

**SUPERIOR COURT  
(Class Action Division)**

**CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL**

**N°.: 500-06-001369-251**

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**ANNE ROBILLARD**

Applicant

v.

**META PLATFORMS, INC.**

Defendant

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**MOTION FOR LEAVE TO ADDUCE RELEVANT EVIDENCE  
AND TO EXAMINE THE APPLICANT  
(Article 574 of the *Code of Civil Procedure*)**

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**TO THE HONOURABLE MARTIN F. SHEEHAN, J.C.S., SPECIAL CASE MANAGEMENT  
JUDGE IN THE PRESENT PROCEEDING, THE DEFENDANT SUBMITS THE FOLLOWING:**

**I. INTRODUCTION**

1. The Defendant, Meta Platforms, Inc. (hereinafter “**Meta**”), seeks the Court’s permission to file the relevant evidence described below on which it intends to rely in order to contest the Modified Application for authorization to institute a class action dated May 30, 2025 (hereinafter the “**Modified Application**”).
2. At the authorization hearing, Meta notably intends to establish that the courts of Québec do not have jurisdiction over the proposed class action and that the Applicant’s main causes of action are based on an impermissible extra-territorial application of the *Copyright Act*. Meta also intends to argue, subsidiarily, that the criteria set out in article 575 of the *Code of Civil Procedure* (“**CCP**”) are not met.
3. This Motion does not constitute a recognition of the jurisdiction of the courts of Québec, which remains contested.

## II. THE PROPOSED CLASS ACTION

4. The Applicant, Anne Robillard, alleges that she is a member of the following class and seeks authorization to institute a class action against Meta on its behalf:

Toute personne au Québec titulaire du droit d'auteur sur une œuvre littéraire ou dramatique que la défenderesse Meta Platforms, Inc. a reproduite sans autorisation dans le cadre du développement ou de la formation de grands modèles de langage (en anglais, « large language models »)

5. The Applicant alleges that Meta trained and developed certain AI tools using unauthorized copies of literary or dramatic works over which the class members hold copyright. More specifically, the Modified Application refers mainly to allegations that Meta downloaded allegedly copyrighted material from the online libraries Books3, Library Genesis and Z-Library, and used this material to train its Llama models: Llama 1, Llama 2, Llama 3, Llama 4, as well as One LLM (collectively the “Meta models”).
6. The Applicant is claiming compensatory damages and the restitution of profits or statutory damages in the amount of \$20,000 per work. The Applicant is also claiming punitive damages as well as an injunctive relief ordering Meta to cease all distribution of any AI tools that have been trained using the works of group members and to destroy all copies of these works in its possession.

## III. THE ESSENTIAL NATURE OF THE EVIDENCE TO BE ADDUCED BY META

7. Meta seeks this Court's permission to file the following relevant evidence:
- Screenshots from Anne Robillard's Facebook page and Instagram page, *en liasse*, as **Exhibit MT-1**;
  - The Affidavit of Michael Duffey, as **Exhibit MT-2**;
  - Facebook Terms of Service, as **Exhibit MT-3**;
  - Instagram Terms of Service, as **Exhibit MT-4**;
  - Meta Commercial Terms, as **Exhibit MT-5**;
  - Meta Products page, as **Exhibit MT-6**;
  - The Affidavit of Sandra Lemieux, as **Exhibit MT-7**; and
  - The Affidavit of James Beldock, as **Exhibit MT-8**.
8. This evidence is intended to show that courts of Québec do not have jurisdiction over the proposed class action and that the *Copyright Act* is not applicable as the alleged acts occurred outside of Canada. Subsidiarily, the evidence is essential to assist the Court in assessing the

Applicant's claims in light of the criteria set out in article 575 of the CCP and to determine whether the group definition proposed by the Applicant is appropriate.

(a) Screenshots from Anne Robillard's Facebook and Instagram pages (MT-1), affidavit of Michael Duffey (MT-2) and applicable terms and conditions (MT-3 to MT-6)

9. Meta intends to file Exhibit MT-1, which shows that the Applicant operates a Facebook page and Instagram page, both social media platforms offered by Meta, where she promotes her work commercially.
10. Meta also intends to file Facebook and Instagram terms and conditions (Exhibits MT-3 to MT-6). This evidence is required in order to allow Meta to demonstrate that the Applicant expressly and explicitly agreed to submit all disputes, including the present matter, to courts in the Northern District of California or State Courts in the county of San Mateo (section 5 of document titled "Meta Commercial Terms").
11. Pursuant to these exhibits, and article 3148 of the *Civil Code of Québec*, Meta intends to demonstrate that the courts of Québec have no jurisdiction over the present matter given that the Applicant agreed to submit this dispute to a foreign jurisdiction.

(b) Affidavit of Sandra Lemieux (Exhibit MT-7)

12. As appears from the Modified Application, the Applicant seeks to institute the proposed class action on behalf of Québec residents who hold copyright over literary or dramatic works that would allegedly have been used by Meta, without the copyright holder's authorization, in order to train AI tools. The Applicant alleges that she is a member of this proposed group (para. 1 of the Modified Application).
13. In support of this allegation, the Applicant refers to a list of books filed as Exhibit P-1. The Applicant alleges that she holds the copyright over all her work found in P-1 (at para. 17 of the Modified Application).
14. This affidavit provides a picture of the cover page and first page of the latest edition of each book listed at Exhibit P-1, showing that the listed copyright holder is not the Applicant.
15. The affidavit of Sandra Lemieux is relevant and essential as it will allow Meta to demonstrate that the Applicant is not a member of the class she seeks to represent and is therefore not in a position to properly represent the proposed class members pursuant to article 575(4) of the CPC. The affidavit will also allow the Defendant to contest the scope of the proposed class.

(c) Affidavit of James Beldock (Exhibit MT-8)

16. Meta seeks to adduce the Affidavit of James Beldock, filed in support hereof as Exhibit MT-8. This affidavit is essential to contest the jurisdiction of this Court and demonstrate that the Modified Application relies on an impermissible extraterritorial application of the *Copyright Act*.
17. The affidavit of James Beldock confirms that Meta is a US-based company without any offices in Canada, that none of the downloading of the datasets that were used to train the Meta

models described in the Amended motion occurred in Canada and that none of the training on those datasets occurred on Canadian servers.

18. This affidavit demonstrates that the Meta models are trained by extracting from textual materials statistical and pattern information about word distributions, associations of words, syntax patterns and similar information from a large number of downloaded datasets and providing that extracted information to the Meta models so that they can learn from and use it to respond to user inputs. Meta models store the statistical and pattern information, not the datasets they are trained on. This affidavit is necessary to complete the allegations of the Modified Application and provide additional context that is relevant to the Modified Application. The Court is entitled to an accurate account of the facts relating to the Defendant and its activities.
19. The Affidavit of James Beldock is therefore essential to assist this Court in its assessment of whether the criteria set out in article 575 of the CCP are met. Based on this evidence, Meta intends to demonstrate that the facts alleged in the Modified Application do not justify the conclusion sought pursuant to article 575(2) of the CCP.

#### **IV. WRITTEN EXAMINATION OF THE PLAINTIFF**

20. The Applicant alleges that she holds the copyright to her work listed in Exhibit P-1 (at para. 17 of the Modified Application). On the contrary, as described above in section III b), a review of the latest edition of each of the books listed in Exhibit P-1 demonstrates that the copyrights are not held by the Applicant.
21. The Defendant seek leave to examine the Applicant in writing, prior to the authorization hearing, with respect to the following topics:
  - (a) whether any agreements exist between her and the corporations listed as the copyright owners of each of the books listed in Exhibit P-1. Meta also intends to request copies of any such agreements, if any;
  - (b) the operation of the Applicant's Facebook page and Instagram page.
22. Such limited examination would allow the Court to make an enlightened determination as to whether the Applicant has an arguable case against Defendant as required by paragraph 575(2) and (4) of the CCP.

#### **V. CONCLUSION**

23. This motion and the proposed evidence to be adduced comply with the principle of proportionality and will provide this Court with the necessary and relevant evidence to determine whether the criteria for authorization under article 575 CCP are met. It will also demonstrate that the Québec authorities do not have jurisdiction over the present matter.

**THEREFORE, MAY IT PLEASE THE COURT TO:**

**GRANT** the present Motion;

**AUTHORIZE** the Defendant to file the following exhibits:

Screenshots from Anne Robillard's Facebook page and Instagram page, *en liasse* as **Exhibit MT-1**;

Facebook Terms of Service, **Exhibit MT-3**;

Instagram Terms of Service, **Exhibit MT-4**;

Meta's Commercial Terms, **Exhibit MT-5**;

Meta Products page, **Exhibit MT-6**.

**AUTHORIZE** the Defendant to file the following affidavits:

The Affidavit of Michael Duffey, as **Exhibit MT-2**;

The Affidavit of Sandra Lemieux, as **Exhibit MT-7**;

The Affidavit of James Beldock, as **Exhibit MT-8**.

**ALLOW** the Defendant to examine the Plaintiff in writing, prior to the authorization hearing, with respect to:

- (a) whether any agreements exist between her and the corporations listed as the copyright owners of each of the books listed in Exhibit P-1. Meta may also obtain copies of any such agreements, if any;
- (b) the operation of the Applicant's Facebook page.

**THE WHOLE** without costs, unless contested.

MONTREAL, this October 17, 2025

*McCarthy Tétrault LLP*

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**MCCARTHY TÉTRAULT LLP**

Mtre Isabelle Vendette

Mtre Sébastien Cusson

Mtre Audrey Poulin

Lawyers for the Defendant, Meta Platforms, Inc.

MZ400 - 1000 De La Gauchetière Street West

Montreal, QC H3B 0A2

Telephone: 514 397-5634/4231/7813

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File reference: 204930-602145

**SUPERIOR COURT  
(Class Action Division)**

**CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL**

**N°.: 500-06-001369-251**

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**ANNE ROBILLARD**

Applicant

v.

**META PLATFORMS, INC.**

Defendant

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**NOTICE OF PRESENTATION**

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TO: Mtre Marie Audren  
Audren Rolland LLP  
393 Saint-Jacques Street, Suite 248  
Montréal, QC H2Y 1N9

Lawyers for Applicant

**TAKE NOTICE** that *Motion for Leave to Adduce Relevant Evidence and to Examine the Applicant* will be presented for adjudication before the Honourable Justice Martin F. Sheehan of the Superior Court, acting as the case management judge, in and for the District of Montreal, in room 16.06 of the Montreal Courthouse, located at 1 Notre-Dame Street East, Montreal, H2Y 1B6, at the date and time that it may please this honourable Court.

**DO GOVERN YOURSELF ACCORDINGLY.**

MONTREAL, this October 17, 2025

*McCarthy Tétrault LLP*

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**McCARTHY TÉTRAULT LLP**  
Lawyers for the Defendant

**SUPERIOR COURT  
(Class Action Division)**

**CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL**

**N°.: 500-06-001369-251**

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**ANNE ROBILLARD**

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v.

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Defendant

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**LIST OF EXHIBITS IN SUPPORT OF THE MOTION  
FOR LEAVE TO ADDUCE RELEVANT EVIDENCE  
AND TO EXAMINE THE APPLICANT**

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Exhibit MT-1	Screenshots from Anne Robillard's Facebook page and Instagram page, <i>en liasse</i>
Exhibit MT-2	Affidavit of Michael Duffey
Exhibit MT-3	Facebook Terms of Service
Exhibit MT-4	Instagram Terms of Service
Exhibit MT-5	Meta Commercial Terms
Exhibit MT-6	Meta Products page
Exhibit MT-7	Affidavit of Sandra Lemieux

Exhibit MT-8 Affidavit of James Beldock

MONTREAL, this October 17, 2025

*McCarthy Tétrault LLP*

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**MCCARTHY TÉTRAULT LLP**

Mtre Isabelle Vendette

Mtre Sébastien Cusson

Mtre Audrey Poulin

Lawyers for the Defendant, Meta Platforms, Inc.

MZ400 - 1000 De La Gauchetière Street West

Montreal, QC H3B 0A2

Telephone: 514 397-5634/4231/7813

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File reference: 204930-602145

## Fleurant, Natasha

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**De:** Fleurant, Natasha  
**Envoyé:** vendredi, octobre 17, 2025 16:22  
**À:** maudren@audrenrolland.com  
**Cc:** Vendette, Isabelle; Cusson, Sébastien; Poulin, Audrey  
**Objet:** NOTIFICATION: Motion for Leave to Adduce Relevant Evidence (Anne Robillard v. Meta Platforms inc.) - Court File No. 500-06-001369-251 - Our File: 204930-602145  
**Pièces jointes:** Motion for Leave to Adduce Relevant Evidence and to Examine Applicant - 2025-10-17(62747477.1).pdf  
**Importance:** Haute

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**SUPERIOR COURT  
(Class Action)**

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CANADA  
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Defendant

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**NOTIFICATION SLIP BY EMAIL  
(Art. 133 and 134 C.C.P.)**

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**MONTREAL**, this **October 17, 2025**

**SENDER :**

TIME : See Notification Slip  
Mtre. Isabelle Vendette  
Mtre. Sébastien Cusson  
Mtre. Audrey Poulin  
**McCarthy Tétrault LLP**  
MZ400 – 1000 De La Gauchetière Street West  
Montreal QC H3B 0A2 Canada  
Telephone : 514-397-5634  
514-397-4231  
514-397-7813  
Fax : 514-875-6246  
Email : [ivendette@mccarthy.ca](mailto:ivendette@mccarthy.ca)  
[scusson@mccarthy.ca](mailto:scusson@mccarthy.ca)  
[aapoulin@mccarthy.ca](mailto:aapoulin@mccarthy.ca)  
**Notification :** [notification@mccarthy.ca](mailto:notification@mccarthy.ca)  
Our reference : 204930-602145

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**MOTION FOR LEAVE TO ADDUCE RELEVANT EVIDENCE AND TO EXAMINE  
THE APPLICANT (ARTICLE 574 OF THE CODE OF CIVIL PROCEDURE)**  
**EXHIBITS MT-1 TO MT-8 WILL FOLLOW VIA ONEDRIVE**

**NUMBER OF PAGES TRANSMITTED 9**  
(not including the slip) :

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**ADDRESSEE(S)**

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**Mtre. Marie Audren**  
**Audren Rolland LLP**  
393 Saint-Jacques Street, Suite 248  
Montréal QC H2Y 1N9  
Email: [maudren@audrenrolland.com](mailto:maudren@audrenrolland.com)

*Attorneys for Applicant*

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**Natasha Fleurant**

Adjointe juridique | Legal Assistant  
Litige | Litigation  
Bertrand Cossette, Sebastien Cusson, Nicolas Deslandres, Morgane Palau, Charlotte Simard-Zakaib  
T: 514-875-4023  
F: 514-875-6246  
E: [nfleurant@mccarthy.ca](mailto:nfleurant@mccarthy.ca)

**Société en commandite Services MT**

Administrative services provider for McCarthy Tétrault LLP  
Bureau MZ400  
1000, rue De La Gauchetière Ouest  
Montréal QC H3B 0A2

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**MOTION FOR LEAVE TO ADDUCE  
RELEVANT EVIDENCE  
AND TO EXAMINE THE APPLICANT  
(Article 574 of the Code of Civil  
Procedure), NOTICE OF  
PRESENTATION, LIST OF EXHIBITS**

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**ORIGINAL**

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Mtre Isabelle Vendette / Mtre Sébastien Cusson /  
Mtre Audrey Poulin / 204930-602145

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BC0847

**McCarthy Tétrault LLP**

Barristers & Solicitors • Patent & Trade-mark Agents

Suite MZ400  
1000 De La Gauchetière Street West  
Montreal (Quebec) H3B 0A2  
Tel. : 514 397-4100  
Fax : 514 875-6246

[Notification@mccarthy.ca](mailto:Notification@mccarthy.ca)

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