

CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

SUPERIOR COURT
(Class Actions)

NO: 500-06-001064-209

PHILIPPE THERRIEN

Representative Plaintiff

v.

SONY INTERACTIVE ENTERTAINMENT
LLC

Defendant

**APPLICATION TO APPROVE THE DISPOSAL OF THE REMAINING BALANCE AND
FOR A CLOSING JUDGMENT**

(Art. 596 al. 3 CCP, arts. 59 & 60 of the *Regulation of the Superior Court of Québec in civil matters*, CQLR c C-25.01, r 0.2.1, art. 42 of the *Act Respecting the Fonds d'aide aux actions collectives*, ch. F- 3.2.0.1.1 and art. 1(1)(a) of the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives*, chapter F-3.2.0.1.1, r. 2)

**TO THE HONOURABLE MARTIN F. SHEEHAN OF THE SUPERIOR COURT OF
QUEBEC, DESIGNATED JUDGE IN THE PRESENT CASE, THE REPRESENTATIVE
PLAINTIFF SUBMITS THE FOLLOWING:**

1. By Judgment rendered on July 7, 2021, this Honourable Court approved the Settlement Agreement between the Representative Plaintiff and the Defendant (the "**Settlement Approval Judgment**"¹) and ordered the Parties to render account of the execution of the judgment upon receipt of the final report from the Claims Administrator for the purposes of a closing judgment and paying the Fonds d'aide levy (paras. 55-56);
2. Velvet Payments Inc. is the Claims Administrator appointed by the Court for the purposes of notifying the Class Members and administering the Settlement Agreement. A copy of the final Closing Report dated September 13, 2022, prepared and signed by Velvet Payments is communicated as **Exhibit R-1**;

¹ *Therrien c. Sony Interactive Entertainment*, 2021 QCCS 2823.

3. As appears from the Closing Report, there remains a balance of **\$14,143.50** comprised of the uncashed cheques that are now stale dated as of April 20, 2022 (because they were not cashed within 6 months of their issuance);
4. The Fonds d'aide aux actions collectives is entitled to 50% of this balance (i.e. **\$7,071.75**) pursuant to article 1(1)(a) of the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives*, F-3.2.0.1.1, r. 2;
5. The Plaintiff requests that the remaining balance of \$7,071.75 be paid to *Fondation Patro*, registered charity no. 118924497 RR 0001, as it appears from **Exhibit R-2**;
6. The Fondation Patro describes its mission on its website <https://www.patro.ca/> as follows, as it appears from **Exhibit R-3**:

« Par l'animation d'activités de loisir accessibles et des services communautaires d'entraide, nous créons un milieu de vie qui favorise le mieux-être et le développement des personnes de toutes origines et de tous âges, particulièrement les jeunes et les plus vulnérables. »
7. It is respectfully submitted that this mission is sufficiently related to the present class action, as it assists with leisure activities and particularly with younger and more vulnerable populations;

PAR CES MOTIFS, PLAISE AU TRIBUNAL :	FOR THESE REASONS, MAY IT PLEASE THE COURT TO:
[1] ACCUEILLIR la présente demande;	GRANT the present Application;
[2] ORDONNER à Velvet Payments, l'administrateur des réclamations, de verser au Fonds d'aide aux actions collectives la somme de 7 071,75 \$, représentant 50% du reliquat conformément à l'article 1(1)(a) du <i>Règlement sur le pourcentage retenu par le Fonds d'aide aux actions collectives</i> , F-3.2.0.1.1, r. 2, dans les dix jours du jugement à intervenir;	ORDER Velvet Payments, the Claims Administrator, to pay to the Fonds d'aide aux actions collectives \$7,071.75 , representing 50% of the remaining balance pursuant to article 1(1)(a) of the <i>Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives</i> , F-3.2.0.1.1, r. 2, within ten days of the judgment to be rendered herein;
[3] APPROUVER le paiement de 7 071,75 \$ du reliquat restant de 50 % à la Fondation Patro (organisme de bienfaisance enregistré no 118924497 RR 0001) et ORDONNER à Paiements Velvet d'effectuer ledit paiement du reliquat dans les dix jours du jugement qui sera rendu;	APPROVE the payment of \$7,071.75 from the remaining 50% balance to Fondation Patro (registered charity no. 118924497 RR 0001) and ORDER Velvet Payments to make said payment from the remaining balance within ten days of the judgment to be rendered herein;

[4] DÉCLARER que la défenderesse Sony Interactive Entertainment LLC a satisfait toutes ses obligations en vertu de l'Entente de règlement approuvée par le Tribunal le 7 juillet 2021;	DECLARE that the Defendant Sony Interactive Entertainment LLC has satisfied its obligations under the Settlement Agreement approved by the Court on July 7, 2021;
[5] DÉCLARER la fin de l'action collective;	DECLARE the closure of the class action;
[6] LE TOUT , sans frais de justice.	THE WHOLE , without legal costs.

Montreal, September 15, 2022

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Mtre Joey Zukran

Attorney for the Representative Plaintiff

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LIST OF EXHIBITS

- Exhibit R-1:** Copy of the final Closing Report dated September 13, 2022, prepared and signed by Velvet Payments.
- Exhibit R-2:** Charity's detail page for Fondation Patro, registered charity no. 118924497 RR 0001 from the Government of Canada website;
- Exhibit R-3:** Extract of the mission statement of Fondation Patro taken from its website <https://www.patro.ca/>.

Montreal, September 15, 2022

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Mtre Joey Zukran

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NOTICE OF PRESENTATION

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For the Defendants

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Fonds d'aide aux actions collectives

TAKE NOTICE that the present *Application to Approve the Disposal of the Remaining Balance and for a Closing Judgment* shall be presented for adjudication before the Honourable Martin F. Sheehan, J.S.C., on **a date and time to be determined** at the Montreal Courthouse, situated at 1 Notre-Dame Street East, Montréal (Quebec), H2Y 1B6.

Montreal, September 15, 2022

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Mtre Joey Zukran

Attorney for the Representative Plaintiff

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ORIGINAL

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