



Without prejudice  
Sans préjudice

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Montreal, December 9, 2024

**BY EMAIL:**

The Honourable Chief Justice Geoffrey B. Morawetz  
Chief Justice of the Superior Court of Justice

Re: Court File No. CV-19-615862-00CL  
Court File No. CV-19-616077-00CL  
Court File No. CV-19-616779-00CL

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Dear Honourable Chief Justice Morawetz,

I am writing to you in response to the two motion records received yesterday evening, seeking purportedly urgent injunctive relief against my law firm and notifying my law firm as well as myself, personally, of a hearing scheduled for this afternoon at 4:00 pm via Zoom.

For context, there was a public webpage on the Actis Law Group website titled “Canadian Tobacco Class Action Settlement Representation” that was offering legal representation to the public. The webpage included a button where individuals could “join” if they wished to seek representation in this matter. Importantly, clicking on this button did not create any legal relationship between Actis Law Group and any person that expressed interest for this purpose.

Only a small number of individuals did express interest, which generated email submissions directed to Actis Law Group and an automated response. However, there has not yet been any follow up actions taken. Moreover, it does not appear that any eligible persons have communicated with us as they do not fit the strict criteria. Lastly, this was simply an embryonic and exploratory campaign to see whether legal representation was wanted for a complex case such as this one.

From past experience, many Class Members do wish to have legal representation in the context of settlements, especially when navigating complex eligibility requirements, which are often difficult to manage independently. This is one reason that traditionally, there is a very low take-up rate (i.e. approximately 5%), which is why legal assistance was offered to the public in the first place. There is nothing unusual within the class action community about offering legal representation in settlement contexts.

On the evening of Thursday, December 5, 2024, I received an email from Me Boivin at Kugler Kandestin demanding the removal of the webpage and demanding all related documents within a 3.5-hour business day deadline. While this delay was simply too short to be met, I did write back within the timeframe agreeing to have the webpage taken down in the spirit of camaraderie and good faith, and that I could aim to do so by Monday, December 9, 2024, if not earlier and would confirm same.

The webpage was taken down yesterday evening and so, the communication and offer of legal representation is no longer available to the public by Actis Law Group in connection with the Canadian Tobacco Class Action Settlement and the same has been confirmed.

The purpose of this letter is to clarify that there is no urgency that justifies holding an emergency hearing today. We have not had a chance to review the materials that were served yesterday evening while I was having supper. More importantly, these materials were unnecessary as I had already agreed last Friday to remove the webpage and this has already been completed. Additionally, there is no list of individuals that contacted Actis Law Group as we do not yet have the infrastructure to compile one. While it does not seem that any potential Class Members have contacted us, and so the matter is moot, any information that would potentially have been provided would have been done under a promise of confidentiality and nondisclosure.

Further, we have just now received 2 factums with authorities and do not have the time to review these and respond accordingly.

We believe that there has been no wrongdoing here and assert that there was no intention to cause anybody any harm. This situation has been greatly exaggerated in this respect and the allegations of breaches of the *Code of Professional Conduct of Lawyers*, CQLR c B-1, r 3.1 are without merit – instead it is entirely ethical to communicate to the public, through a website, by means of statements, photographs, images or videos (art. 17).

There is no reason why Class Members cannot choose to be represented here as much so as in most any other case, where this is routinely done, and nothing particular or distinct that would merit depriving individuals of their right to seek counsel of their choice and help with their legal issues, whatever they are and for whatever purpose.

The injunctive relief being sought have either: (i) already been complied with, (ii) do not exist or are not capable of being met, (iii) persons have the right to counsel of their choice in any case, though none have retained us, and (iv) there is no urgency that justifies an emergency hearing or justifies depriving my law firm of the necessary time to take a position, to prepare, to review and properly respond to the materials.

It appears that my response to Me Boivin has been overlooked. Their failure to acknowledge my acquiescence, where possible, to their demands coupled with the lack of time provided for preparation or review of these materials, is not only discourteous, but also overly aggressive, unreasonable, unjustified and abusive, both procedurally and substantively.

We respectfully request that the hearing in this matter be postponed for the following reasons: (i) we have already complied where possible with the demands, (ii) the motion should be dismissed as being moot, and (iii) the unreasonable deadline would otherwise deprive us of our right to prepare and make appropriate representations to the Court.

We remain, Mr. Chief Justice, yours very truly,

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