu'elles étaient mineures. Toutes nous ont décrit des expériences semblables impliquant des faveurs sexuelles rémunérées à coups de milliers de dollars, de voyages et de sacs de hockey remplis de cadeaux. Selon nos sources, il s'agissait d'un système bien rodé, dans lequel seraient passées de nombreuses adolescentes et de jeunes femmes entre 1994 et 2006. »
4. Defendant Robert G. Miller denies these allegations. A copy of the article published in the *Montreal Gazette* on February 2, 2023 entitled "Future Electronics founder was investigated for allegedly paying minors for sex, Radio-Canada reports" is produced herein as **Exhibit R-3**;
5. On February 3, 2023, Defendant Robert G. Miller reiterated his denial of the allegations through an internal memo sent to staff stating that he "adamantly and vehemently denies the malicious allegations made against him and confirms that they are false", nevertheless he stepped down as President and CEO of Defendant Future Electronics. The Montreal police investigated the allegations in 2009, but

¹ Money or something else of value.

² Viewable at: <https://www.youtube.com/watch?v=PrKyr5u99MY>.

³ Viewable at: https://www.youtube.com/watch?v=F_LHTA95aj8.



no charges were filed. A copy of the article published in CBC News dated February 3, 2023 entitled “Robert G. Miller steps down as CEO of Future Electronics amid allegations” is produced herein as **Exhibit R-4**. A copy of the article published in the *Montreal Gazette* on February 3, 2023 entitled “Robert Miller steps down as head of Future Electronics amid allegations” is produced herein as **Exhibit R-5**;

6. On February 8, 2023, Defendant Future Electronics terminated its relationship with Defendant Sam Abrams (Executive Vice President at Future Electronics), Defendant Raymond Poulet (*Conseiller Privé de Robert Miller* at Future Electronics), and National Criminal Investigation Service [NCIS] (a private security company):

“Future Electronics would also like to inform you that effective immediately, the individuals identified in recent news reports are no longer employed by Future Electronics. Future Electronics has also ended its relationship with NCIS.”

A copy of the article published by CBC News dated February 8, 2023 entitled “Future Electronics cuts ties with employees named in allegations against Robert G. Miller” is produced herein as **Exhibit R-6**;

7. On February 9, 2023, *Enquête* aired a follow-up program called « *Elles l'appelaient Bob...* »⁴. A copy of the written article published by Radio-Canada on February 9, 2023 entitled « *Affaire Robert Miller: d'autres femmes sortent de l'ombre* » is produced as if recited at full-length herein as **Exhibit R-7**. An MP4 of the video of the *Enquête* episode is produced as if recited at full-length herein as **Exhibit R-7A**;

- 7.1 Since the institution of the present class action, many women have contacted Class Counsel to express that they had been paid (in both money and gifts) for sexual services by Defendant Robert G. Miller while underage between the years 1977–2017. Almost all of these women have signed anonymous declarations detailing their personal experiences, which are produced as if recited at full-length herein:

Madame #	Age of 1 st sexual experience with Defendant Miller	Years of sex with Defendant Miller ⁵	Amount paid for sex by Defendant Miller	Exhibit
1	15 or 16 years old	1998 or 1999 – 1999 or 2000	\$1,500–\$2,500	R-17
2	16 or 17 years old	1996 or 1997 – 1997	\$2,000–\$3,200	R-18
3	17 years old	1996–before 2006	\$1,000–\$2,500	R-19
4	17 years old	2004	\$2,000	R-20

⁴ Viewable at: https://www.youtube.com/watch?v=7VeQdqwX_Pc.

⁵ Defendant Miller also arranged for the following women to have sex in exchange for money with other men (besides himself): Madame 3, Madame 9, Madame 15, Madame 16, Madame 38, and Madame 48.

5	16 years old	2002	\$1,500	R-21
6	16 years old	2000	\$1,000	R-22
7	16 years old	1996–2000 or 2001	\$5,000–\$10,000	R-23
8	16 or 17 years old	1999 or 2000	\$1,000	R-24
9	14 years old	2000–2003	\$1,500	R-25
10	16 years old	1998–2000 or 2001	\$2,500	R-26
11	16 or 17 years old	2001 or 2002 – ?	\$1,500–\$1,500+	R-27
12	17 years old	2001–2003 or 2004	\$1,500	R-28
13	16 years old	2000–2002	\$3,000	R-29
14	17 years old	2001–after 2004	\$1,500–\$	R-30
15	16 years old	2003–2005 or 2006	\$1,500–\$4,000	R-31
16	17 years old	2001–2004	\$1,500	R-32
17	17 years old	1998 or 1999	\$1,000	R-33
18	17 years old	2003–? (once in 2012)	\$1,500 (\$3,000 once in 2012)	R-34
19	16 years old	2000–2002	\$1,000 (\$2,500 once for vacation)	R-35
20	16 years old	2001–2004	\$1,000–\$10,000	R-36
21	16 years old	2001–2002	\$1,000	R-37
22	16 years old	1995	\$1,500	R-38
23	17 years old	1997	\$500–\$2,000	R-39
25	17 years old	1996–2001 or 2002	\$5,000	R-40
26	17 years old	2001	\$2,000	R-41
27	17 years old	1998	\$3,000 or \$4,000	R-42
28	17 years old	1992	\$1,000	R-43
31	17 years old	2005–2017	\$500–\$2,500	R-44
32	17 years old	1996–1999	\$1,500	R-51
33	14 years old	1995–1997	\$1,500–\$3,000	R-52
34	17 years old	2008–2016	\$2,500–\$5,000	R-53
35	17 years old	2000	\$1,000	R-54
36	17 years old	1996–1999 or 2000	\$1,500	R-55
37	17 years old ⁶	2009	\$1,000	R-56
38	16 years old	1997–2007	\$1,000–\$2,500	R-57
40	17 years old	1998–2001	\$?–\$2,500	R-58
41	16 years old	2000–2002 or 2003	\$800–\$1,500	R-59
42	11 years old	1999–2008	\$5,000	R-60

⁶ Oral sex only.



43	17 years old	2000 or 2001 – 2001-2003	\$2,500 (\$10,000 once by mail)	R-61
44	17 years old	1999–2003 or 2004	\$2,500 (the last time was \$1,500)	R-69
45	12 years old	1994–1997 or 1998	\$1,000–\$2,000	R-62
46	12 years old	1977–1982	\$20–\$1,000 (\$10,000 once at the end)	R-63
47	16 years old	2002 or 2003 – 2005 or 2006	\$2,000– \$2,000+or-	R-64
48	17 years old	2004–2009	\$1,500–\$2,500	R-65
49	16 years old	2003	\$1,500	R-66
50	17 years old	2003	\$2,000	R-67
51	16 years old	2003–2008	\$2,500	R-68

7.2 It has also come to light that Defendant Robert G. Miller had been using the alias “Bob Adams” to conceal his real identity from Class Members and had pretended to be living in the United States. In furtherance of this scheme, Defendant Robert G. Miller produced a false business card with the name “Bob Adams” living in Chicago, Illinois and Defendant Raymond Poulet produced a false business card with the name “Sebastien Tremblay” living in Hollywood, California, the whole as appears more fully from a copy of said fake business cards, produced herein as **Exhibit R-45**;

B) The Parties Involved

8. Defendant Robert G. Miller is the founder and was, until recently, the president and CEO of Future Electronics;
9. Defendant Future Electronics Inc. (“Future Electronics”) is a distributor of electronic and electro-mechanical components headquartered in Pointe-Claire, Quebec. It was founded in 1968 by Defendant Robert G. Miller. Future Electronics is one of Quebec’s largest privately-owned companies and is currently the third largest electronics distributor in the world. It operates in 170 locations in 44 countries in the Americas, Europe, Asia, Africa and Oceania. In 2014, its revenues were \$5 billion. A copy of a Forbes article dated March 31, 2014 entitled “Press-Shy Canadian Electronics Billionaire Robert Miller Breaks His Silence” is produced herein as **Exhibit R-8**;
10. Defendant Future Electronics is owned by Alonim Investments Inc., which is in turn owned by Robmilco Holdings Ltd., which is in turn is 100% owned by Defendant Robert G. Miller. Copies of extracts from the *Registraire des entreprises* for Future Electronics, Alonim Investments Inc., and Robmilco Holdings Ltd. are produced herein *en liasse* as **Exhibit R-9**;
11. As reported by *Enquête* (Exhibit R-1):

« Pour mettre en place son système, Robert G. Miller s’est entouré d’un groupe d’hommes payés pour organiser et dissimuler ses activités illégales. Plusieurs avaient un lien direct avec Future Electronics. »

12. It is hereby alleged that Defendant Robert G. Miller involved several Future Electronics employees in the commission of his illicit activities. In fact, these Future Electronics employees took direct instructions from their superior, Robert G. Miller, President and CEO of his privately-held corporation. These employees’ actions occurred within the scope of their employment and their careers were advanced at Future Electronics from their continued loyalty to Defendant Robert G. Miller. Consequently, an employer’s responsibility under art. 1463 C.C.Q. was engaged, which states:

1463. Le commettant est tenu de réparer le préjudice causé par la faute de ses préposés dans l’exécution de leurs fonctions; il conserve, néanmoins, ses recours contre eux.	1463. The principal is bound to make reparation for injury caused by the fault of his subordinates in the performance of their duties; nevertheless, he retains his remedies against them.
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Sam Abrams

13. As reported by *Enquête* (Exhibit R-1):

« Sam Joseph Abrams travaille avec Robert Miller depuis plus de 50 ans. Il a gravi les échelons et occupe maintenant le poste de vice-président exécutif chez Future. Mais, selon nos sources, il semble avoir eu d’autres "tâches connexes" : louer les chambres d’hôtel, approuver la sélection des jeunes filles, organiser les voyages et remettre des enveloppes d’argent supplémentaire à certaines d’entre elles. Les filles l’appelaient Joseph. »

14. Defendant Sam Abrams was the Executive Vice President at Future Electronics until very recently when the company “cut ties with all employees named in an investigation by Radio-Canada's *Enquête* and CBC's *The Fifth Estate*” due to having “allegedly helped co-ordinate Miller’s meetings with the minors” (Exhibit R-6);
15. On July 24, 2016, Defendant Sam Abrams’ 45 years of service at Future Electronics was recognized by its President and CEO, Defendant Robert G. Miller, in a press release, which stated:

“Abrams first joined the company after replying to a newspaper ad for a shipper/receiver, when the company was still relatively new. Over the years, the company has grown to be a worldwide leader in the electronics industry, and Abrams' role has evolved as well, from working in the shipping/receiving department, to being an Executive Vice President.”



The whole as appears more fully from a copy of the Press Release dated July 24, 2016, produced herein as **Exhibit R-10**;

Raymond Poulet

16. As reported by *CBC News* (Exhibit R-9):

“... alleged middleman Raymond Poulet, who reportedly helped recruit the young women, is listed as Miller’s private adviser on LinkedIn.”

A copy of Defendant Raymond Poulet’s LinkedIn page is produced herein as **Exhibit R-11**;

17. As reported by *Enquête* (Exhibit R-1):

« En 1995, un entremetteur, Raymond Poulet, présente à Robert Miller une jeune fille. Jeanne* a 17 ans et elle est en fugue d'un centre jeunesse. Jeanne, aujourd’hui dans la quarantaine, croit avoir été parmi les premières filles à fréquenter Robert Miller.

...

Jeanne n’a pas recouché avec le milliardaire, mais elle est restée dans son orbite en recrutant d’autres jeunes filles. Elle aurait ainsi eu connaissance d’une succession d’adolescentes mineures qui lui ont rendu visite à leur tour, par l’entremise de Raymond Poulet.

...

Lorsqu’elle s’est retrouvée dans la suite de Robert Miller, Samantha*, avait, elle, 15 ans. Après avoir été recrutée par Raymond Poulet, elle accepte d’aller prendre un bain avec le milliardaire.

...

Donna Loupret, ancienne directrice de la sécurité de l’hôtel, se souvient qu’en 1999 et 2000, Robert Miller était un client plus que régulier. Même s’il habitait à 15 minutes de l’hôtel, M. Miller louait deux suites au 25e étage à longueur d’année, sans jamais y passer la nuit : une pour lui-même, l’autre pour Raymond Poulet.

...

« M. Poulet occupait la chambre 2500, dit-elle. Il y amenait les filles et puis il les accompagnait à la chambre de Miller. Lorsqu’elles avaient terminé, elles retournaient à la chambre de Poulet avant de partir »

375 Olivier Street, Westmount, Quebec, H3Z 2C8

18. It was reported by *Enquête* and *The Fifth Estate* that Defendant Robert G. Miller met various females (some of which were under 18 years old) at different hotels in Montreal, including: the InterContinental Hotel, the Four Seasons Hotel, and the Queen Elizabeth Hotel. After that, it is reported that he began to meet the girls at two private residences located at 375 and 380 Olivier Street, in Westmount, Quebec;

19. On May 4, 2004, Defendant Helmut Lippmann (Executive Vice President at Future Electronics) entered into a Deed of Sale, in his personal capacity, to purchase the property located at 375 Olivier Street, in Westmount, Quebec, H3Z 2C8, the whole as appears more fully from a copy of the Deed of Sale, produced herein as **Exhibit R-12**;
20. On November 2, 2005, Defendant Helmut Lippmann (Executive Vice President at Future Electronics) sold the property located at 375 Olivier Street, in Westmount, Quebec, H3Z 2C8, to 4306805 Canada Inc., the whole as appears more fully from a copy of the Deed of Sale, produced herein as **Exhibit R-13**;
21. At the time of the purchase, 4306805 Canada Inc. was represented by Me Samuel Minzberg, who was listed as the company's "Sole Director, Officer and Shareholder" (Exhibit R-12). Me Minzberg is an attorney at the law firm Davies Ward Phillips & Vineberg S.E.N.C.R.L. and it is quite evident that he is not the beneficial owner of 4306805 Canada Inc., but was acting directly or indirectly on behalf of Defendant Robert G. Miller;
22. The current listed sole director, officer and shareholder of 4306805 Canada Inc. is Me Jules Charette, an attorney at Norton Rose Fulbright Canada S.E.N.C.R.L. and it is quite evident that he is also not the beneficial owner of 4306805 Canada Inc., but is acting directly or indirectly on behalf of Defendant Robert G. Miller. A copy of an extract from the *Registraire des entreprises* is attached hereto as **Exhibit R-14**. On March 30, 2023, a *Déclaration de mise à jour annuelle 2022* was filed with the *Registraire des entreprises* and now, the sole director, officer and shareholder of 4306805 Canada Inc. is listed as Defendant Miller, the whole as appears more fully from a copy of an updated extract from the *Registraire des entreprises*, produced herein as **Exhibit R-14A**;
23. From July 29, 2008 until June 7, 2021, 4306805 Canada Inc. listed its address as 237 boul. Hymus, in Pointe-Claire, Quebec, H9R 5C7 – which is the corporate address of Defendant Future Electronics, the whole as appears more fully a copy of an extract from the website opengovca.com, produced herein as **Exhibit R-15**;
24. On March 17, 2016, Defendant Helmut Lippmann's 40 years of service at Future Electronics was recognized by its President and CEO Defendant Robert G. Miller in a press release, which stated:

"Mr. Lippmann started with Future Electronics in July of 1975, as General Manager of the company's Toronto office. Ambitiously working his way up the corporate ladder, he spent many of his early years at Future Electronics working closely with the company's Founder and President, Robert Miller, in developing and growing business relationships with suppliers."

The whole as appears more fully from a copy of the Press Release, produced herein as **Exhibit R-16**;

380 Olivier Street, Westmount, Quebec, H3Z 2C8

24.1 On April 7, 2011, Pierre Guilbault (Executive Vice President at Future Electronics), on behalf of Robert Gerald Miller Holdings Inc., entered into a Deed of Sale, in his capacity as Vice-President, Chief Financial Officer and Treasurer of Future Electronics, to purchase the property located at 380 Olivier Street, in Westmount, Quebec, H3Z 2C9, the whole as appears more fully from a copy of the Deed of Sale, produced herein as **Exhibit R-46**. A copy of Pierre Guilbault's LinkedIn page is produced herein as **Exhibit R-47**;

24.2 At some point prior to May 2005, the owner of the property leased the property to Defendant Helmut Lippmann; however, the manager of the property recalls that the monthly rent cheques were paid for by Defendant Future Electronics, the whole as appears more fully from a copy of the email correspondence between Class Counsel and the former property manager, produced herein as **Exhibit R-48**;

24.3 Defendant Helmut Lippmann used this address (380 Olivier Street, Westmount, Quebec) on his personal letterhead when he leased an apartment for two Class Members located at 11311 avenue Armand-Lavergne, in Montreal, Quebec, the whole as appears more fully from a copy of a notice of the non-renewal of a dwelling letter dated May 17, 2005, produced herein as **Exhibit R-49**;

24.4 On several occasions, Pierre Guilbault, Defendant Helmut Lippmann, and Defendant Sam Abrams were observed entering and leaving 375 and 380 Olivier Street, in Westmount, Quebec:

February 22, 2006

16:10 Helmut Lippmann arrives

16:31 Helmut Lippmann leaves the garage at 380 Olivier

22:15 a female approximate age 25-28 leaves 380 Olivier

22:29 Pierre Guilbault comes out of garage of 380 Olivier

February 24, 2006

17:15 Helmut Lippmann arrives

17:45 Helmut Lippmann leaves the garage at 380 Olivier

19:36 a female approximately 18-20 years old arrives

21:53 the female leaves 380 Olivier

March 22, 2006

16:01 Sam Abrams opens door at 375 Olivier

18:44 Sam Abrams comes out of 380 Olivier

19:00 Sam Abrams leaves the garage at 375 Olivier

22:10 a 26-year-old girl exits 380 Olivier

22:20 a man driving a Lexus registered to Pierre Guilbault exits the garage at 380 Olivier

March 24, 2006



17:15 a man driving a Volvo registered to Helmut Lippmann enters the garage at 375 Olivier

The whole as appears more fully from a report written by private investigator John Westlake, who was hired by Defendant Miller's ex-wife to investigate him in 2006, produced **under seal** as **Exhibit R-50**, as well as, a declaration from its author to prove its authenticity;

25. Given the close ties between (...) the Defendants and considering the preceding, the Defendants are solidarily liable for the acts and omissions of the other;

II. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY THE APPLICANT

26. (...)

27. The Applicant was born in 1978. She met Defendant Robert G. Miller when she was 17 years old. She had ongoing sexual relations with him starting while she was 17 and it lasted until she was 19 years old. In total, the Applicant saw Defendant Robert G. Miller between 7-10 times, at a frequency of 2-3 times per year;

28. In or around early 1996, the Applicant saw an advertisement in a free local newspaper that was looking for accessory models;

29. In response to this advertisement, the Applicant went to a downtown Montreal hotel, where she was brought to a suite with several other girls and food was served. She met with a man (which Applicant now recognizes as Defendant Poulet after having seen his photo at Exhibit R-50 on pages 10a-c) who told her that she had been "chosen". This man took a picture of the Applicant, had her sign a modeling contract, and stated that he would be in touch;

30. Soon after, the Defendant Robert G. Miller, began calling the Applicant on the telephone and they began to speak fairly frequently. Defendant Robert G. Miller told the Applicant that his name was "Bob Adams" and that he was a businessman living in Buffalo, New York, but that he came to Montreal often;

31. The Defendant Robert G. Miller sent another man (which Applicant now recognizes as Defendant Lippmann after having seen his photo at Exhibit R-50 on page 13a) to meet the Applicant to help her rent an apartment in Westmount by providing her with the rent deposit;

32. After this, Defendant Robert G. Miller asked the Applicant to meet him at his hotel. The Applicant thought that there would be other girls there, but it turned out that it was just the two of them;

33. The Applicant spent 2 hours with Defendant Robert G. Miller and they kissed. This event took place in early 1996, when the Applicant was 17 years old;



34. On the second meeting, which was during the beginning half of 1996, while the Applicant was 17 years old, she engaged in sexual relations with Defendant Robert G. Miller. Thereafter, she began a sexual “relationship” with Defendant Robert G. Miller, which continued until 1999;
35. Each time, the Applicant would see Defendant Robert G. Miller for the purposes of engaging in sexual relations, he would give her an envelope with between \$1,000-\$2,000 in cash, one time it was \$3,000;
36. On the last time that the Applicant saw Defendant Robert G. Miller, he gave her a watch and showed her a negative HIV test, which had a different name on it, which was not “Bob Adams” as she had thought him to be. This led the Applicant to become quite concerned and she looked around the hotel room and found a cupboard full of watches;
37. This experience had a serious negative psychological effect on the Applicant. She felt bad about herself and her self-worth, shameful, anxiety, guilty, she was depressed, she self-medicated with drugs and alcohol (substance abuse), and she suffers from post-traumatic stress – though she had never been able to make the connection between these paid sexual encounters and her negative feelings toward herself;
38. She never talked to anyone about what had happened to her and her meetings with Defendant Robert G. Miller, until recently, when a friend of hers told her to watch the episode of *The Fifth Estate*. When she watched this episode, all of the negative feeling came back, and she was re-traumatized;
39. She was never in a state of mind to be able to take action before today. First, she did know Defendant Robert G. Miller’s real name and second, she had too much emotional scarring and repression. Now, she realizes that she was not alone in her experience and wishes to come forward to help others get justice;
40. The Applicant’s damages are a direct and proximate result of the Defendants’ conduct;
41. In consequence of the foregoing, the Applicant is justified in claiming the following as damages:
 - a. Psychological injury in an amount of \$1 million; and
 - b. Punitive damages in the amount of \$1.5 million per person;
42. (...)

III. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY EACH OF THE MEMBERS OF THE GROUP

43. Every member of the Class performed sexual services in exchange for consideration with and/or were victims of sexual exploitation and/or were victims of sexual interference by Robert G. Miller, while under the age of 18 years;

44. Many of the women did not know Defendant Robert G. Millers' true identity as reported by the Montreal Gazette (Exhibit R-3):

“The women who were interviewed said Miller claimed his name was Bob Adams and that he was an American businessman who travelled often to Montreal.”

45. Every member of the Class suffered a traumatic experience, was psychologically scarred, and has been unable to act before now, thereby suspending the prescriptive period in accordance with article 2904 C.C.Q., which states:

2904. La prescription ne court pas contre les personnes qui sont dans l'impossibilité en fait d'agir soit par elles-mêmes, soit en se faisant représenter par d'autres.	2904. Prescription does not run against persons if it is impossible in fact for them to act by themselves or to be represented by others.
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46. Further, every member of the Class would not be able to readily ascertain that their psychological injury was caused by a criminal act and is considered sexual violence in accordance with article 2926.1 C.C.Q., which states:

2926.1. L'action en réparation du préjudice corporel résultant d'un acte pouvant constituer une infraction criminelle se prescrit par 10 ans à compter du jour où la personne victime a connaissance que son préjudice est attribuable à cet acte. Cette action est cependant imprescriptible si le préjudice résulte de la violence subie pendant l'enfance, de la violence sexuelle ou de la violence conjugale. Constitue une violence subie pendant l'enfance au sens du présent article, une thérapie de conversion, telle que définie par l'article 1 de la Loi visant à protéger les personnes contre les thérapies de conversion dispensées pour changer leur orientation sexuelle, leur identité de genre ou leur expression de genre (chapitre P-42.2).	2926.1. An action for damages for bodily injury resulting from an act which could constitute a criminal offence is prescribed by 10 years from the date the person who is a victim becomes aware that the injury suffered is attributable to that act. Nevertheless, such an action cannot be prescribed if the injury results from violent behaviour suffered during childhood, sexual violence or spousal violence. Conversion therapy, as defined by section 1 of the Act to protect persons from conversion therapy provided to change their sexual orientation, gender identity or gender expression (chapter P-42.2), constitutes violent behaviour suffered during childhood within the meaning of this article.
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46.1 Members of the Class have suffered sexual, psychological and physical injuries including sexual dysfunction, depression, anxiety, isolation, fears of intimacy, suicidal ideation, post-traumatic stress and substance abuse;

47. In consequence of the foregoing, each member of the Class is justified in claiming the following as damages:

- a. Psychological injury in an amount to be determined; and
- b. Punitive damages in the amount of \$1.5 million per person;

48. All of these damages to the Class Members are a direct and proximate result of the Defendants' conduct;

IV. CONDITIONS REQUIRED TO INSTITUTE A CLASS ACTION

A) The composition of the Class makes it difficult or impracticable to apply the rules for mandates to sue on behalf of others or for consolidation of proceedings

49. The Applicant cannot possibly know how many persons are in the Class; however, given that the conduct is alleged to have taken place regularly between the years 1977 to 2017 (a 40-year period), it is safe to estimate that the number may be fairly significant, though still modest;

50. Given the context, the Applicant will not be able to know the identities of the other members of the Class, who will hopefully come forward now that this story has received much press. The present class action may also encourage women to come forward and tell their stories in an anonymous forum. Currently, 51 Class Members have contacted Class Counsel; 47 have filed anonymous declarations detailing their experiences;

51. These facts demonstrate that it would be impractical, if not impossible, to contact each and every member of the Class to obtain mandates and to join them together in one action;

52. In these circumstances, a class action is the only appropriate procedure and the only viable means for all of the members of the Class to effectively pursue their respective rights and have access to justice;

B) The claims of the members of the Class raise identical, similar or related issues of law or fact

53. Individual issues, if any, pale by comparison to the common issues that are significant to the outcome of the litigation;

54. The damages sustained by the Class Members flow, in each instance, from a common nucleus of operative facts, namely, the Defendants' misconduct;

55. The claims of the members raise identical, similar or related issues of fact or law, namely:

- a) Did Defendant Robert G. Miller obtain for consideration the sexual services of persons who were under the age of 18 years in contravention of section 286.1 of the Criminal Code?
- b) Did Defendant Robert G. Miller sexually exploit young persons in contravention of section 153 of the Criminal Code?
 - b.1) Did Defendant Robert G. Miller commit sexual interference with a person under the age of 14 years (up until April 30, 2008) or 16 years (from May 1, 2008 onwards) in contravention of section 151 of the Criminal Code?
- c) Did Defendant Robert G. Miller unlawfully interfere with Class Members' dignity, inviolability, and honour in contravention with articles 1 and 4 of the Quebec Charter of Human Rights and Freedoms? If so, was such unlawful interference intentional under article 49 of the Quebec Charter of Human Rights and Freedoms?
- d) Did one or all of the Defendants commit a civil fault under article 1457 C.C.Q.?
- e) Did any of Defendant Future Electronics' subordinates commit any wrongful acts engaging the vicariously liability of its principal in accordance with article 1463 C.C.Q.?
- f) Has prescription been suspended for Class Members due to psychological inability to act or impossibility in fact to act in accordance with article 2904 C.C.Q.?
- g) When, if at all, would prescription begin to run against Class Members in accordance with article 2926.1 C.C.Q.?
- h) Are one or all Defendants liable, whether solidarily or not, to Class Members for compensatory damages and in what amount?
- i) Are one or all Defendants liable, whether solidarily or not, to Class Members for punitive damages and in what amount?

56. The interests of justice favour that this application be granted in accordance with its conclusions;

V. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

57. The action that the Applicant wishes to institute on behalf of the members of the Class is an action in damages;

58. The conclusions that the Applicant wishes to introduce by way of an application to institute proceedings are:

GRANT the class action of the Applicant and each of the members of the Class;

DECLARE the Defendants solidarily liable for the damages suffered by the Applicant and each of the members of the Class;

CONDEMN the Defendants to pay to each member of the Class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay punitive damages to each of the members of the Class, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay interest and additional indemnity on the above sums according to law from the date of service of the application to authorize a class action;

ORDER the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

CONDEMN the Defendants to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

A) The Applicant requests that she be designated as representative of the Class

59. The Applicant is a member of the Class;

60. The Applicant is ready and available to manage and direct the present action in the interest of the members of the Class that she wishes to represent and is determined to lead the present dossier until a final resolution of the matter, the whole for the benefit of the Class, as well as, to dedicate the time necessary for the present action before the Courts and the *Fonds d'aide aux actions collectives*, as the case may be, and to collaborate with her attorneys;

61. The Applicant has the capacity and interest to fairly, properly, and adequately protect and represent the interest of the members of the Class;

62. The Applicant has given the mandate to her attorneys to obtain all relevant information with respect to the present action and intends to keep informed of all developments;

63. The Applicant, with the assistance of her attorneys, is ready and available to dedicate the time necessary for this action and to collaborate with other members of the Class and to keep them informed;
64. The Applicant has given instructions to her attorneys to put information about this class action on their website and to collect the coordinates of those Class Members that wish to be kept informed and participate in any resolution of the present matter, the whole as will be shown at the hearing. Most Class Members that came forward to disclose their stories, confidentially entered their contact information on this website;
65. The Applicant is 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 the Defendants' conduct;
66. The Applicant understands the nature of the action;
67. The Applicant's interests do not conflict with the interests of other Class Members and further, the Applicant has no interest that is antagonistic to those of other members of the Class;
68. The Applicant is prepared to be examined out-of-court on her allegations (as may be authorized by the Court) which she did on November 9, 2023 and to be present for Court hearings, as may be required and necessary;
69. The Applicant has spent time researching this issue on the internet and meeting with her attorneys to prepare this file. In so doing, she is convinced that this issue has affected other woman too;
- B) The Applicant suggests that this class action be exercised before the Superior Court of Justice in the district of Montreal
70. A great number of the members of the Class reside in the judicial district of Montreal and in the appeal district of Montreal;
71. The Appellant's attorneys practice their profession in the judicial district of Montreal;
72. The present application is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present application;

AUTHORIZE the bringing of a class action in the form of an application to institute proceedings in damages;

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

- All persons who, while under the age of 18 years, performed sexual services in exchange for consideration⁷ with and/or were victims of sexual exploitation and/or were victims of sexual interference by Robert G. Miller or any other group to be determined by the Court;

IDENTIFY the principal issues of fact and law to be treated collectively as the following:

- a) Did Defendant Robert G. Miller obtain for consideration the sexual services of persons who were under the age of 18 years in contravention of section 286.1 of the Criminal Code?
- b) Did Defendant Robert G. Miller sexually exploit young persons in contravention of section 153 of the Criminal Code?
 - b.1) Did Defendant Robert G. Miller commit sexual interference with a person under the age of 14 years (up until April 30, 2008) or 16 years (from May 1, 2008 onwards) in contravention of section 151 of the Criminal Code?
- c) Did Defendant Robert G. Miller unlawfully interfere with Class Members' dignity, inviolability, and honour in contravention with articles 1 and 4 of the Quebec Charter of Human Rights and Freedoms? If so, was such unlawful interference intentional under article 49 of the Quebec Charter of Human Rights and Freedoms?
- d) Did one or all of the Defendants commit a civil fault under article 1457 C.C.Q.?
- e) Did any of Defendant Future Electronics' subordinates commit any wrongful acts engaging the vicariously liability of its principal in accordance with article 1463 C.C.Q.?
- f) Has prescription been suspended for Class Members due to psychological inability to act or impossibility in fact to act in accordance with article 2904 C.C.Q.?
- g) When, if at all, would prescription begin to run against Class Members in accordance with article 2926.1 C.C.Q.?
- h) Are one or all Defendants liable, whether solidarily or not, to Class Members for compensatory damages and in what amount?
- i) Are one or all Defendants liable, whether solidarily or not, to Class Members for punitive damages and in what amount?

⁷ Money or something else of value.



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

GRANT the class action of the Applicant and each of the members of the Class;

DECLARE the Defendants solidarily liable for the damages suffered by the Applicant and each of the members of the Class;

CONDEMN the Defendants to pay to each member of the Class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay punitive damages to each of the members of the Class, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay interest and additional indemnity on the above sums according to law from the date of service of the application to authorize a class action;

ORDER the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

CONDEMN the Defendants to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

DECLARE that all members of the Class that have not requested their exclusion, be bound by any judgment to be rendered on the class action to be instituted in the manner provided for by the law;

FIX the delay of exclusion at thirty (30) days from the date of the publication of the notice to the Class Members, date upon which the members of the Class that have not exercised their means of exclusion will be bound by any judgment to be rendered herein;

ORDER the publication of a notice to the members of the group in accordance with article 579 C.C.P. within sixty (60) days from the judgment to be rendered herein in La Presse, the Montreal Gazette, Le Journal de Montréal, Le Journal de Québec, Le Soleil, Le Devoir, the National Post, and the Globe and Mail;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

THE WHOLE with costs, including all publication and dissemination fees.

Montreal, December 4, 2023



CONSUMER LAW GROUP INC.

Per: Me Jeff Orenstein

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(Class Action)
SUPERIOR COURT
DISTRICT OF MONTREAL

S.N.

Applicant

-vs.-

ROBERT GERALD MILLER *et al.*

Defendants

**THIRD AMENDED APPLICATION TO AUTHORIZE
THE BRINGING OF A CLASS ACTION & TO
APPOINT THE APPLICANT AS
REPRESENTATIVE PLAINTIFF
(Art. 574 C.C.P and following)**

ORIGINAL

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