

SUPERIOR COURT
(Class Actions Division)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF QUÉBEC

No.: 500-06-001041-207

Date: January 17, 2024

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

CHAFIK MIHOUBI

Applicant

v.

PRICELINE.COM, L.L.C.

HOTWIRE, INC.

HOMEAWAY.COM, INC.

ACCOR, S.A.

BEDANDBREAKFAST.COM, INC.

CANADASTAYS (1760335 ONTARIO INC.)

HILTON WORLDWIDE HOLDINGS, INC.

SIX CONTINENTS HOTELS, INC.

ORBITZ WORLDWIDE, L.L.C.

HYATT HOTELS CORPORATION

WYNDHAM HOTEL GROUP, L.L.C.

KAYAK SOFTWARE CORPORATION

Defendants

**ORDER FOR HYATT CORPORATION TO DISCLOSE DOCUMENTS CONCERNING
THIRD PARTIES TO PLAINTIFF'S COUNSEL IN THE CONTEXT OF A REQUEST
FOR PRE-UNDERTAKINGS**

- [1] **CONSIDERING** that on January 11, 2022, this Court authorized the institution of a class action on behalf of Québec consumers who booked accommodations through Defendants' websites;
- [2] **CONSIDERING** the Plaintiff's Request for Documents dated November 1, 2022, which requested the disclosure of certain documents prior to the examination of Hyatt Corporation's ("**Hyatt**") representative (the "**Request for Documents**");
- [3] **CONSIDERING** that one of the responsive documents to the Request for Documents is an Excel spreadsheet containing information belonging to third parties (the "**Document**");
- [4] **CONSIDERING** that Hyatt objects to providing the contact information of said third parties (specifically: names, addresses, phone numbers, and email addresses) (the "**Contact Information**"), as it constitutes their personal and confidential information;
- [5] **CONSIDERING** that, on March 1, 2023, the Court ordered the disclosure of the Document, while ordering the redaction of the Contact Information;
- [6] **CONSIDERING** that Hyatt made certain edits to the Document, as requested by Plaintiff's counsel, as well as uncovered further information responsive to said request (collectively, the "**Documents**");
- [7] **CONSIDERING** that the Plaintiff reserved his right to obtain the Contact Information, which he now requires in order to compare the list obtained from Hyatt with the list of members who have indicated that they used Hyatt's services;
- [8] **CONSIDERING** that Hyatt objects to providing the Documents in their unredacted form at this stage of the proceedings;
- [9] **CONSIDERING** that Plaintiff's counsel and Plaintiff undertake:
- (a) To keep the Documents confidential;
 - (b) To not use the Documents for a purpose other than these proceedings;
 - (c) To not disclose the Documents or the contents of the Documents to anyone;
- (the "**Confidentiality Undertakings**");
- [10] **CONSIDERING** that the Contact Information concerns not only the personal information of putative class members, but also the personal information of non-members to the litigation;

WHEREFORE THE COURT:

- [11] **ORDERS** Hyatt Corporation to disclose to the Plaintiff the Documents mentioned herein pursuant to the Plaintiff's Request for Documents, without redaction;
- [12] **ORDERS** that Plaintiff's Counsel and Plaintiff:
- (a) Keep the Documents confidential;
 - (b) Not use the Documents for a purpose other than these proceedings;
 - (c) Not disclose the Documents or the contents of the Documents to anyone;
- [13] **ORDERS** Plaintiff's Counsel to indicate clearly in every communication with the individuals listed in the Documents, if any, that their personal information was obtained pursuant to an order of this Court in connection with this class action and to cite the court file number, with the exception of such individuals whose first correspondence with Plaintiff's Counsel comes from the individuals themselves;
- [14] **ORDERS** that when Plaintiff's Counsel communicates with an individual listed in the Documents and learns that the individual is not a member of the present class action, Plaintiff's Counsel will stop communicating with that individual, with the exception of such individuals whose first correspondence with Plaintiff's Counsel comes from the individuals themselves;
- [15] **ORDERS** Plaintiff's Counsel to redact the Contact Information as defined above or to apply for a sealing order of the Documents, in the event that Plaintiff's counsel seeks to file the Documents into the Court record;
- [16] **THE WHOLE** without costs.

MARTIN F. SHEEHAN, J.S.C.

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