

# SUPERIOR COURT

(Class Action Chamber)

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

No.: 500-06-001394-259

DATE: November 6, 2025

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**BY THE HONOURABLE MARTIN F. SHEEHAN, J.S.C.**

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**TARAS GRESCOE**

Applicant

v.

**ANTHROPIC PBC**

Defendant

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## JUDGMENT

(On Application to Stay the Class Action)

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### OVERVIEW

[1] Applicant, Mr. Taras Grescoe, (the “**Applicant**”) wishes to stay his *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* which was filed on July 2, 2025 (the “**Quebec Action**”) pending a final judgment on the putative class action before the Supreme Court of British Columbia in James Bernard MacKinnon and Anthropic PBC, court docket number S-254893 (the “**BC Action**”).<sup>1</sup>

[2] Defendant does not oppose the stay.

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<sup>1</sup> Exhibit P-1.

## **CONTEXT**

[3] On May 23, 2025, the BC Action was filed against Anthropic PBC on behalf of all natural persons or corporations, resident in Canada, who owned or co-owned the copyright to works used by Anthropic to train one of the various versions of the Anthropic Large Language Models (“**LLMs**”) (the “**BC Class**” and individually the “**BC Class Members**”) between January 2021 and the present (the “**BC Class Period**”).

[4] On October 6, 2025, a motion to amend the BC Action<sup>2</sup> was filed in part to add allegations to the effect the Charter rights of Quebec class members (rights to integrity and dignity (s. 4) and to the free enjoyment and disposal of their property (s. 6)) were infringed.

[5] On July 2, 2025, the Quebec Action was filed seeking leave to file a class action on behalf of all natural persons or corporations, resident in Quebec who owned or co-owned the copyright to works used by Anthropic PBC to train one of the various versions of the Anthropic LLMs (the “**Quebec Class**” and individually the “**Quebec Class Members**”) between January 2021 and the present (the “**Quebec Class Period**”).

## **ANALYSIS**

### **1. Legal Principles**

[6] Article 3137 C.C.Q. allows a Quebec Court to stay proceedings brought before it “if another action, between the same parties, based on the same facts and having the same subject is pending before a foreign authority, provided that the latter action can result in a decision which may be recognized in Quebec”.

[7] Article 3155(4) C.C.Q. prevents the recognition of a foreign judgment when a similar action is pending in Quebec and the Quebec court was “first seized of the dispute”. Thus, a Quebec action can usually only be stayed under article 3137 C.C.Q. if the foreign action was filed first.<sup>3</sup>

[8] The Court of Appeal has observed that the general rules of *lis pendens* “do not apply neatly to motions for authorization to institute class actions”.<sup>4</sup> For example, there can be the identity of parties, even in the presence of different applicants if the proposed classes are similar.<sup>5</sup>

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<sup>2</sup> Exhibit P-3.

<sup>3</sup> *Micron Technology Inc. c. Hazan*, 2020 QCCA 1104, paras. 30 and 31; *FCA Canada Inc. c. Garage Poirier & Poirier Inc.*, 2019 QCCA 2213, para. 45.

<sup>4</sup> *Micron Technology Inc. c. Hazan*, *supra*, note 3, para. 26.

<sup>5</sup> *Ibid*; *Schmidt c. Johnson & Johnson Inc.*, 2012 QCCA 2132, para. 32 (Motion to dismiss an application for authorization to institute a class action granted, 2019 QCCS 419); *Hotte c. Servier Canada Inc.*, [1999] R.J.Q. 2598 (C.A.).

[9] Given the above, it is generally recognized that a Quebec court can rely on article 3137 C.C.Q. to stay a Quebec motion to authorize a class action in favour of another Canadian class action proceeding if:

- 9.1. Both motions are directed against the same defendants.
- 9.2. The proposed group in the Quebec class action is included in the foreign class action.
- 9.3. Both motions are grounded in the same facts, have the same object and advance the same causes of action.
- 9.4. The motion to certify the foreign class action was filed first.

[10] However, even if the above conditions are not met (for example even if the Quebec application was filed first), a Quebec court can still use its inherent jurisdiction under article 49 C.C.P. to stay a class action if the interests of the Quebec members and the proper administration of justice favours a suspension.<sup>6</sup>

[11] It will generally not be in the interests of justice or of the parties “to have two class actions proceed in parallel in front of different courts”. “Besides the risk of conflicting judgments, there is also the cost to the parties and the waste of scarce judicial resources”.<sup>7</sup>

[12] Other factors to be considered include whether one of the proposed class actions “includes issues, remedies or class members not included in the other”.<sup>8</sup>

[13] In all cases, when it stays a Quebec application to authorize a class action, the court must strive to protect the rights and interests of the Quebec members.<sup>9</sup> Among other things, the court must ensure that:

- 13.1. The proposed representative is in a position to properly represent them.
- 13.2. The Quebec residents receive the benefits of any applicable favourable Quebec legislation.
- 13.3. Any notices and other communications are disseminated in Quebec and in French.<sup>10</sup>

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<sup>6</sup> *Micron Technology Inc. c. Hazan, supra*, note 3, paras. 35 and 47; *FCA Canada Inc. c. Garage Poirier & Poirier Inc., supra*, note 3, paras. 73 and 78.

<sup>7</sup> *Micron Technology Inc. c. Hazan, supra*, note 3, para. 51.

<sup>8</sup> *Ibid*, para. 52.

<sup>9</sup> Art. 577 C.C.P.

<sup>10</sup> *Micron Technology Inc. c. Hazan, supra*, note 3, para. 53.

## 1.1 Discussion

[14] The Court considers that it is in the interest of justice to stay the Quebec Action for the following reasons:

- 14.1. The BC Action was filed first.
- 14.2. The Quebec Action and the BC Action are directed against the same defendant.
- 14.3. The proposed class in the Quebec Action is included in the BC Action.
- 14.4. The class periods are the same.
- 14.5. Both motions are grounded in the same facts, have the same object and advance the same causes of action.
- 14.6. Both actions seek the same remedies: damages, punitive damages, a permanent injunction, declaratory relief, and disgorgement/restitution.

[15] The interests of Quebec class members are protected in that:

- 15.1. Counsel for the Applicant and for the Defendant, both in BC and Quebec, have agreed to cooperate to ensure an efficient conduct of the proceedings and the coordination of the Quebec Action and the BC Action.
- 15.2. Class counsel in the BC Action have bilingual (FR/EN) lawyers and paralegals available to respond to any inquiries that putative class members in the Quebec Action may have, and they will ensure that all notices as well as important communications or documents are made available to Quebec class members in French.
- 15.3. The Quebec Action has not progressed since its filing on July 2, 2025, and no procedural steps other than the present Application has been taken. By contrast, since the filing of the BC Action on May 23, 2025, the plaintiff in that action amended the action on September 10, 2025, and on October 6, 2025, submitted a consent order to further amend the action and wrote to the Court, with the consent of the Defendant, seeking the appointment of a case management judge. The Honourable Justice Jan Brongers has since been appointed as case management judge and the parties are working towards a timetable for certification.
- 15.4. Claims available under Quebec law are pleaded in the BC Action (including claims based on the Quebec Charter).

[16] A stay is consistent with the principles of proportionality and judicial economy. It will avoid a multiplicity of parallel proceedings, which would result in significant and avoidable costs for all parties involved.

[17] The Court will pray act of counsel's undertaking to keep this Court abreast of the status of BC Action on a semi-annual basis, and to advise this Court within 30 days of any significant development in the BC Action that may affect the course of the Quebec Action.

**FOR THESE REASONS, THE COURT:**

[18] **GRANTS** the Application to Temporarily Stay the Class Action;

[19] **STAYS** the present action until a final judgment is rendered in the putative class action filed by James Bernard MacKinnon before the Supreme Court of British Columbia in court file number S-254893, or earlier as may be subsequently requested by the parties and ordered by the Court;

[20] **PRAYS ACT** of the commitment of class counsel in the BC Action to ensure that all notices as well as important communications or documents are made available to Quebec class members in French;

[21] **PRAYS ACT** of the parties' undertaking to provide this Court with an update on the status of the BC Action on a semi-annual basis, and to advise this Court within 30 days of any significant development in the BC Action that may affect the course of the Quebec Action, and **ORDERS** the parties to comply with said undertaking;

[22] **THE WHOLE** without legal costs.

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MARTIN F. SHEEHAN, J.S.C.

Mtre Michael Simkin  
**SIMKIN LÉGAL**  
Counsel for the Applicant

Mtre Anne Merminod  
Mtre Alexandra Hébert  
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Counsel for the Defendant Anthropic PBC

Hearing date: Judgment rendered without a hearing.