

SUPERIOR COURT

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N° : 500-06-001014-196

DATE : May 18, 2023

BY THE HONOURABLE DONALD BISSON, S.C.J.

(JB4644)

JOSIANE FRÉCHETTE

Plaintiff

v.

NHK SPRING CO., LTD.

NHK INTERNATIONAL CORPORATION

NAT PERIPHERAL (HONG KONG) CO., LTD.

TDK CORPORATION

TDK U.S.A. CORPORATION

TDK CORPORATION OF AMERICA

SAE MAGNETICS (HK) LTD.

MAGNECOMP PRECISION TECHNOLOGY PUBLIC CO. LTD.

HUTCHISON TECHNOLOGY INC.

Defendants

RECTIFIED JUDGMENT OF FEBRUARY 7, 2023

(Application for a stay of the Application for authorization to institute a Class Action)

[1] **CONSIDERING** the Application by the Defendants for a stay of the *Application for authorization to institute a Class Action*;

[2] **CONSIDERING** the judgments rendered on March 10, 2021, by Justice Chantal Chatelain, s.c.j. and on March 11, 2022 by Justice Donald Bisson, s.c.j. in this instance,¹ which recitals remain applicable;

¹ Capitalized terms not otherwise defined herein have the meaning ascribed to them in the judgment dated March 10, 2021.

[3] **CONSIDERING** that the judgment on the certification application in the BC Action was rendered on October 6, 2022 by the Supreme Court for British Columbia (the "**Judgment**");

[4] **CONSIDERING** that the stay of this class action expired on November 7, 2022;

[5] **CONSIDERING** that the defendants in the BC Action have appealed the Judgment to the British Columbia Court of Appeal;

[6] **CONSIDERING** that the judgment rendered on January 6, 2023 by the Ontario Superior Court of Justice extending the stay of the Ontario Action until sixty (60) days after the determination of the defendants' appeal of the Judgment before the British Columbia Court of Appeal;

[7] **CONSIDERING** the consent of all parties to renew the stay of any and all proceedings related to the *Application for Authorization to Institute a Class Action* until 60 days after the decision of the British Columbia Court of Appeal on the appeal of the Judgment;

[8] **CONSIDERING** the undertaking by the Defendants to periodically inform the Court of the status of the BC Action and of the procedural steps that have been taken to move the litigation forward;

[9] **CONSIDERING** Articles 18 and 577 of the *Code of Civil Procedure* and the interests of justice;

FOR THESE REASONS, THE COURT:

[10] **RENEWS** the stay of any and all proceedings related to the *Application for Authorization to Institute a Class Action* until 60 days after the decision of the British Columbia Court of Appeal in the matter of *Tony Cheung v. NHK Spring Co., LTD. & al.*, Court File No. S-1910612);

[11] **ORDERS** the Defendants to provide the Court with periodic status reports no more than four months apart regarding the BC Action and to advise this Court within 30 days of any significant development in the BC Action that may affect the course of the Québec Action;

[12] **RESERVES** the jurisdiction of the Court to lift this stay on request or on its own initiative if the circumstances so warrant;

[13] **THE WHOLE**, without costs.



DONALD BISSON, S.C.J.

M^e Maxime Nasr, M^e Jean-Philippe Lincourt and M^e Alexandrine Comtois
BELLEAU LAPOINTE, S.E.N.C.R.L.
Lawyers for the Plaintiff

M^e Vincent de l'Étoile, M^e Lana Rackovic
LANGLOIS AVOCATS, S.E.N.C.R.L.
Lawyers for the Defendants NHK Spring Co. Ltd., NHK International Corporation and
NAT Peripheral (Hong Kong) Co., Ltd.

M^e Daphné Anastassiadis
MCCARTHY TÉTRAULT S.E.N.C.R.L., S.R.L.
Lawyers for the Defendants
TDK Corporation, TDK U.S.A. Corporation, TDK Corporation of America,
SAE Magnetics (HK) Ltd., Magnecomp Precision Technologic Public Co. Ltd. and
Hutchinson Technology Inc.

Date of Hearing: January 24. 2023 (on file)