

CANADA

SUPERIOR COURT
(Class Action Division)

PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No.: 500-06-001238-233

MARAL YERETZIAN;

Petitioner

v.

UBER PORTIER CANADA INC.

and

UBER RASIER CANADA INC.

and

UBER CASTOR CANADA INC.

and

UBER TECHNOLOGIES INC.

and

UBER CANADA INC.

and

UBER B.V.

and

RASIER OPERATIONS B.V.

and

UBER PORTIER B.V.

Respondents

**DE BENE ESSE MOTION FOR LEAVE TO AMEND PETITIONER'S APPLICATION
FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION**
(Articles 25, 49, 101, 206 and 585 of the *Code of Civil Procedure*)

TO THE HONOURABLE DONALD BISSON, J.C.S. SITTING IN AND FOR THE DISTRICT OF MONTREAL, THE PETITIONER RESPECTFULLY ALLEGES AS FOLLOWS:

I. Introduction

1. By the present *de benne esse* motion (the "**Motion**"), Petitioner seeks leave to amend her original Application for Authorization to Institute a Class Action (the "**Original Application**"), which was filed on Court on April 28, 2023 and served upon the Defendants named therein.
2. The amendments for which leave is sought are those contained in the Modified Application for Authorization to Institute a Class Action (the "**Amended Application**") and which was notified and filed on November 17, 2023, as appears from the Court record.

II. Relevant Procedural History

3. On October 6th, 2023, the Defendants filed a "*Demande pour permettre de présenter une preuve appropriée*" (the "**Motion to file appropriate evidence**") as appears from the Court record.
4. The Motion to file appropriate evidence aims to add an affidavit from a representative of the Defendants, numerous Service Agreements entered between the Defendants and the Class Members (the "**Service Agreements**"), several Community Guidelines issued by the Defendants (the "**Community Guidelines**") as well as affidavits from the Petitioner and other Uber Drivers filed in a class action taking place in Alberta, from which Quebec residents are excluded.
5. On October 16th, 2023, the Petitioner's attorneys informed this Honourable Court that they will be filing an amended Application for Authorization to Institute a Class Action.
6. On November 2nd, 2023, after conferring with the Defendants' attorneys, the Petitioner's attorneys informed this Honorable Court that they will be filing their Amended Application during the week of November 13th, 2023.
7. On November 17th, 2023, the Amended Application was notified on the Defendants.

III. The Amendments Sought

8. The Amended Application seeks to file as exhibits the various Service Agreements and Community Guidelines relevant to the relation between the putative class members and the Defendants, namely Exhibits P-9 and P-10. It also seeks to adduce on the record some of the affidavits administered in a concurrent Alberta class action (Exhibits P-6, P-7, P-8 and P-13).
9. All of these exhibits are documents the Defendants seek to adduce on the record by way of their Motion to file appropriate evidence.
10. The main purpose of these amendments is to clarify for the Court the various contractual and factual relationships between the Defendants and the Class Members, which are already alleged in the Original Application, as part of the authorization process.
11. The amendments also intend to shed light on the two ongoing class actions in Canada against the Defendants, in Ontario and Alberta, which do not include Quebec residents, and put some context on the evidence the Defendants request to file in the Court record pursuant to their Motion to file appropriate evidence.
12. These amendments neither add a distinct cause of action against the Defendants, nor a new party to these proceedings.
13. The amendments will assist the Court in appreciating whether the Petitioner meets the criteria set forth in article 575 of the *Code of Civil Procedure*, including as to whether the Application for Authorization discloses an arguable case.
14. None of the amendments will hinder, delay or complexify the authorization proceedings.
15. The present Motion is well-founded in fact and in law, and the amendments sought meet all requirements justifying such amendments, whether pursuant Art. 206 CPC or 585 CPC.

THEREFORE, MAY IT PLEASE THIS HONOURABLE COURT TO:

GRANT the present *de bene esse* Motion for Leave to Amend Petitioner's Application for Authorization to Institute a Class Action;

AUTHORIZE Petitioner to amend her Original Application for Authorization to Institute a Class action in the form of the Amended Application for Authorization to Institute a Class Action of November 17, 2023;

THE WHOLE without costs, unless contested.

MONTREAL, November 20, 2023

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

Woods LLP

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Winnipeg, November 20, 2023

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London, November 20, 2023

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AFFIDAVIT

I, the undersigned, Laurence Ste-Marie, lawyer, exercising my profession with the firm Woods LLP, located at 2000 McGill College Avenue, Suite 1700, in the City and District of Montréal, province of Québec, H3A 3H3, solemnly declares that:

1. I am one of the lawyers for Maral Yeretjian in the present file;
2. All the facts alleged at paragraphs 5, 6 and 7 in the present *Motion for Authorization to Amend Petitioner's Application for Authorization to Institute a Class Action* are true.

AND I HAVE SIGNED:



Laurence Ste-Marie

Solemnly affirmed before me in by
technological means, in Montréal
this 20 of November, 2023




Kelly Chim #194410

**Commissioner for Oaths for Québec
and for outside of Québec**

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DISTRICT OF MONTREAL
PROVINCE OF QUÉBEC**

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Procedure*)

ORIGINAL

Mtre. Laurence Ste-Marie
Mtre. Ioana Jurca
Mtre. Simon-Alexandre Poitras
File No.: 7501-1

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