

NON-LEGAL & UNOFFICIAL TRANSLATION FROM FRENCH

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF SAINT-MAURICE

S U P E R I O R C O U R T
(Civil Chambers)

No:

**QUÉBEC ANIMAL LAW COMMUNITY -
DAQ**, legal person whose headquarters are
located at 2070, Bruxelles Street, Montréal,
Québec, H1L 5Z7

Plaintiff

-vs-

FESTIVAL WESTERN DE ST-TITE INC.,
legal person whose headquarters are located
at 107-581, Saint-Paul Street, St-Tite,
Québec, G0X 3H0

Defendant

**ORIGINATING DEMAND TO INSTITUTE PROCEEDINGS TO OBTAIN A
PERMANENT INJUNCTION
(Articles 100 and 509 of the C.C.P.)**

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT FOR THE
DISTRICT OF SAINT-MAURICE, THE PLAINTIFF STATES THE FOLLOWING:**

I. INTRODUCTION

1. In 2015, the Québec Legislator granted a new judicial status for animals, by adopting the *Animal Welfare and Safety Act*¹ (“AWS Act”) and article 898.1 of the *Civil Code of Québec*. The law no longer legally considers animal as goods or objects, but rather as sentient beings with biological needs.
2. The owner or custodian of an animal must ensure that the animal’s welfare and safety are not compromised. An animal’s welfare or safety is presumed to be compromised if the animal does not receive care that is consistent with its biological needs. Such care includes but is not limited to ensuring that the animal is not subjected to abuse or mistreatment that may affect its health. Furthermore, the AWS Act states that a person cannot cause an animal to be in distress.

¹ C.S.Q. c. B-3

3. The Plaintiff, Québec Animal Law Community – DAQ (“DAQ”), alleges that certain rodeo activities organised by the Defendant constitute mistreatment that can affect the health of calves and steers, thus compromising their welfare and safety. DAQ also alleges that these activities subject animals to conditions that cause them to suffer acute pain and extreme anxiety or suffering, thereby causing these animals to be in distress.
4. The Plaintiff respectfully requests this Court to declare that:
 - a) Tie-down roping of calves with a lasso constitutes mistreatment that can affect their health and compromise their welfare and safety;
 - b) Steer wrestling constitutes mistreatment that can affect their health and compromise their welfare and safety;
 - c) Tie-down roping of calves causes them to be in distress because they are subjected to conditions that cause them to suffer acute pain and extreme anxiety or suffering;
 - d) Steer wrestling causes them to be in distress because they are subjected to conditions that cause them to suffer acute pain and extreme anxiety or suffering;
5. Consequently, the Plaintiff requests that the Court issue a permanent injunction to prohibit tie-down roping of calves and steer wrestling in the rodeos held at the St-Tite Western Festival.

II. THE PARTIES

The Plaintiff

6. DAQ is a registered charity in Québec, established as a non-profit legal person on August 3rd, 2017, as appears from the summary of the Company Registry filed as **Exhibit P-1**.
7. DAQ's mission is to promote animal rights and ethics in Québec. This mission can be subdivided into three objectives:
 - a) Development of Animal Law
Ensure proper application and enforcement of existing statutes in order to ensure animals' protection, welfare, safety and health, by offering supervision and consultation services for its members;
 - b) Collective Responsibility

Educate and inform the public, non-profit organizations and institutions that work with animals as to the collective responsibility imposed by Québec's Legislator stemming from the new legal status of animals in Québec, the ethical and legal issues notably related to the agricultural sector and scientific research, and the conditions of captive animals who are being used for entertainment or for their fur;

c) Education

Promote education to develop animal laws, thus allowing proper identification of the biological needs of animals and best practices to prevent their mistreatment, abuse, bodily harm, pain, anxiety and suffering. DAQ also offers courses and clinical teaching to university students and articling students in order to foster the legal and ethical skills required to become animal rights lawyers in Québec;

as appears from DAQ's webpage entitled: "About Us", filed as **Exhibit P-2**.

8. Contrary to other organizations concerned by animals' welfare, DAQ is neither a shelter nor a sanctuary. It does not offer adoption services, healthcare, rehabilitation or housing for animals.

The Defendant

9. The St-Tite Western Festival ("The Festival") is a non-profit organization that organises and presents festivals, a variety of amusement and entertainment, as appears from a summary of the Company Registry consulted on March 31st, 2022, filed as **Exhibit P-3**.
10. In particular, the Festival's mission is to promote professional rodeos, as appears from their website's page entitled "Who Are We?" (consulted on March 1st, 2022, filed as **Exhibit P-4**).
11. The Festival is sanctioned by the International Professional Rodeo Association (IPRA) as appears from the Festival's webpage entitled: "Animal Welfare-Educational Programs", consulted on March 1st, 2022, filed as **Exhibit P-5**.
12. The 2022 edition of the Festival will be held between September 9 and 18, 2022.

III. SUMMARY OF FACTS

Rodeos involving Calves and Steers

13. The Defendant describes the sequence of events for its tie-down roping of calves with a lasso as follows:
 - "Calves are given a head start out of the chute;

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- If the cowboy or his mount leave the chute early and break the fence, a 10-second penalty is added to their time;
- Once out of the chute, the cowboy throws his loop as soon as possible to catch the animal's head;
- He must then dismount, throw the calf to the ground and tie any three legs together;
- Time stops only once the rider is back on his mount and the tie holds for 5 seconds.
- [...]
- Calves weigh in average 120 Kg (250 lbs.);
- [...]"

the whole as appears from the Defendant's webpage entitled: "Events" consulted on March 1st, 2022, filed as **Exhibit P-6**.

14. The Defendant describes the sequence of events for its steer wrestling as follows:

- "Steer get a head start out of the chute;
- If the cowboy or his mount leave the chute early and break the fence, a 10-second penalty is added to their time;
- Once out of the chute, the cowboy dismounts while catching the bull's horns;
- He must then bring the steer down on its side as quickly as possible, with the head and 4 legs pointing in the same direction;
- Time stops when the animal is in the right position.
- [...]
- Steer weighs in average 240 Kg (500 lbs.);
- The wrestler is assisted by a hazer, who guides the steer in a straight line;
- [...]"

the whole as appears from **Exhibit P-6**.

15. Every year, the Defendant presents both of these activities as part of the rodeos organized for public entertainment.

16. These events involve about 40 calves and 40 steers annually, as appears from an excerpt from the Defendant's webpage entitled: "Animal Welfare-Our Animals" dated March 1st, 2022, filed as **Exhibit P-7**.

The Defendant's Responsibility

17. The Defendant acts as a custodian of these animals during the Festival and is responsible for their welfare.
18. To this end, the Defendant hires "more than fifty employees and volunteers who are responsible for the care, transport, handling and well-being of the animals during the festival, while also ensuring the quality of the enclosure (where competitions are held) to provide a safe environment [our translation²]" as appears from Exhibit P-5.
19. They notably hire a team of veterinarians to perform "mandatory veterinary examinations of the animals that perform in the rodeo [our translation³]" .Hired by the Defendant, these veterinarians are responsible to "oversee the welfare of all animals on site [our translation⁴]", as appears from Exhibit P-5.
20. The Defendant qualifies itself as "*avant-gardiste*" and presents itself as proactive to ensure the welfare of the "animal athletes" [our translation⁵]" . They also state that they follow strict protocols relating to animal welfare. Concerning steer wrestling and tie-down of calves, the Defendant guarantees a visual check of overall skin/coat for any wounds, lameness or abnormality as well as a visual check of animal care: water, food and litter. The Defendant adds that the animals are checked and fed every day by a handler and any abnormalities observed by this person are reported to the veterinarians", as appears from Exhibits P-5 and P-7.
21. These activities compromise the welfare and safety of the calves, as they systematically subject them to abuse or mistreatment that can affect their health, as is clearly described hereafter. Furthermore, these activities cause acute pain to these animals and cause them to be in distress. This is revealed by the videos shot at the Ste-Tite Western Festival submitted to a veterinary expert for analysis.

The Videos

² Unofficial translator's note: this quote does not exist on the English webpage.

³ Unofficial translator's note: this quote does not exist on the English webpage.

⁴ Unofficial translator's note: this quote does not exist on the English webpage.

⁵ Unofficial translator's note: this quote does not exist on the English webpage.

22. On May 23, 2017, Mr. Alain Roy, Full Professor and jurist at the Faculty of Law at the University of Montréal, served an Application for a Safeguard Order, an Interlocutory and Permanent Injunction with respect to the Festival in addition to the Society for the Celebration of Montréal's 375th Anniversary in order to prohibit certain activities that were part of an urban rodeo organised for the celebrations of the City's 375th anniversary.
23. On June 16, 2017, the Superior Court of Montréal certified a transaction between the parties, which ended the law suit. This transaction entailed that the Festival would offer Professor Roy and his representatives "free unlimited access to all of its rodeo locations", as part of the 2017 edition of the Festival. The objective was to allow Professor Roy to make his own observations concerning the welfare and safety of the animals, as appears from a copy of the transaction and the minutes of the Court's decision, filed jointly as **Exhibit P-8**.
24. During the months of August and September 2017, in the course of 20 rodeos organised by the Festival, Professor Roy's representatives shot more than 135 hours' worth of various activities.
25. The transaction also provided that Professor Roy and the Festival would request the Ministry of Agriculture, Fisheries and Food of Québec ("MAFFQ") to create an advisory board that would "identify the different protocols for the welfare and safety of animals that apply to rodeo activities taking place in the province of Québec, to evaluate its scope and sufficiency, taking into account the applicable laws, in order to make relevant recommendations to the MAFFQ to ensure the safety and welfare of animal beings ('the Committee')".
26. The MAFFQ is responsible for the administration of the AWS Act. It is also the author of the *Guide d'application de la Loi BÉSA* (Guide for the Application of the AWS Act), a copy of which is filed served as **Exhibit P-9**.
27. Professor Roy asked Mr. John-Nicolas Morello, lawyer, founder and president of DAQ, to sit on the Committee in an individual capacity and participate in its work, which he did and still continues to this day. Representatives for the Defendant also sit on this Committee.
28. Pursuant to the transaction certified by Superior Court, the Committee was to publish a report of its work a year after its creation.
29. Although the MAFFQ was not a party to the litigation or to the P-8 transaction, it subsequently agreed to participate in the creation and work of the Committee subject to the signing of a confidentiality agreement by all its members. Consequently, although the Committee was indeed formed as a result of the transaction, any future report will remain confidential.

30. In 2020, the Defendant posted videos shot in 2019 on its website. Members of DAQ made a copy of these videos as they were posted. They are filed as **Exhibit P-10**.
31. In 2021, two members of DAQ went to the Festival and shot videos of certain activities on location. These hours of film concerning the tie-down of calves and steer wrestling are filed as **Exhibit P-11**.
32. In 2021, DAQ examined the videos shot by Professor Roy's representatives during the 2017 Festival. All 6 hours shot concerning the tie-down of calves and steer wrestling are filed as **Exhibit P-12**.

IV. THE ACTIVITIES COMPROMISE THE WELFARE AND SAFETY OF THE CALVES AND STEERS

33. The Plaintiff mandated a veterinary expert Dr Geoffroy Autenne to determine whether the tie-down of calves and steer wrestling compromises their welfare and safety.
34. Dr Autenne reviewed the scientific literature on the subject. He also studied the videos of the tie-down of calves and steer wrestling filmed at the Festival in 2017 (P-12), 2019 (P-10) and 2021 (P-11). Finally, his observations and conclusions were confirmed in December 2021 when he visited a rodeo in Richton, Mississippi, which is part of the International Professional Rodeo Association. Dr Autenne's report is filed as **Exhibit P-13**.
35. In his report, Dr Autenne explains that animals' capacity to experience emotions involves two aspects: the perception of pain and the sensory conscience of emotions, as appears from Exhibit P-13. Calves and steers are able to perceive aversive experiences, including pain, by way of sensory, emotional and cognitive characteristics.
36. The tie-down of calves and steer wrestling compromise these animals' health. Such is the unequivocal conclusion of Dr Autenne which reads as follows:

“Independent of the measures taken to ensure animal well-being in the conditions of accommodation and transport, the calf-roping and steer-wrestling events within the framework of the rodeo cause systematic damage to their health through:

- Treatment in which the animals are systematically exposed to methods of restraint and violent handling (throwing to the ground by cervical twisting, restraint by strangulation with a lasso) which are particularly stressful and lead to a state of animal distress.

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- Systematic exposure to acute pain that leads to a state of suffering defined by the aversive awareness of pain given the cognitive capacities of cattle [our translation⁶],

the whole as appears from Dr Geoffroy Autenne's report, P-13.

37. Dr Autenne concludes that these activities expose the calves and steers to a succession of sequences that "certainly and systematically" compromise their health by:

"1. Being placed into a situation of behavioral distress involving:

- a. The separation of the steer from its conspecifics (other steer).
- b. Restraint in a cage in an environment that does not allow it to express the normal behaviors associated with its species.
- c. Immobilization by hyper rotation of the neck around its axis.
- d. Absence of possibility of escape from the stressful event, preventing any control of the situation by the animal.

2. Practices causing acute pain related to strangulation which, together with an environmental context of stress described previously, propels the animal towards a state of suffering [our translation⁷],

the whole as appears from the report P-13 on pages 9-10 and 25-26.

38. He notes that these activities cause the calves and steers significant injuries to the tissues of the hindneck, eye injuries and respiratory distress.

39. Dr Autenne also insists that cattle only slightly manifest pain, even if the pain is intense and in the presence of outward signs of injuries.

40. The videos allowed DAQ to document that the vast majority of calves and steers were used multiple times between September 9 and 17, 2017, up to 5 times for each animal.

41. According to Dr Autenne, using the same cattle multiple times exacerbates the mistreatment to which they are subjected.

42. These activities clearly constitute mistreatment that can compromise the health of the calves and steers. They do not receive the care that is consistent with their biological needs.

⁶ Unofficial translator's note: this quote is translated from French report.

⁷ Unofficial translator's note: this quote is translated from French report.

43. As the custodian of these calves and steers, the Defendant fails to meet its obligation to ensure their welfare and safety. Furthermore, by its actions, the Defendant places the calves and steers in a state of distress because they are subjected to acute pain and to conditions that cause extreme anxiety or suffering.
44. These rodeo activities are repeated in the same manner every year. Without this Court's intervention, calves and steers that will participate in future festivals will be subjected to the abuse or mistreatment given the inherent nature of these activities.
45. Granting a permanent injunction prohibiting the Defendant from organising these activities will prevent calves and steers from being subjected to this abuse or mistreatment in breach of the law.

V. THE LEGAL STANDING OF THE PLAINTIFF TO INSTITUTE PROCEEDINGS

46. Legislation in Québec now acknowledges that animals are sentient beings with biological needs. The AWS Act prohibits compromising their welfare and safety.
47. This new legal status is of public order and notably aims to ensure:
 - a) the protection of animals;
 - b) the individual responsibility of owners and custodians to protect animals under their care; and
 - c) the collective and societal responsibility to protect animals.
48. The AWS Act's preamble also states that "the human species has an individual and collective responsibility to ensure animal welfare and safety". It is in the public interest that public policy rules adopted by the legislator are respected.
49. The AWS Act's preamble insists that it is essential for the State "to intervene in order to establish an effective legal and administrative regime to ensure animal welfare and safety". It is in the public interest that the legislator's public order stipulations be respected.
50. DAQ has developed an expertise in animal rights in Québec. DAQ has a continued and genuine interest concerning the ethical and legal questions concerning animals, including the application of laws and raising public awareness about the welfare and safety of animals. DAQ promotes public education to prevent the mistreatment, abuse, bodily harm, pain, anxiety and suffering of animals.
51. DAQ organises numerous conferences both for the general public and for jurists. It supervises internships for the Law Society of Québec, participates in accredited clinical activities offered by Faculties of law and oversees many volunteer student researchers, studying in law and cognitive science. DAQ publishes guides, reports

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and information capsules. DAQ conducts fundamental research on national, international and comparative law, specifically in regard to animal welfare and safety.

52. One of DAQ's missions is to defend animals' welfare and safety in Québec on the legal front. This includes the institution of legal proceedings to ensure their welfare and safety.
53. Calves and steers under the care of the Defendant suffer on physical, physiological and behavioral levels which compromises their welfare and safety. The treatment they are subjected to violate the legal protection that Québec's legislator grants them.
54. Despite being the custodian of the calves and steers during the festival, the Defendant fails to meet its duty to ensure their welfare and safety.
55. Considering the failure of these animals' owners and custodians to ensure their welfare, DAQ has the necessary legal standing to ensure that the legislation put in place to protect their welfare and safety is respected.
56. The Defendant's failure to meet its legal obligations to protect the welfare and safety of calves and steers during the rodeos it organises must cease.
57. The legality of these activities with respect to the new legal protection granted to animals is a serious justiciable issue that can properly be resolved by a permanent injunction. DAQ, as a defender of animals' rights has a genuine interest in seeking this injunction. Not only has DAQ obtained and analysed the evidence collected by Professor Roy, but it has also paid the costs of an expert report required for the Court to grant the required injunction.
58. This present lawsuit is a reasonable and effective means to have the legality of these activities examined by the Court. This lawsuit is specific and well documented. The expert's report which specifically deals with the matter is filed in support of this lawsuit. Furthermore, the issue is a matter of importance as the Defendant continues to organise these activities involving a host of cattle every year.
59. This Court's intervention is necessary in order for the tie-down of calves and steer wrestling to be declared to constitute mistreatment that compromises the welfare and safety of animals which causes them distress. This Court's intervention is also necessary in order to obtain an injunction that prohibits the Defendant from organising these activities.

FOR THESE REASONS, the Defendant requests this Court to:

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GRANT this present motion for a permanent injunction;

DECLARE that:

- a) Tie-down roping of calves with a lasso is a mistreatment or abuse that can affect their health and compromise their welfare and safety;
- b) Steer wrestling constitutes a mistreatment or abuse that can affect their health and compromise their welfare and safety;
- c) Tie-down roping of calves causes them to be in state of distress because they are subjected to conditions that cause them to suffer acute pain and extreme anxiety and suffering;
- d) Steer wrestling causes them to be in a state of distress because they are subjected to conditions that cause them to suffer acute pain and extreme anxiety and suffering;

GRANT a permanent injunction ordering Festival Western de St-Tite Inc. to:

PROHIBIT tie-down roping of calves with a lasso;

PROHIBIT steer wrestling;

ORDER Festival Western de St-Tite Inc. to comply with the present order;

ORDER Festival Western de St-Tite Inc. to inform their directors, officers, agents, employees, volunteers and representatives of this order without delay, and require that they immediately comply;

ALLOW the Plaintiff, by any means including email - if required - to serve this order outside of legal hours, including on public holidays, without a copy of the original copy, to exhibit the original copy and enter its endorsement on the backsheet and **ALLOW** such service by leaving a copy with a reasonable person, and if need be, by leaving a copy under the door, in a mailbox or by attaching it to the door;

ORDER the provisional execution of the judgement to be rendered, notwithstanding appeal;

THE WHOLE with costs.

Montréal, May 17, 2022

(signed) Trudel Johnston & L'espérance

TRUDEL JOHNSTON & LESPÉRANCE

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SUMMONS

Filing of a judicial application

Take notice that the Plaintiff has filed this originating application in the office of the Superior Court in the judicial district of Saint-Maurice.

Exhibits supporting the application

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

- Exhibit P-1: Summary of the Company Registry for Québec Animal Law Community – DAQ;
- Exhibit P-2: Webpage from DAQ’s website entitled “About Us”;
- Exhibit P-3: Summary of the Company Registry for St-Tite Western Festival;
- Exhibit P-4: Excerpt from the Festival’s webpage consulted on March 1st, 2022, entitled “Who are we?”;
- Exhibit P-5: Excerpt from the Festival’s webpage consulted on March 1st, 2022, entitled “Animal welfare-Educational programs”;
- Exhibit P-6: Excerpt from the Festival’s webpage consulted on March 1st, 2022, entitled “Events”;
- Exhibit P-7: Excerpt from the Festival’s webpage consulted on March 1st, 2022, entitled “Animal welfare-Our animals”;
- Exhibit P-8: Copy of the transaction and the minutes of the Court’s decision in file n° 500-17-098815-171;
- Exhibit P-10: Videos shot during the tie-down of calves and steer wrestling during the Saint-Tite Western Festival’s 2019 edition broadcasted by the Defendant;
- Exhibit P-11: Videos shot by members of DAQ during the St-Tite Western Festival’s 2021 edition;
- Exhibit P-12: Videos shot by Professor Roy’s representative during the St-Tite Western Festival’s 2017 edition;
- Exhibit P-13: Expert report by Dr Geoffroy Autenne signed on December 20, 2021;

Defendant’s answer

You must answer the application in writing, personally or through a lawyer, at the Courthouse in Shawinigan situated at 212, 6^e rue de la Pointe, within 15 days of service of this 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 this summons. However, in family matters or if you have no domicile, residence or establishment in Québec, it must be filed within 3 months after service; or
- 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.

Where to file the judicial application

Unless otherwise provided, the judicial application is heard in the judicial district where your domicile is located, or failing that, where your residence or the domicile you elected or agreed to with the Plaintiff is located. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the court.

However, if the application pertains to an employment, consumer or insurance contract or to the exercise of a hypothecary right on the immovable serving as your main residence, it is heard in the district where the employee's, consumer's or insured's domicile or residence is located, whether that person is the Plaintiff or the Defendant, in the district where the immovable is located or, in the case of property insurance, in the district where the loss occurred. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the special clerk of that district and no contrary agreement may be urged against you.

Transfer of application to the Small Claims Division

If you qualify to act as a Plaintiff under the rules governing the recovery of small claims, you may 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.

Convening 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 that, the protocol is presumed to be accepted.

Montréal, May 17, 2022

(signed) Trudel Johnston & L'espérance

TRUDEL JOHNSTON & LESPÉRANCE

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