

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF SAINT-FRANÇOIS

(Class Action)
SUPERIOR COURT

NO: 450-06-000001-176

CAROLE OUELLET

Applicant

-vs-

BELL CANADA

Defendant

**APPLICATION FOR PERMISSION TO AMEND APPLICANT'S AMENDED
APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION AND TO
APPOINT THE STATUS OF REPRESENTATIVE PLAINTIFF**
(Arts. 206 and following and 585 C.C.P.)

**TO THE HONOURABLE SYLVAIN PROVENCHER, J.S.C., DESIGNATED TO HEAR
THE PRESENT CLASS ACTION, YOUR APPLICANT STATES AS FOLLOWS:**

I. INTRODUCTION

1. On September 25th, 2017, the Applicant filed her *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff*;
2. On February 19, 2018, the Applicant filed her *Amended Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* (the "**Amended Application**"), which the Court allowed on August 21, 2019;
3. On January 7, 2021, Bell Canada filed the Affidavit of Normand Caron, as it appears from the Court record;
4. Since the filing of her Amended Application and of Mr. Caron's Affidavit, the Applicant has discovered new facts and consequently wishes to modify her Amended Application, as it appears from her *Re-Amended Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* notified on July 2, 2021 (the "**Re-Amended Application**");
5. On July 12, 2021, Bell Canada notified its opposition to the amendments, without specifying which ones, because according to them the amendments and new exhibits are "*inutiles et non-pertinentes*" to the analysis of art. 585 C.C.P.;

II. GROUNDS FOR PERMISSION TO AMEND

6. The amendments allege new facts, complete and justify the preceding allegations and are neither unnecessary nor contrary to the interests of justice and do not result in an entirely new application having no connection with the original one;
7. The amendments also include new exhibits and the Court of Appeal has ruled that an applicant does not need to seek leave to file exhibits in support of her authorization application. Clearly, the new exhibits are relevant to the analysis of the criteria of art. 575 C.C.P. and give weight to the Applicant's existing and new allegations, and will allow her to convince the authorization judge that she has met her burden of demonstration;
8. The amendments and new exhibits have regard for the protection of the rights and interests of the Class members;
9. The amendments are useful to favour a complete solution to this dispute;
10. The amendments for which authorization is being requested are more fully set out in the *Re-Amended Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* notified on July 2, 2021.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

AUTHORIZE the Applicant to modify the *Amended Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* according to the *Re-Amended Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* (dated July 2, 2021);

DECLARE the *Re-Amended Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* (dated July 2, 2021) duly filed;

THE WHOLE with legal costs.

Montreal, July 12, 2021

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Mtre Joey Zukran

Attorney for the Applicant

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NOTICE OF PRESENTATION

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TAKE NOTICE that the present *Application for Permission to Amend the Amended Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* of the Applicant, Carole Ouellet, shall be presented for adjudication before the Honourable Sylvain Provencher, J.S.C., on **a date and time to be determined**, at the Sherbrooke Courthouse, situated at 375, rue King Ouest, Sherbrooke, (Québec), J1H 6B9.

GOVERN YOURSELVES ACCORDINGLY.

Montreal, July 12, 2021

(s) LPC Avocat Inc.

LPC AVOCAT INC.

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ORIGINAL

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