

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No.: 500-06-000723-144

DATE: October 16, 2023

BY THE HONOURABLE PIERRE NOLLET, J.S.C.

ELENI VITORATOS

and

ANDREA FREY

Plaintiffs/Class Representatives

v.

TAKATA CORPORATION

and

TK HOLDINGS, INC.

and

HIGHLAND INDUSTRIES, INC.

and

BMW CANADA INC. / BMW GROUP CANADA

and

BMW OF NORTH AMERICA, LLC

and

BMW MANUFACTURING CO., LLC

and

BMW AG

and

NISSAN CANADA INC.

and

NISSAN NORTH AMERICA INC.

and

NISSAN MOTOR CO., LTD.

and

FORD MOTOR COMPANY OF CANADA LIMITED

and

FORD MOTOR COMPANY
and
GENERAL MOTORS OF CANADA LIMITED
and
GENERAL MOTORS CORPORATION
and
CHRYSLER CANADA INC.
and
FCA USA LLC
and
MITSUBISHI MOTOR SALES OF CANADA INC.
and
MITSUBISHI MOTORS NORTH AMERICA
and
MITSUBISHI MOTORS CORPORATION
and
DAIMLER AG
and
MERCEDES-BENZ CANADA INC.
and
VOLKSWAGEN GROUP CANADA INC.
and
AUDI CANADA INC.
and
FONDS D'AIDE AUX ACTIONS COLLECTIVES
Defendants

STAY LIFTED AGAINST FCA AND CHRYSLER CANADA.

[1] On December 5, 2014, the Plaintiffs/Class Representatives filed a Motion to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative on behalf of the following group:

“All persons, entities or organizations resident in Canada who purchased and/or leased one or more of the Defective Vehicles that contain(s) airbags manufactured by Takata, or any other group to be determined by the Court;

Alternately (or as a subclass)

all persons, entities or organizations resident in Quebec who purchased and/or leased one or more of the Defective Vehicles that contain(s) airbags manufactured by Takata, or any other group to be determined by the Court;”

[2] In this litigation, the Plaintiffs/Class Representatives have alleged, *inter alia*, that the Defendants manufactured, distributed, and/or sold the vehicles with airbags which were plagued by serious, pervasive, and dangerous design and manufacturing defects (Defective Vehicles);

[3] It has been further alleged that the Defendants failed to disclose, despite longstanding knowledge, that the Takata airbags are defective and predisposed to violent explosion and that they actively concealed this Design Defect and the fact that its existence would diminish both the intrinsic and the resale value of the Defective Vehicles;

[4] The Plaintiffs/Class Representatives have named 42 entities as Defendants in the litigation; 39 of which consisted of the manufacturers of the Defective Vehicles (the “Vehicle Manufacturer Defendants”) and 2 of which were FCA and Chrysler related entities.

[5] On September 30th, 2022, Justice Perell of the Ontario Superior Court of Justice dismissed the Ontario proceedings as against FCA and Chrysler.

[6] On September 23rd, 2023; Plaintiffs’ counsel advised the Court of same.

[7] **CONSIDERING** that the stay of proceedings in this file against FCA and Chrysler related entities has ended upon the final resolution of the Ontario proceedings;

FOR THESE REASONS, THE COURT:

[8] **PRONONCE** la fin de la suspension des **DECLARES** the end of the stay of procédures contre les défenderesses FCA proceedings against FCA USA LLC et USA LLC et Chrysler Canada Inc/ FCA Chrysler Canada Inc./ FCA Canada Inc. Canada Inc.

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

THE WHOLE without legal costs.

PIERRE NOLLET, J.S.C.

Mtre Andrea Grass
Mtre Jeff Orenstein
Consumer Law Group Inc.
Attorneys for the Plaintiffs

Mtre Gabrielle Baracat
Mtre Trevor Courtis
Mtre Eric S. Block
McCarthy Tétréault
Attorneys for the Defendant Takata Corporation
Attorneys for the Defendant TK Holdings Inc.
Attorneys for the Defendant Highlands Industries, Inc.

Mtre Noah Boudreau
Fasken Martineau LLP
Attorney for the Defendant BMW Canada Inc/BMW Group Canada
Attorney for the Defendant BMW of North America, LLC
Attorney for the Defendant BMW Manufacturing Co., LLC
Attorney for the Defendant BMW AG

Mtre Louis-Philippe Constant
Mtre John Nicholl
Clyde & Cie
Attorneys for the Defendant Nissan Canada Inc.
Attorneys for the Defendant Nissan North America, Inc.
Attorneys for the Defendant Nissan Motor Co., Ltd.

Mtre Robert Torralbo
Blakes, Cassels & Graydon S.E.N.C.R.L./s.r.l.
Attorney for the Defendant Ford Motor Company of Canada, Ltd.
Attorney for the Defendant Ford Motor Company

Mtre Stéphane Pitre
Borden Ladner Gervais LLP
Attorney for the Defendant General Motors of Canada Limited
Attorney for the Defendant General Motors Corporation

Mtre Vincent De L'Étoile
Langlois Avocats
Attorney for the Defendant Chrysler Canada Inc/FCA Canada Inc.
Attorney for the Defendant FCA USA LLC

Mtre Sidney Elbaz

McMillan LLP

Attorney for the Defendant Mitsubishi Motor Sales of Canada Inc.

Attorney for the Defendant Mitsubishi Motors North America Inc.

Attorney for the Defendant Mitsubishi Motor Corporation

Mtre Laurent Nahmiash

INF LLP

Attorney for the Defendant Daimler AG

Attorney for the Defendant Mercedes-Benz Canada, Inc.

Mtre Éric Préfontaine

Osler, Hoskin & Harcourt

Attorney for the Defendant Volkswagen Group Canada Inc.

Attorney for the Defendant Audi Canada Inc.

Mtre Frikia Belogbi

Mtre David Pierre-Louis

Procureur Général du Québec

Attorneys for the Defendant Fonds d'aide aux actions collectives

Hearing date : (Paper process only) October 16, 2023