

SUPERIOR COURT

(Class Action Chamber)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No.: 500-06-001369-251

DATE: November 18, 2025

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

ANNE ROBILLARD

Applicant

v.

META PLATFORMS, INC.

Defendant

JUDGMENT (On Motion to Adduce Relevant Evidence)

OVERVIEW

[1] Defendant, Meta Platforms, Inc. (“**Meta**”), seeks the Court’s permission to file relevant evidence in order to contest the Modified Application for authorization to institute a class action dated May 30, 2025 (the “**Application for Authorization**”).

[2] Among other arguments, Meta intends to plead that the courts of Quebec do not have jurisdiction over the proposed class action.

[3] Meta also wishes to proceed with a written examination of the Applicant.

[4] In her Application for Authorization, Ms. Anne Robillard, seeks permission to file a class action on behalf of people in Quebec who hold copyrights over works that were used by Meta without permission to develop their large language model.

[5] The class action would claim compensatory damages, the restitution of profits or statutory damages in the amount of \$20,000 per work, 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 potential group members.

ANALYSIS

1. Is the Evidence that Meta Wishes to File Useful and Essential to Assess whether the Authorization Criteria Are Met?

1.1 Applicable Law

[6] Article 574 C.C.P. provides that an application for authorization to institute a class action must set out: (i) the facts on which it is based; (ii) the nature of the action; and (iii) the group on whose behalf the person intends to act. It adds that the application for authorization is contested orally and that “the court may allow relevant evidence to be submitted”.

[7] The principles that must guide the court when considering an application to file relevant evidence at the authorization stage of a class action are well known. These principles may be summarized as follows:

- 7.1. The filing of appropriate evidence requires prior leave of the court. An agreement between the parties on this issue does not bind the court.¹
- 7.2. In determining whether to allow the filing, the court must strike the right balance between rigidity and permissiveness. The summary nature of the authorization process requires such caution.²
- 7.3. The proposed evidence must be limited and proportionate to what is essential and indispensable to assess the criteria for authorization set out in article 575 C.C.P.³ The Court must be mindful of the principles of proportionality and reasonable conduct of proceedings set out in articles 18 and 19 C.C.P.⁴

¹ *Allstate du Canada, compagnie d'assurances c. Agostino*, 2012 QCCA 678, paras. 25 and 27; *Ward c. Procureur général du Canada*, 2021 QCCS 109, para. 17.

² *Allstate du Canada, compagnie d'assurances c. Agostino*, *supra*, note 1, para. 35.

³ *Lambert (Gestion Peggy) c. Écolait Itée*, 2016 QCCA 659, para. 38; *Allstate du Canada, compagnie d'assurances c. Agostino*, *supra*, note 1, para. 35, quoting with approval justice Clément Gascon (then at the Superior Court) in *Option Consommateurs c. Banque Amex du Canada*, 2006 QCCS 6290, para. 20.

⁴ *Ward c. Procureur général du Canada*, *supra*, note 1, para. 17; *Option Consommateurs c. Samsung Electronics Canada inc.*, 2017 QCCS 1751, para. 11; *Kramar c. Johnson & Johnson*, 2016 QCCS 5296, paras. 22 and 25.

- 7.4. The court must be careful not to transform the authorization phase into a pre-trial hearing. At the authorization stage, the allegations in the motion should be presumed true without the need to test their veracity. The court should limit itself to analyzing the proposed legal syllogism and avoid assuming the role of ultimate trier of facts.⁵
- 7.5. On the other hand, the Tribunal, when faced with a request for the filing of relevant evidence, should avoid passing judgment on the quality of the arguments that the defendants may wish to make. Its role is simply to decide whether they are entitled to have the information required to present these arguments.⁶
- 7.6. Where evidence consists of sworn statements, these should attest to neutral and objective facts, as opposed to controversial or contentious issues that are best left for evidentiary assessment on the merits of the case. Evidence that may be challenged with regard to its truthfulness, scope or probative value should not be filed or considered at the authorization stage.⁷
- 7.7. The burden of demonstrating the utility and necessity of the evidence rests with the party seeking leave to file this evidence.⁸

[8] Applying these principles, courts have generally allowed the filing of evidence consisting of:

- 8.1. Contracts relevant to the members' claim;⁹

⁵ *Desjardins Cabinet de services financiers inc. c. Asselin*, 2020 SCC 30, paras. 9 and 74; *Infineon Technologies AG c. Option consommateurs*, 2013 SCC 59, paras. 67 and 68; *Godin c. Aréna des Canadiens inc.*, 2020 QCCA 1291 (Approval of a settlement agreement granted (S.C., 2023-06-27) 500-06-000936-183); *Ward c. Procureur général du Canada*, *supra*, note 1, para. 17.

⁶ *Option Consommateurs c. Banque Laurentienne du Canada*, 2015 QCCS 2794, para. 23; *Piro c. Novopharm Ltd.*, J.E. 2004-1251 (C.S.), paras. 35 and 51 (Application for leave to appeal continued *sine die* (C.A., 2004-06-16) 500-09-014618-045).

⁷ *Association pour la protection automobile (APA) c. Banque de Montréal*, 2021 QCCA 676, paras. 62 and 67; *Durand c. Subway Franchise Systems of Canada*, 2020 QCCA 1647, paras. 51 at 54 (Application for Permission to Withdraw an Application for Authorization to Institute a Class Action, 2023 QCCS 1795); *Lambert (Gestion Peggy) c. Écolait Itée*, *supra*, note 3, para. 37.

⁸ *Allstate du Canada, compagnie d'assurances c. Agostino*, *supra*, note 1, para. 35, quoting with approval by justice Clément Gascon (then at the Superior Court) in *Option Consommateurs c. Banque Amex du Canada*, *supra*, note 3, para. 20.

⁹ *Benabou c. StockX*, 2020 QCCS 418, para. 10; *Morier c. Ouellet Canada inc.*, 2019 QCCS 5159, para. 23; *Société AGIL OBNL c. Bell Canada*, 2019 QCCS 4432, para. 9; *Charbonneau c. Location Claireview*, 2019 QCCS 4196, para. 58 (Motion for leave to appeal dismissed, 2019 QCCA 2056); *Gagné c. Rail World*, 2014 QCCS 32, paras. 77, 136 and 137.

- 8.2. The nature of a defendant's business and the regulatory environment in which it operates;¹⁰
- 8.3. Evidence that supplements an incomplete or incorrectly identified document;¹¹
- 8.4. Evidence that demonstrates, on its face, the obvious falsity of certain allegations;¹²
- 8.5. Evidence that demonstrates the lack of jurisdiction of the Superior Court when such lack of jurisdiction is raised.¹³

1.2 Discussion

[9] Meta wishes to file the following evidence:

- 9.1. Screenshots from Ms. Anne Robillard's Facebook page and Instagram page, *en liasse*, as Exhibit MT-1;
- 9.2. The Affidavit of Mr. Michael Duffey, as Exhibit MT-2;
- 9.3. Facebook Terms of Service, as Exhibit MT-3;
- 9.4. Instagram Terms of Service, as Exhibit MT-4;
- 9.5. Meta Commercial Terms, as Exhibit MT-5;
- 9.6. Meta Products page, as Exhibit MT-6;
- 9.7. The Affidavit of Ms. Sandra Lemieux, as Exhibit MT-7; and
- 9.8. The Affidavit of Mr. James Beldock, as Exhibit MT-8.

[10] Exhibits MT-1, MT-3, MT-4, MT-5 and MT-6 are not problematic. This evidence completes the allegations. Such terms and conditions are generally accepted as relevant evidence.

¹⁰ *Morier c. Ouellet Canada inc.*, *supra*, note 9, para. 22; *Labranche c. Énergie éolienne des Moulins, s.e.c.*, 2015 QCCS 918, paras. 48 and 52.

¹¹ *Gagnon c. Intervet Canada Corp.*, 2019 QCCS 4651, para. 36 (Motion for leave to appeal dismissed, 2020 QCCA 248); *Seigneur c. Netflix International*, 2018 QCCS 1275, para. 29.

¹² *De Auburn c. Desjardins assurances générales inc.*, 2021 QCCS 959, paras. 11 and 12; *Benabou c. StockX*, *supra*, note 9, para. 9; *Gagnon c. Intervet Canada Corp.*, *supra*, note 11, para. 35; *Charbonneau c. Location Claireview*, *supra*, note 9, para. 53.

¹³ *Gagnon c. Intervet Canada Corp.*, *supra*, note 11, para. 37; *Regroupement des cols bleus retraités et pré-retraités de Montréal c. Ville de Montréal*, 2018 QCCS 808, para. 14.

[11] The sworn statement of Mr. Michael Duffey simply introduces Exhibits MT-3, MT-4, MT-5 and MT-6. Its statements are neutral.

[12] The sworn statement of Ms. Sandra Lemieux also contains neutral facts relevant to the Application for Authorization, namely, the registered owner of the copyright of works authored by the Applicant.

[13] The proposed written examination of the Applicant will also cover this subject.

[14] The sworn statement of Mr. James Beldock also contains neutral facts, though it also contains some legal conclusions that do not bind the Court.

[15] Applicant does not contest the admissibility of the evidence although it does contest the weight that should be given to it at the authorization stage.

[16] Given the absence of contestation, production of the relevant evidence is granted.

[17] The same goes for the requested limited written examination of the Applicant.

[18] The Parties have agreed on the timeline for the transmission of the written examination and answers.

FOR THESE REASONS, THE COURT:

[19] **AUTHORIZES** the Defendant to file the following exhibits:

- 19.1. Screenshots from Ms. Anne Robillard's Facebook page and Instagram page, *en liasse*, as Exhibit MT-1;
- 19.2. Facebook Terms of Service, Exhibit MT-3;
- 19.3. Instagram Terms of Service, Exhibit MT-4;
- 19.4. Meta's Commercial Terms, Exhibit MT-5;
- 19.5. Meta Products page, Exhibit MT-6;

[20] **AUTHORIZES** the Defendant to file the following affidavits:

- 20.1. The Affidavit of Mr. Michael Duffey, as Exhibit MT-2;
- 20.2. The Affidavit of Ms. Sandra Lemieux, as Exhibit MT-7;
- 20.3. The Affidavit of Mr. James Beldock, as Exhibit MT-8;

[21] **ALLOWS** the Defendant to examine the Plaintiff in writing, prior to the authorization hearing, with respect to:

21.1. 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;

21.2. the operation of the Applicant's Facebook page;

[22] **PRAYS ACT** of the agreement between the parties to the effect that the written examination will be sent to Applicant within two weeks of the present judgment and that answers will be provided two weeks thereafter;

[23] **THE WHOLE** without costs.

MARTIN F. SHEEHAN, J.S.C.

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Hearing date: Judgment rendered based on the case file.