

SUPERIOR COURT
(Class Action Chamber)

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

NO.: 500-06-000915-187

DATE: MAY 10, 2022

PRESENT: THE HONORABLE SUZANNE COURCHESNE, S.C.J.

ZULLY LILIANA SALAZAR PASAJE

Representative Plaintiff

v.

BMW CANADA INC.

Defendant

JUDGMENT

(ON THE JOINT APPLICATION FOR A CLOSING JUDGMENT DATED MAY 3, 2022)

- [1] **CONSIDERING** that on or about March 23, 2018, the Applicant filed an *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* against BMW Canada Inc. (the “**Defendant**”), Bayerische Motoren Werke AG, BMW of North America, LLC and BMW Manufacturing Co., LLC;
- [2] **CONSIDERING** that the parties entered into a Settlement Agreement¹, signed respectively on November 17, 2020 and December 11, 2020;
- [3] **CONSIDERING** that, on February 25, 2021, the Court:

¹ All capitalized terms that are not defined herein have the meaning ascribed thereto in the Settlement Agreement.

- a) Appointed the status of Representative Plaintiff to Zully Liliana Salazar Pasaje for settlement purposes only;
- b) Authorized the Representative Plaintiff to discontinue the class action in favour of Bayerische Motoren Werke AG, BMW of North America, LLC and BMW Manufacturing Co., LLC;
- c) Authorized the present class action against the Defendant for settlement purposes only;
- d) Approved the form, content and dissemination plan of the Pre-Approval Notices to the Settlement Class Members; and
- e) Appointed Collectiva Class Actions Services Inc. as the Claims Administrator;

[4] **CONSIDERING** that, on June 14, 2021, the Court approved the Settlement Agreement and ordered the Claims Administrator to communicate the Approval Notices to Settlement Class Members within 30 days of the Effective Date (the “**Approval Judgment**”);

[5] **CONSIDERING** the closing report of the Claims Administrator dated April 20, 2022 and the Sworn Statement of Anna Vetere dated May 3, 2022 in support thereof, the whole in compliance with article 21 of the Settlement Agreement and paragraphs 73 and 75 of the Approval Judgment;

[6] **CONSIDERING** that the settlement was duly executed by the parties, the whole in accordance with the Settlement Agreement and the Approval Judgment;

[7] **CONSIDERING** articles 590 and 596 of the *Code of Civil Procedure*;

FOR THESE REASONS, THE COURT:

GRANTS the joint application for a closing judgment;

DECLARES that the Defendant has satisfied its obligations pursuant to the Settlement Agreement approved by this Honourable Court on June 14, 2021;

DECLARES the closure of the present class action;

THE WHOLE without legal costs.

SUZANNE COURCHESNE, S.C.J.

Mtre Joey Zukran
LPC Avocat Inc.
Attorney for the Representative Plaintiff

Mtre Noah Boudreau
Mtre Claudie Fréchette
Fasken Martineau DuMoulin LLP
Attorneys for the Defendant

Mtre Frikia Belogbi
Mtre Nathalie Guilbert
Fonds d'aide aux actions collectives