

CANADA

(Class Action Division)

SUPERIOR COURT

PROVINCE OF QUÉBEC

DISTRICT OF MONTRÉAL

No.: 500-06-001223-235

Margaret Sakhrani

Petitioner

-v.-

L'ORÉAL CANADA INC.

and

L'ORÉAL USA INC.

and

L'ORÉAL USA PRODUCTS INC.

and

STRENGTH OF NATURE LLC.

and

GODREJ DISTRIBUTORS CANADA LTD.

and

SOFT SHEEN-CARSON LLC

and

NAMASTE LABORATORIES, L.L.C.

and

DABUR USA INC.

and

DABUR INTERNATIONAL LTD.

Respondents

**PETITIONER’S APPLICATION FOR LEAVE TO AMEND HER
MODIFIED MOTION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND
TO OBTAIN THE STATUS OF REPRESENTATIVE**
(Art. 101, 206 and 585 of the *Code of Civil Procedure*)

TO THE HONOURABLE MARIE-CHRISTINE HIVON, J.C.S. SITTING IN AND FOR THE DISTRICT OF MONTREAL, THE PETITIONER RESPECTFULLY SUBMITS AS FOLLOWS:

I. Introduction

1. By the present *Application for Leave to Amend her Modified Motion for Authorization to Institute a Class Action and to Obtain the Status of Representative* (the “**Application to Amend**”), Petitioner seeks leave to amend her Modified Motion for Authorization to Institute a Class Action.
2. The amendments for which leave is sought are those contained in the draft Re-Amended Motion for Authorization to Institute a Class Action and to Obtain the Status of Representative (the “**Re-Amended Application**”), communicated hereto as **Exhibit R-1**.

II. Relevant Procedural History

3. On November 24, 2023, at the first case management of the matter, the Petitioner’s lawyers informed this Honourable Court that they would seek leave to amend the Modified Motion for Authorization to Institute a Class Action.
4. This Honourable Court directed that the Petitioner file this Application to Amend by January 22, 2024, as appears from the minutes of this case management.
5. The Respondents who have already appeared on the record have yet to file their preliminary motions and the Court has yet to set a date for the authorization hearing.

III. The Amendments Sought

6. The Re-Amended Application first seeks to add three respondents to the current proceedings, Sally Beauty Supply LLC, Sally Beauty Systems Group (Canada), Inc. and Godrej SON Holdings, Inc. (the “**New Respondents**”).
7. The New Respondents design, manufacture, test, package, promote, market, distribute, import and/or sell “Silk Elements”, “Motions”, “Soft & Beautiful”, “Just for Me”, “TCB”, “TCB

Naturals”, “African Pride”, and “African Pride Dream Kids” Hair Straightening Products, as defined at paragraph 6 of the Re-Amended Application, to distributors and retailers for resale and to the general public throughout Canada, including within the Province of Quebec, as alleged in the Re-Amended Application.

8. The New Respondents thus engaged in a conduct similar to the other Respondents.
9. The Re-Amended Application also seeks to limit the class action to the members of the province of Québec as against all Respondents, except L’Oréal Canada inc., as well as clarifying the Respondents’ relationship with the class members:
 - All persons who reside or have resided in the province of Québec, who used any of the Hair Straightening Products of the Respondents, as defined in paras. 5 and 6 below, and where the person is deceased, their heirs and estates (the “**Québec Consumers**”); and
 - All persons who are the spouse, parent, child, sibling, dependent, or caregiver to a Québec Consumer (the “**Québec Family Members**”).
 - All persons who reside or have resided in Canada, who used any of the Hair Straightening Products, as defined in paras. 5 and 6 below, manufactured, distributed and/or imported by L’Oréal Canada Inc. and where the person is deceased, their heirs and estates (the “**L’Oréal Consumers**”); and
 - All persons who are the spouse, parent, child, sibling, dependent, or caregiver to a person L’Oréal Consumer (the “**L’Oréal Family Members**”),

collectively the “**Class Members**”.
10. The Re-Amended Application further seeks to clarify the class definition by specifying the capacity in which the Respondents’ liability is sought.
11. As a result, and as alleged in the Re-Amended Application, the amendments for which leave is sought will not result in a wholly different application and they will not unduly lengthen or complexify the matter. The request to amend is neither untimely.
12. The present application is well-founded in fact and in law, and the amendments sought meet all requirements justifying such amendments, whether pursuant to Art. 206 CPC or 585 CPC.

THEREFORE, MAY IT PLEASE THIS HONOURABLE COURT TO:

GRANT the present Application for Leave to Amend Petitioner's Modified Application for Authorization to Institute a Class Action and to Obtain the Status of Representative;

AUTHORIZE Petitioner to amend her Modified Motion for Authorization to Institute a Class action in the form of the Re-Amended Application for Motion to Institute a Class Action (Exhibit R-1);

THE WHOLE without costs, unless contested.

MONTRÉAL, January 22, 2024

Woods s.e.n.c.r.l./LLP

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TORONTO, January 22, 2024

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LIST OF EXHIBITS

Exhibit R-1: Draft Re-Amended Application for Authorization to Institute a Class Action and to Obtain the Status of Representative

MONTRÉAL, January 22, 2024

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NOTICE OF PRESENTATION

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TAKE NOTICE that the present Petition's Application for Leave to Amend her Modified Motion for Authorization to Institute a Class Action and to Obtain the Status of Representative will be presented for adjudication before the Honourable Marie-Christine Hivon, j.c.s. at the time and place decided by her.

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NOTICE OF PRESENTATION**

ORIGINAL

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