

**SUPERIOR COURT**  
(Class Action Division)

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

NO.: 500-06-000825-162

DATE: January 9, 2024

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**PRESIDING: THE HONOURABLE DONALD BISSON, J.S.C. (JB4644)**

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**THIERRY MURATON**

Plaintiff

vs.

**TOYOTA CANADA INC.**

Defendant

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**CLOSING JUDGMENT**

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- [1] **CONSIDERING** that on November 17, 2016, the Plaintiff Thierry Muraton filed a *Demande pour autorisation d'exercer une action collective* against the Defendant on behalf of the following class:

*Toute personne physique ou morale au Canada ayant acheté et/ou loué et/ou possédant l'un des véhicules automobiles suivants fabriqués par la défenderesse :*

*Toyota Tacoma (modèles 2005 à 2010);  
Toyota Tundra (modèles 2007-2008);  
Toyota Sequoia (modèles 2005 à 2008).*

- [2] **CONSIDERING** that three parallel class proceedings were filed against the Defendant in Ontario<sup>1</sup>;

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<sup>1</sup> *Devin Forbes and Steve Lagacé v. Toyota Canada Inc.*, Court file No. CV-16-70667-CP (Ontario Superior Court of Justice, filed November 21, 2016). *Joseph Edward Paul Ratz v. Toyota Canada*

- [3] **CONSIDERING** that in May 2018, the Defendant and each of the plaintiffs in the Quebec and Ontario proceedings concluded a national settlement agreement (the "Settlement Agreement", Exhibit C-1)<sup>2</sup>;
- [4] **CONSIDERING** that for the purposes of the present judgment, except to the extent that they are modified in this judgment, the definitions set out in the Settlement Agreement apply to and are incorporated in this judgment;
- [5] **CONSIDERING** that on September 14, 2018<sup>3</sup>, this Court approved the Settlement Agreement and held that following the execution of the Settlement Agreement, the Settlement Notice and Claims Administrator would have to submit a final detailed report of its administration indicating, for each of Quebec and Canada, how many Class Members had a vehicle inspected, how many had a Corrosion-Resistant Compound applied, how many had a frame replaced, and how many obtained a reimbursement for a frame already replaced;
- [6] **CONSIDERING** that on the same day, the Honorable Calum MacLeod of the Ontario Superior Court of Justice approved<sup>4</sup> the Settlement Agreement and ordered that no later than six months after the time limit where all Class Members were able to obtain Settlement Relief, the Settlement Notice and Claims Administrator shall file a detailed report with the Court outlining the number of Class Members that obtained Settlement Relief under the Settlement Agreement separated by type of category;
- [7] **CONSIDERING** that pursuant to the Settlement Agreement, Class Members could make claims thereunder as long as their claim was made : (i) within twelve years of the date of original sale or lease of their Subject Vehicle; or (ii) if the Class Member in question owned or leased their vehicle for more than twelve years already, one year and thirty days after the first date on which the Pre-Approval notice was disseminated to the Class;
- [8] **CONSIDERING** that the newest model year covered by the Settlement Agreement is the 2010 Toyota Tacoma, and the last date of original sale or lease of this model year, as confirmed by the Defendant, was June 30, 2011;
- [9] **CONSIDERING** that, as such, the last possible date on which a Class

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*Inc.*, Court File No. 618-17 CP (Ontario Superior Court of Justice, filed March 13, 2017); *Michael Eveland v. Toyota Canada Inc.*, Court File No.: CV-17-569403-00CP (Ontario Superior Court of Justice, filed February 9, 2017).

<sup>2</sup> Class Counsel, on behalf of Class Representatives Joseph Edward Paul Ratz and Michael Eveland, agreed to dismiss their actions pursuant to the terms of the Settlement Agreement.

<sup>3</sup> *Muraton c. Toyota Canada inc.*, 2018 QCCS 4235.

<sup>4</sup> *Forbes v. Toyota Canada inc.*, 2018 ONSC 5369.

Member could file a claim was June 30, 2023;

- [10] **CONSIDERING** that the Settlement Notice and Claims Administrator and the Defendant issued their final reports, copies of which were filed with this Court and the Honorable Calum MacLeod of the Ontario Superior Court of Justice;
- [11] **CONSIDERING** that one cash payment was made to a Quebec class member, the Settlement Notice and Claims Administrator made a payment of \$224.92 to the *Fonds d'aide aux actions collectives* (the "Fund") pursuant to section 7.2(H) of the Settlement Agreement and section 1(3) of the *Regulation Respecting the Percentage Withheld by the Fonds d'aide aux actions collectives*<sup>5</sup>;
- [12] **CONSIDERING** that no further amounts are due to the Fund, as no request was made to the Fund for financial assistance;
- [13] **CONSIDERING** that the Defendant now brings before this Court an *Application for a closing judgment* (the "Application");
- [14] **CONSIDERING** the extensive measures taken by the Defendant to communicate the settlement to Class Members;
- [15] **CONSIDERING** the allegations of the Application, the written representations of the Defendant and the Plaintiff, the affidavit and the exhibits filed in support of the Application.

**FOR THESE REASONS, THE COURT:**

- [16] **GRANTS** the *Application for a closing judgment*;
- [17] **DECLARE** that, in view of the extensive measures taken to communicate the settlement to Class Members, the Defendant has satisfied its obligations pursuant to the Settlement Agreement filed into the Court record and approved by the Superior Court of Quebec via a judgment rendered on September 14, 2018;
- [18] **DECLARE** that there are no further obligations incumbent on the parties to the present proceedings;
- [19] **DECLARE** that the present proceedings are closed;

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<sup>5</sup> RLRQ, c. F-3.2.0.1.1, r. 2.

[20] **THE WHOLE**, without judicial costs.



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**DONALD BISSON, J.S.C.**

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Attorneys for the Plaintiff

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Date of hearing: January 8, 2024 (on file)