

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N°: 500-06-000953-188

DATE: 13 septembre 2022

PRESIDING: THE HONOURABLE DONALD BISSON, J.S.C.

JB4644

YVON MILLIARD
Plaintiff

v.

KRAFT HEINZ CANADA ULC
Defendant

JUDGEMENT

(Confidentiality Order)

[1] **WHEREAS**, on November 12, 2020, after having been granted the authorization to do so by this Court, the Plaintiff filed an Originating Application respecting a class action against the Defendant on behalf of the class members, alleging that the class members were entitled to the value of a bridge benefit provided in a retirement plan that was terminated on December 31, 2016 (the "**Class Action**");

[2] **WHEREAS**, on June 18, 2021, the Defendant filed its Statement of Defense herein;

[3] **WHEREAS** the Defendant intends to rely on the preliminary, revised and final versions of the wind-up report respectively dated April 29, 2017, September 27, 2017, January 22, 2018, Exhibits D-12, D-25 and D-13, drafted by actuaries at Société Towers Watson Canada inc., a.k.a. Willis Towers Watson ("**WTW**") (together, the "**Wind-up Report**");

[4] **WHEREAS** the Appendix I of the Wind-up Report includes confidential personal information that, alone or in combination with other data, may identify Class Members, including without limitation their name or initials, their gender, and their age, date of birth and the date of birth of their spouse (the "**Confidential information**");

[5] **WHEREAS** WTW and the Defendant are bound to protect the Confidential information pursuant to the provisions of the *Act Respecting the Protection of Personal Information in the Private Sector*, CQLR, c. P-39.1 and of the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5;

[6] **WHEREAS** it is important to ensure the protection of the Confidential information while allowing the Defendant and WTW to communicate the Confidential information in their possession to the Plaintiff, his counsel and his experts for the purposes of the Class Action;

[7] **WHEREAS** the parties consent to the issuance of the present Order;

[8] **WHEREAS** the present Order aims at facilitating the orderly and cost-effective progress of these class action proceedings;

POUR CES MOTIFS, LE TRIBUNAL : **FOR THESE REASONS, THE COURT:**

- [9] **DÉCLARE** que le rapport de terminaison, en versions préliminaire, révisée et finale, pièces D-12, D-13 et D-25, contient de l'information personnelle confidentielle au sujet des membres du groupe (« **l'Information confidentielle** »); **DECLARES** that the preliminary, revised and final versions of the wind-up report, Exhibits D-12, D-13 and D-25, contain confidential personal information respecting the class members herein (the "**Confidential information**");
- [10] **ORDONNE** que l'Information confidentielle dans les pièces D-12, D-13 et D-25 soit caviardée; **ORDERS** that Confidential information contained in Exhibits D-12, D-13 and D-25 be redacted;
- [11] **PERMET** à la défenderesse et à la Société Towers Watson Canada inc. de communiquer la version complète non caviardée des pièces D-12, D-13 et D-25, ainsi que toute Information confidentielle au sujet des membres du groupe qui est en leur possession, au demandeur, à ses avocats en l'instance et à ses experts (les « **Personnes autorisées** ») pour les fins de la présente Action collective, à l'exception de toute autre personne; **ALLOWS** the Defendant and la Société Towers Watson Canada inc to communicate non-redacted copies of Exhibits D-12, D-13 and D-25, as well and any Confidential information respecting the class members in their possession, to the Plaintiff, his attorneys of record herein and his experts (the "**Authorized persons**"), for the sole purposes of these class action proceedings, to the exception of all other persons;
- [12] **ORDONNE** aux Personnes autorisées de ne pas divulguer, transmettre ou autrement rendre l'Information confidentielle accessible à quiconque, directement ou indirectement, ou de l'utiliser à d'autres fins que la présente Action collective; **ENJOINS** the Authorized persons from revealing, communicating or otherwise making the Confidential information accessible to any other person, directly or indirectly, or to use same for any purpose other than the present class action proceedings;

[13] **LE TOUT**, sans frais de justice.

THE WHOLE without legal costs.



DONALD BISSON, J.S.C.

Mtre André Lespérance
Mtre Anne-Julie Asselin
TRUDEL JOHNSTON & LESPÉRANCE
Attorneys for the Plaintiff

Mtre Claude Marseille, Ad. E.
Mtre Eric Stachecki
BLAKE, CASSELS & GRAYDON S.E.N.C.R.L.
Attorneys for the Defendant