

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL

No.: 500-06-000888-178

DATE: March 14, 2023

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

JAMES GOVAN
Plaintiff

v.

LOBLAW COMPANIES LIMITED

and

LOBLAWS INC.

and

GEORGE WESTON LIMITED

and

WESTON FOOD DISTRIBUTION INC.

and

WESTON FOOD (CANADA) INC.

and

METRO INC.

and

SOBEYS QUÉBEC INC.

and

SOBEYS CAPITAL INCORPORATED

and

SOBEYS INC.

and

WAL-MART CANADA CORP.

and

CANADA BREAD COMPANY

and

GIANT TIGER STORES LIMITED

and

Defendants

and

COMMISSIONER OF COMPETITION

Mis en Cause

JUDGMENT

[1] The parties were scheduled to proceed on March 30, 2023, with a debate on objections and on April 4, 2023, with the examination of Mr. Galen Weston.

[2] On February 16, 2023, counsel for the Representative Plaintiff informed the Court by email that class counsel in the Quebec bread class action (along with class counsel in the rest of Canada) and the Loblaw/Weston Defendants had scheduled a mediation before Chief Justice Geoffrey B. Morawetz of the Ontario Superior Court of Justice, which will be held at the end of July 2023.

[3] They asked that the deposition of Mr. Weston be postponed until after the mediation. They considered that other procedural steps could still move forward.

[4] Defendants do not agree to have the case move forward as they consider that the examination of Mr. Weston should occur prior to any other significant step in the litigation. However, they do agree to suspend the litigation until the end of July 2023 to allow the mediation to take place.

[5] Given the agreement between the parties, the Court asked that a joint motion to stay be filed.

[6] The parties have now officially jointly requested a stay.

[7] The Court can temporarily stay a class action under articles 49 and 577(2) C.C.P. if a stay is in the interest of class members.

[8] The Representative Plaintiff submits that this is the case here and that it would be preferable for the parties to focus on the mediation rather than on litigation.

[9] While the court is mindful of previous judicial comments complaining about the slow progress of this litigation,¹ it is nonetheless convinced that a stay is in the interest of justice and of class members.

[10] The request for a stay is consistent with the principles of proportionality, judicial economy and could save important costs for all parties.

¹ See for example *Loblaw Companies Limited c. Govan*, 2022 QCCA 1603, para. 4.

[11] Class counsel undertakes to provide this Court with an update on the status of the mediation upon its completion in July 2023, or of any significant development that may affect the course of this class action. The Court will pray act of this undertaking.

POUR CES MOTIFS, LE TRIBUNAL :	FOR THESE REASONS, THE COURT:
SUSPEND la présente action collective jusqu'au 31 juillet 2023, ou plus tôt si une partie demande la levée de la suspension et que la Cour y consent;	STAYS the present class action until July 31, 2023, or earlier if a party requests the stay to be lifted and the court agrees;
PREND ACTE de l'engagement des avocats du groupe à fournir à cette Cour une mise à jour sur le statut de la médiation à son achèvement en juillet 2023, ou de tout développement significatif qui pourrait affecter le cours de cette action collective;	PRAYS ACT of Class Counsel's undertaking to provide this Court with an update on the status of the mediation upon its completion in July 2023, or of any significant development that may affect the course of this class action;
LE TOUT , sans frais de justice.	THE WHOLE , without costs.

MARTIN F. SHEEHAN, J.S.C.

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and
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