

CANADA

SUPERIOR COURT

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
N° :

ENGLISH MONTREAL SCHOOL BOARD, domiciled at 6000 Fielding Avenue, in the city and district of Montreal, Province of Quebec, H3X 1T4

and

MUBEENAH MUGHAL, domiciled at [...]

and

PIETRO MERCURI, domiciled at [...]

Applicants

v.

PROCUREURE GÉNÉRALE DU QUÉBEC, having a place of business at 1 Notre-Dame Street East, suite 8.01, in the city and district of Montreal, Province of Quebec, H2Y 1B6

Respondent

APPLICATION FOR JUDICIAL REVIEW AND FOR DECLARATORY JUDGMENT, AND NOTICE OF CONSTITUTIONAL QUESTION
(articles 49, 76, 141, 142 and 529(1) CCP)

IN SUPPORT OF THIS APPLICATION, THE APPLICANTS STATE AS FOLLOWS:

I. INTRODUCTION

1. An *Act respecting the laicity of the State*, SQ 2019, c 12 (“Laicity Act”) impacts the education sector in Quebec, in particular English-language education, over which the English Montreal School Board (“EMSB”) has exclusive power of management and control in its territory.
2. The Laicity Act’s ban on religious symbols rewrites how teachers, particularly female teachers, in Quebec’s English public education system can embody and express their religious identities.
3. The Applicants maintain that the Laicity Act’s ban on religious symbols impermissibly infringes minority language educational rights protected at s. 23 of the *Canadian Charter of Rights and Freedoms*, being Part I of *The Constitution Act, 1982*, Schedule B to the *Canada Act 1982 (UK), 1982, c 11* (“Charter”) because it constitutes an illegitimate constraint on the right to management and control of English-language school boards in Quebec, regulates the cultural setting of English-language education, and interferes with the cultural concerns of Quebec’s English-speaking community.
4. The Applicants further maintain that the Laicity Act’s ban on religious symbols impermissibly infringes the sex equality guarantee at s. 28 of the Charter. Indeed, the Laicity Act specifically targets and has a disproportionate effect on women, specifically Muslim women wearing the hijab, thereby preventing women from exercising their ss. 2, 15 and 23 Charter rights on an equal footing with men.
5. Neither s. 23 nor s. 28 of the Charter are subject to the notwithstanding clause.
6. For these reasons, the provisions of the Laicity Act which ban religious symbols must be declared of no force or effect.

II. THE APPLICANTS

A. The EMSB

7. The EMSB is an English-language school board established in 1998 pursuant to s. 111 of the *Education Act*, CQLR c I-13.3 (“Education Act”).
8. The EMSB’s territory encompasses the municipalities of Montreal-West, Hampstead, Côte-Saint-Luc, Mount-Royal, Westmount and Montreal-East, as well as the following boroughs of the City of Montreal: Ahuntsic-Cartierville, Outremont, Villeray-St-Michel-Parc-Extension, Le Plateau Mont-Royal, Ville-Marie, Rosemont-La Petite-Patrie, Mercier-Hochelaga-Maisonneuve, Saint-Leonard, Anjou, Montreal North, Rivière-des-Prairies-Pointe-aux-Trembles, Côte-des-Neiges-Notre-Dame-de-Grâce, Saint-Laurent, and Le Sud-Ouest.

9. With a youth and adult sector population of approximately 42,000 students in 75 schools and centres, the EMSB is the largest English-language school board in Quebec.

10. English-language schools in Quebec are community hubs for the English-speaking community, which ensure the transmission and preservation of the community's culture and heritage, while enhancing its vitality (*Solski (Tutor of) v Quebec (Attorney General)*, 2005 SCC 14 at para 3).

11. The EMSB is administered by a Council of commissioners pursuant to s. 143 of the Education Act, composed of a chairperson and ten commissioners elected pursuant to the *Act respecting school board elections*, CQLR c E-2.3, as well as four commissioners representing the Parents' Committee established pursuant to s. 189 of the Education Act.

12. Pursuant to s. 23 of the Charter, citizens of Canada who have (1) received their primary school instruction in Canada in English or (2) of whom any child has received or is receiving primary or secondary school instruction in English in Canada, have the right to have all their children receive primary and secondary school instruction in English out of public funds in Quebec.

13. As elected representatives of citizens who have the right to have their children receive instruction in English on the EMSB's territory, the Council of commissioners exercises their right to management and control under both the Education Act and s. 23 of the Charter.

B. The Applicant Mubeenah Mughal

14. Ms. Mughal was elected Parent Commissioner of the EMSB in October 2018.

15. Ms. Mughal previously held several roles on the EMSB's Advisory Committee on Special Education Services and on the EMSB's Parents' Committee.

16. Ms. Mughal received her elementary instruction in English at the William H. Walsh School in Ville Saint Laurent and then at St. Charles Elementary School in Pierrefonds.

17. As a Canadian citizen who received her primary instruction in English in Canada, Ms. Mughal has the constitutional right under s. 23 of the *Charter* to send her children to English-language schools in Quebec.

18. Mr. Mughal holds a certificate of eligibility for English-language education under s. 73 of the *Charter of the French Language*, CQLR c C-11.

19. All three of Ms. Mughal's children currently attend the EMSB schools, two in elementary school and one in secondary school.

20. Ms. Mughal is a practicing Muslim.

C. The Applicant Pietro Mercuri

21. Mr. Mercuri was elected Parent Commissioner of the EMSB in October 2018.
22. He previously had several roles on the EMSB's Parents' Committee, including as Chairman of the EMSB Parents' Committee from 2012 to 2016.
23. Mr. Mercuri received his primary instruction in English at Resurrection of Our Lord, at the time an English elementary school in Lachine.
24. As a Canadian citizen who received his primary instruction in English in Canada, Mr. Mercuri has the constitutional right under s. 23 of the Charter to send his children to English language schools in Quebec.
25. Mr. Mercuri holds a certificate of eligibility for English-language education under s. 73 of the Charter of the French Language, CQLR c C-11.
26. One of Mr. Mercuri's children currently attends Vincent Massey Collegiate, an EMSB secondary school.

III. OVERVIEW OF THE LAICITY ACT AND ITS APPLICATION TO THE EMSB

27. The Laicity Act applies to school boards established under the Education Act (Laicity Act, s. 3 and Schedule I (7)).
28. The act prohibits "principals, vice principals, and teachers of educational institutions under the jurisdiction of [such school boards]" from "wearing religious symbols in the exercise of their functions" (Laicity Act, s. 6 and Schedule II (10)).
29. Religious symbols include any object either worn in connection with religion or reasonably considered as referring to a religious affiliation (Laicity Act, s. 6).
30. The Act also bans face coverings for school board staff and commissioners in the exercise of their functions (Laicity Act, s. 7 and 8, Schedule I (7) and Schedule III (4)).
31. In terms of enforcement, the Minister of Education may jointly with the Minister responsible for the Laicity Act "verify" school board "compliance" with the act (Laicity Act, s. 12).
32. Further, "[i]t is incumbent on the person exercising the highest administrative authority ... over [school boards and their key actors] to take the necessary measures to ensure compliance" with laicity, though the function may be delegated to another person within the organization (Laicity Act, s. 13).
33. In the event of non-compliance, persons wearing religious symbols or covering their faces are subject to disciplinary and other measures (Laicity Act, s. 13).
34. Any collective agreement provision "that is incompatible with the provisions of [the Laicity Act] is absolutely null" (Laicity Act, s. 16).
35. The Laicity Act forbids any accommodation or other derogation or adaptation in connection with the prohibition on wearing religious symbols or the

obligations relating to services with one's face uncovered, except those provided for in the Act (Laicity Act, s. 14).

36. The Laicity Act also includes transitional provisions, which provide that the ban on religious symbols "does not apply" to persons referred to as "principals, vice principals, and teachers of educational institutions under the jurisdiction of school boards established under the *Education Act*" on March 27, 2019. However, this immunity lasts only "for as long as they exercise the same function within the same school board" (Laicity Act, s. 31(5) and Schedule II (10)).

37. More than 88% of EMSB teachers in preschool and primary levels are women. More than 67% of EMSB teachers at the secondary level are women.

38. At least three qualified female teachers who wear the hijab and who had been interviewed by the EMSB prior to the tabling of Bill 21 are not working as teachers at EMSB schools because of the religious symbol ban contained in the Laicity Act. These teachers met EMSB's needs and requirements and would be currently occupying teaching positions in EMSB schools did not they wear a hijab.

39. There is currently a teacher shortage in Quebec that negatively affects the EMSB and the community it serves.

40. Not only is the EMSB restricted in its hiring of qualified personnel because of the Laicity Act, but – because of the very limited scope of the Laicity Act's grandfather clause (s. 31(5)) – the EMSB is also restricted in promoting teachers to principal and vice principal positions, which are typically hard to fill.

IV. THE LAICITY ACT VIOLATES S. 23 OF THE CHARTER

A. Section 23 of the Charter restricts the Province's discretion to regulate minority language education

41. The purpose of s. 23 of the Charter is to preserve and promote the language and culture of French-speaking communities outside Quebec and English-speaking communities within Quebec (*Mahé v Alberta*, [1990] 1 SCR 342 at 362).

42. In order for s. 23's remedial purpose to be respected, representatives of the minority language group must have "exclusive control over all of the aspects of minority education which pertain to linguistic and cultural concerns" (*Mahé v Alberta*, [1990] 1 SCR 342 at 377).

43. Specifically, they must have "exclusive authority to make decisions relating to the minority language instruction and facilities, including:

- (a) expenditures of funds provided for such instruction and facilities;
- (b) appointment and direction of those responsible for the administration of such instruction and facilities;
- (c) establishment of programs of instruction;

(d) *recruitment and assignment of teachers and other personnel;*
and

(e) making of agreements for education and services for minority language pupils” (*Mahé v Alberta*, [1990] 1 SCR 342 at 377 (our emphasis)).

44. The Province can regulate the minority school board's powers but only within the parameters of s. 23. This means that the constraints it places on minority school boards' powers must be “legitimate” and in no way can the Province “interfere” with the “linguistic and cultural concerns of the minority” (*Arsenault-Cameron v Prince Edward Island*, 2000 SCC 1 at paras 57-58). Section 23 rights holders “must have control” over “those aspects of education which pertain to or have an effect upon their language and culture” (*Mahé v Alberta*, [1990] 1 SCR 342 at 375).

B. The Laicity Act constitutes an illegitimate constraint on English-language school boards' power of management and control

45. Pursuant to s. 23, the Province can only fix “legitimate parameters” to the exercise of the right of management by an English-language school board in Quebec. Examples of such legitimate parameters are regulations in areas such as school size, facilities, and transportation, which impose “objective [...] norms and guidelines”, i.e. apolitical, administrative regulations (*Arsenault-Cameron v Prince Edward Island*, 2000 SCC 1 at paras 54 and 58).

46. The Laicity Act severely restricts the ability of persons with the sincerely held religious belief that they must wear certain symbols from doing so, infringing ss. 2(a) and (b) of the Charter. Further, they are contrary to s. 15 as they have a disproportionate impact on women and historically disadvantaged religious minorities in Quebec. Moreover, these infringements cannot be justified in a free and democratic society under s. 1 of the Charter.

47. By violating fundamental rights, the Laicity Act falls clearly beyond the scope of *legitimate* provincial regulation of minority language education.

48. Moreover, this illegitimate regulation negatively impacts English-language school boards' power of management and control and the remedial purpose it serves.

49. Indeed, the Laicity Act forces English-language school boards to adopt exclusionary policies and participate in Charter violations, fractioning rather than enhancing the vitality of the English-speaking community.

50. It also restricts English-language school boards in their recruitment and assignment of teachers in a time of teacher shortage.

C. The Laicity Act regulates the cultural setting of English-language education and interferes with the cultural concerns of Quebec's English-speaking community

51. Religious symbols worn by teachers form part of the cultural setting of education.

52. The Laicity Act itself states that its motivation is the dissemination of particular cultural values—i.e., laicity—through the regulation of how public actors and institutions appear. Its Preamble anchors State laicity in Quebec’s “distinct social values” and “specific history”.

53. The Laicity Act regulates the cultural setting of English-language education, over which representatives of s. 23 rightsholders must have exclusive control.

54. Moreover, the imposition of a particular form of secularism on English-speaking schools interferes with the cultural concerns of the English-speaking community in Quebec. Pursuant to s. 23, it is the cultural priorities of the minority community—not the Province—that govern (*Arsenault-Cameron v Prince Edward Island*, 2000 SCC 1 at para 55).

55. The culture sought to be protected by s. 23 is not a stagnant and historical culture, but rather, the culture the minority language community chooses for itself. Minority language communities have autonomy, not only over their existing culture, but over their “cultural development” (*Arsenault-Cameron v Prince Edward Island*, 2000 SCC 1 at para 62).

56. Section 23 must be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canada, pursuant to s. 27 of the Charter.

57. It follows that the Laicity Act is precisely the kind of regulatory intervention prohibited by s. 23 of the Charter.

D. The infringement of s. 23 is not justified under s. 1 of the Charter

58. The infringements of s. 23 caused by the Laicity Act are not justified under s. 1 of the Charter.

59. The demonstration that a Charter infringement is justified under s.1 falls on the Government.

V. THE LAICITY ACT VIOLATES S. 28 OF THE CHARTER

A. Section 28 guarantees Charter rights and freedoms equally to men and women

60. Section 28 of the Charter provides:

Rights guaranteed equally to both sexes

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Égalité de garantie des droits pour les deux sexes

28. Indépendamment des autres dispositions de la présente charte, les droits et libertés qui y sont mentionnés sont garantis également aux personnes des deux sexes.

61. Section 28 requires that Charter rights be equally protected for women and men.

62. Section 28—like s. 23—falls outside the scope of the notwithstanding clause in s. 33 of the Charter. Section 33 insulates legislation “notwithstanding” section 2 or sections 7 to 15 of the Charter. In contrast, s. 28 guarantees Charter sex equality “[n]otwithstanding *anything* in this Charter”, i.e. notwithstanding the notwithstanding clause itself.

63. Section 28 enshrines a gender equality component within Charter rights and freedoms and immunizes it from the application of the notwithstanding clause.

B. The Laicity Act prevents women from exercising their right to freedom of religion and expression under ss. 2(a) and (b) of the Charter on an equal footing with men and is therefore inconsistent with s. 28

64. One of the explicit objectives of the Laicity Act is to impose a particular version of gender equality, one which requires specific constraints on women’s freedom of religion and freedom of expression, as compared to men’s.

65. This objective is evidenced by the Preamble to the Laicity Act, which references the “importance” that Quebec society attaches to the “equality of women and men”.

66. Moreover, while framed in ostensibly neutral language, the Laicity Act’s broad obligation to have one’s “face uncovered” in performing certain functions applies specifically to Muslim women wearing face veils.

67. That the Laicity Act specifically targets women’s choices is reflected in public statements. As early as 2017, the Coalition avenir Québec (“CAQ”) formally undertook to table a bill that would be faithful to the following principle, as appears from the extract of the CAQ website entitled “Neutralité religieuse: la CAQ abrogera la Loi 62 et fera adopter une véritable Charte de la Laïcité” dated 18 October 2017, **Exhibit P-1**:

Tout membre du personnel de l'État ne pourra porter un tchador, un niqab ou une burqa dans l'exercice de leurs fonctions, puisqu'ils sont des symboles de soumission et d'asservissement qui vont à l'encontre du droit à l'égalité entre les femmes et les hommes.

68. Shortly before Bill 21 was tabled, the Minister of the Status of Women of the current Government insisted that the Muslim headscarf was a "symbol of oppression", as appears from a copy of a news article published on the CBC News website entitled "Muslim head scarf a symbol of oppression, insists Quebec's minister for status of women" dated 6 February, 2019, **Exhibit P-2**.

69. During the consultations and public hearings on Bill 21, Minister Simon Jolin-Barrette stated that equality between men and women was one of the main objectives of the act, confirming that it specifically targets religious symbols worn by women, as appears from an extract of parliamentary debates on 7 May 2019, **Exhibit P-3**:

[C]'est un choix tout aussi important de la société québécoise que l'égalité entre les femmes et les hommes, et c'est pour ça notamment qu'on utilise les dispositions de dérogation, pour dire que ça revient aux élus de définir les rapports entre l'État et les religions et non pas aux tribunaux.

70. In other words, the Laicity Act was not passed on a pretense of sex neutrality; to the contrary, one of its specific goals is to rid certain spheres of religious signs worn by (primarily Muslim) women, as a means of securing the Province's own vision of women's equality.

71. The Laicity Act also has a disproportionate effect on women, in particular on female Muslim teachers who wear the hijab.

72. In Quebec, 88% of the teaching body at the preschool and primary levels are women, and women make up 61% of the teaching body at the secondary level, as appears from extracts of statistics concerning the employment of preschool, primary and secondary teachers from the Emploi Québec website, **Exhibit P-4**.

73. Furthermore, there are nearly two and a half times as many Muslims in Quebec as Jews and Sikhs together, as appears from an extract of the last National Household Survey (2011), **Exhibit P-5**, and approximately 53% of Muslim women in Canada wear religious symbols, as appears from the Environics Institute report "Survey of Muslims in Canada 2016" dated April 2016, **Exhibit P-6**.

74. Given the definition of religious symbols enshrined in the Laicity Act, within Quebec's Muslim population, it is generally only women who are affected by the ban. Minister Jolin-Barrette reinforced the disparate gender impact of the act, by stating that facial hair—considered a religious symbol by certain Muslim, Jewish

and Sikh men— were not targeted by the act, as appears from an extract of the parliamentary debates on 13 June 2019, **Exhibit P-7**.

C. The Laicity Act constitutes discrimination based on gender under s. 15 of the Charter and is therefore inconsistent with s. 28

75. The Laicity Act also infringes women's s. 15 rights, as it creates a disadvantage by perpetuating prejudice or stereotyping.

76. As discussed above, the numerous declarations of the CAQ, in particular in the context of the public hearings on Bill 21, indicate that the Government is seeking to ban religious symbols worn by Muslim women in certain spheres because it believes that such symbols “subjugate” women and are contrary to gender equality.

77. No consideration is given to women’s agency and autonomy and the range of reasons Muslim women may wear religious symbols.

78. Furthermore, by limiting employment opportunities for Muslim women, the Laicity Act exacerbates the socio-economic insecurity Muslim women already face as a group in Quebec.

79. The practical effect of the Laicity Act is that educated Muslim women are restricted in their professional opportunities.

D. The Laicity Act promotes gender bias in the English-language education system protected by s. 23 and is therefore inconsistent with s. 28

80. Not only are female teachers unable to exercise their freedom of religion and expression and right to equality on an equal footing with men as a result of the Laicity Act, but their rights are diminished in the eyes of students and their families.

81. Female parents, in turn, who see their value diminished by in an English-language education system that is forced to promote gender bias, cannot exercise their s. 23 rights on an equal footing with men.

E. The infringements of s. 28 are not justified under s. 1 of the Charter

82. Infringements of s. 28 can never be justified under s. 1. This is because, whereas s. 1 makes the Charter’s rights subject to “reasonable limits”, s. 28 provides that sex equality is guaranteed “[n]otwithstanding anything in this Charter”, i.e., notwithstanding even s. 1.

83. In any event, the infringements of s. 28 caused by the Laicity Act are not justified under s. 1 of the Charter.

84. The demonstration that a Charter infringement is justified under s.1 falls on the Government.

WHEREFORE, MAY IT PLEASE THE COURT TO:

DECLARE that ss. 4, 6, 7, 8, 9, 10, 13, 14 and 16 of the Laicity Act impermissibly violate ss. 2(a) and (b) and 15 of the Charter;

AND DECLARE that ss. 4, 6, 7, 8, 9, 10, 13, 14 and 16 impermissibly violate s. 23 of the Charter and are therefore of no force or effect pursuant to s. 52 of the *The Constitution Act, 1982*, Schedule B to the Canada Act 1982 (UK), 1982, c 11;

OR IN THE ALTERNATIVE DECLARE that ss. 4, 6, 7, 8, 9, 10, 13, 14 and 16 of the Laicity Act impermissibly violate s. 23 of the Charter and are therefore of no force or effect with respect to English-language school boards in Quebec pursuant to s. 52 of the *The Constitution Act, 1982*, Schedule B to the Canada Act 1982 (UK), 1982, c 11;

OR IN THE ALTERNATIVE DECLARE that ss. 4, 6, 7, 8, 9, 10, 13, 14 and 16 of the Laicity Act impermissibly violate s. 23 of the Charter and of no force or effect with respect to the EMSB pursuant to s. 52 of the *The Constitution Act, 1982*, Schedule B to the Canada Act 1982 (UK), 1982, c 11;

AND DECLARE that ss. 4, 6, 7, 8, 9, 10, 13, 14 and 16 of the Laicity Act impermissibly violate s. 28 of the Charter and are therefore invalid and of no force or effect pursuant to s. 52 of the *The Constitution Act, 1982*, Schedule B to the Canada Act 1982 (UK), 1982, c 11.

THE WHOLE with costs.

Montreal, this 21st day of October
2019

Power Law

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SUMMONS
(articles 145 and following C.C.P.)

Filing of a judicial application

Take notice that the plaintiff has filed this originating application in the office of the Superior Court of Quebec in the judicial district of Montreal.

Defendant's answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montreal situated at 1, Notre-Dame Street East, Montreal within 15 days of service of the application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff.

Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of answer

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code, cooperate with the plaintiff in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Change of judicial district

You may ask the court to refer the originating application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the plaintiff.

If the application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating application.

Transfer of application to Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Calling to a case management conference

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted.

Exhibits supporting the application

In support of the originating application, the plaintiff intends to use the following exhibits:

- P-1:** Extract of the CAQ website entitled "Neutralité religieuse: la CAQ abrogera la Loi 62 et fera adopter une véritable Charte de la Laïcité" dated 18 October, 2017
- P-2:** News article published on the CBC News website entitled "Muslim head scarf a symbol of oppression, insists Quebec's minister for status of women" dated 6 February, 2019
- P-3:** Extract of parliamentary debates on 7 May, 2019
- P-4:** Extracts of statistics concerning the employment of preschool, primary and secondary teachers from the Emploi Québec website
- P-5:** Extract of the 2011 National Household Survey
- P-6:** Environics Institute report entitled "Survey of Muslims in Canada 2016" dated April 2016
- P-7:** Extract of the parliamentary debates on 13 June 2019

These exhibits are available on request.

Notice of presentation of an application

If the application is an application in the course of a proceeding or an application under Book III, V, excepting an application in family matters mentioned in article 409, or VI of the Code, the establishment of a case protocol is not required; however, the application must be accompanied by a notice stating the date and time it is to be presented.

SUPERIOR COURT

(Civil Division)

**PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL**

NO :

ENGLISH-MONTREAL SCHOOL BOARD

and

MUBEENAH MUGHAL

and

PIETRO MERCURI

Applicants

v

PROCUREURE GÉNÉRALE DU QUÉBEC

Respondent

**Application for Judicial Review and for
Declaratory Judgment, and Notice of
Constitutional Question (art. 49, 76, 141,
142 and 529(1) CCP)**

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