

CANADA

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

NO: 500-06-001302-245

(Class Action)  
SUPERIOR COURT

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**B. BAIRD**

*Applicant*

-vs.-

**WHALECO CANADA INC. doing business as TEMU**, legal person duly incorporated having its principal establishment located at 1212-1175 Douglas Street, Victoria, British Columbia, V8W 2E1

and

**WHALECO INC. doing business as TEMU**, legal person duly constituted having its head office at Suite 355, 31 St. James Avenue, Boston, Massachusetts, 02116 USA

and

**PDD HOLDINGS INC. formerly known as PINDUODUO INC.**, First Floor, 25 Stephen's Green, Dublin 2, D02 XF99, Republic of Ireland

*Defendants*

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**APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION & TO  
APPOINT THE APPLICANT AS REPRESENTATIVE PLAINTIFF  
(Art. 574 C.C.P. and following)**

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TO ONE OF THE HONOURABLE JUSTICES OF THE SUPERIOR COURT OF QUEBEC, SITTING IN AND FOR THE DISTRICT OF MONTREAL, YOUR APPLICANT STATES AS FOLLOWS:



## I. GENERAL PRESENTATION

### A. The Action

1. The Applicant wishes to institute a class action on behalf of the following class, of which he is a member, namely:
  - All persons resident in Quebec who used the Temu platform, or had electronic communications with Temu users, or who had their data stored on devices used by Temu users, any other group to be determined by the Court;
2. Temu is an online marketplace operated by the Defendants that offers heavily discounted consumer goods that are mostly shipped directly from China;
3. The Applicant contends that the Defendants have been and continue to collect, compile, store, and/or disseminate user data exceeding that which is necessary for online shopping applications such as Temu, deploying a sophisticated arsenal of tools exfiltrating the totality of private data contained on a user's device;
4. The intentional and excessive collection of personal user data extends to biometric information such as facial characteristics, fingerprints and voiceprints, and to users' geospatial location. The Temu platform application also bypasses phones' security systems and enables the Defendants to access and read users' private messages, track notifications, and make changes to the settings on users' phones;
5. The Defendants' intentional, excessive, and grossly disproportionate collection of personal information is facilitated, furthered or otherwise advanced by their practice of insufficiently disclosing the nature, level, extent and quantity of data collected through the Temu platform. The Defendants' practice of insufficient disclosure prevents platform users from effectively consenting to the Defendants' collection of their data and from ascertaining the manner in which their personal information is used by the Defendants;
6. As Temu is a Chinese-owned company, the violations of Temu users' privacy rights are compounded by the Defendants' exposure of Temu users' personal information to misappropriation or compelled disclosure by individuals and entities of the People's Republic of China;
7. The Applicant and Class Members suffered significant tangible compensable injuries directly and immediately caused by the Defendants' violations of their privacy rights, and are entitled to claim, *inter alia*:
  - (a) Trouble and inconvenience by having to carefully review their transactions and be on the lookout for fraud,
  - (b) The lost inherent value of their personal and private information,



- (c) The trouble and inconvenience of having been and possibly continuing to have their personal phones and other technology under surveillance,
- (d) Injury to their mobile devices, including compromised battery, memory, cpu, and bandwidth, which results in impaired functioning of the devices,
- (e) Additional data usage and electricity costs,
- (f) Possible future fraud by the Defendants or by third parties,
- (g) Pain, suffering, stress, anxiety, and embarrassment, and
- (h) Punitive damages;

## **B. The Defendants**

8. Defendant Whaleco Canada Inc. (“Temu Canada”) is a Canadian corporation with its head office in Victoria, British Columbia, copies of Temu Canada’s Terms of Service and Privacy Policy are attached hereto *en liasse* as **Exhibit R-1**;
9. Defendant Whaleco Inc. (“Temu”) is an American corporation with its head office in Boston, Massachusetts. It is an online marketplace offering heavily discounted goods mostly shipped to consumers directly from China that is operated by Defendant PDD Holdings Inc;
10. Defendant PDD Holdings Inc. (“PDD”) is a Chinese e-commerce company founded in 2015 under the name Pinduoduo Inc. In 2023, PDD Holdings claims to have relocated its corporate headquarters from Shanghai, China to Dublin, Ireland. PDD Holdings owns the company that operates the TEMU online marketplace, namely, the Defendant Whaleco Inc., a copy of the CNBC article entitled “Tech giant PDD Holdings, parent of Pinduoduo and Temu, moves headquarters from China to Ireland” dated May 5, 2023, is attached hereto as **Exhibit R-2**;
11. Defendants PDD and Temu operate as corporate alter egos that are neither separate nor independent. Temu Inc. is directly controlled by Defendant PDD, which directs Temu’s operations and corporate policies. The same is true as concerns Temu Canada, a subsidiary of Temu that is also ultimately controlled by Defendant PDD;
12. All Defendants have either directly or indirectly derive substantial revenue from the sale of products through the Temu platform including significant revenue derived from the sale products of disseminated, sold and purchased in Quebec;
13. In light of the foregoing, all Defendants are solidarily liable for the acts and omissions of the other;



### **C. The Situation**

14. PDD launched its new initiative, Temu, in September 2022, a copy of extracts from PDD's 2022 Annual Report is attached hereto as **Exhibit R-3**;
15. PDD developed the Temu app based on its already existing app Pinduoduo;
16. Temu handles delivery, promotion and after sales services for merchants through its platform, which includes over 80,000 suppliers, a copy of The Select Committee on the Chinese Communist Party article entitled "Fast Fashion and Uyghur Genocide: Interim Findings" is attached hereto as **Exhibit R-4**;
17. There had been concerns regarding Temu's precursor, the Pinduoduo app, which had been removed from the Google Play Store due to the presence of malware exploiting vulnerabilities in the Android operating system. More specifically, the malware was spying on users and competitors through as many as 83 permissions, including access to biometrics, Bluetooth, and Wi-Fi network information, a copy of the Compass IT Compliance article entitled "Cybersecurity Government Temu App Poses Potential Data Risk for Consumers" dated June 30, 2023, is attached hereto as **Exhibit R-5**;
18. Temu was operating similarly, although it only asked for 24 permissions, including access to Bluetooth and Wi-Fi network information (Exhibit R-5);
19. In April 2023, CNN reported that multiple cybersecurity teams found sophisticated malware on Pinduoduo's mobile app for Google Android devices. The malware enabled the Pinduoduo app to bypass user security permissions and access private messages, change settings, view data from other apps, and prevent uninstallation. The investigation followed Google's suspension of the app from the Google Play store in March 2023, a copy of the CNN Business article entitled "I've never seen anything like this: One of China's most popular apps has the ability to spy on its users, say experts" dated April 3, 2023, attached hereto as **Exhibit R-6**;
20. Also in April 2023, the U.S.-China Economic and Security Review Commission (USCC), a governmental entity established to investigate, assess and report on the national security implications of the economic relationship between the U.S. and China, issued a brief noting the significant data risks associated with the Temu app, a copy of the U.S.-China Economic and Security Review Commission Issue Brief entitled "Shein, Temu, and Chinese e-Commerce: Data Risks, Sourcing Violations, and Trade Loopholes" dated April 14, 2023, is attached hereto as **Exhibit R-7**;
21. Analysts had concluded that the Pinduoduo app was secretly collecting personal and private information from users without their knowledge or consent including highly-sensitive biometric data contained on users' devices, a copy of the Grizzly Research Report entitled "We believe PDD is a Dying Fraudulent Company and its



Shopping App TEMU is Cleverly Hidden Spyware that Poses an Urgent Security Threat to U.S. National Interests” dated September 6, 2023, is attached hereto as **Exhibit R-8**;

22. These analysts also concluded that many of the problems with Pinduoduo app were equally present with the Temu app. More recently, Apple has concluded that the Temu app is not in compliance with Apple’s data privacy standards and that Temu was misleading users on how their data is being used. *Politico* had investigated the matter and concluded: “Apple said Temu previously violated the company’s mandatory privacy rules. It said it had found that Temu misled people about how it uses their data. Temu’s so-called privacy nutrition labels — descriptions about the types of data an app can access, how it does so and what it uses them for — did not accurately reflect its privacy policy, said Apple. Temu also isn’t letting users choose not to be tracked on the internet,” a copy of the *Politico* article entitled “Booming Chinese shopping app faces Western scrutiny over data security” dated July 24, 2023, is attached hereto as **Exhibit R-9**;
23. Because of these concerns with the Temu app, the state of Montana has banned it, along with a few other apps, from being installed on government devices – the issue being that it provides “personal information or data to foreign adversaries” and is “dangerous” since it bypasses phone security systems to read a user’s private messages, makes changes to the phone’s settings and track notifications, a copy of the International Business Times article entitled “After TikTok, Montana Bans WeChat, Temu And Telegram From Government Devices” dated May 18, 2023, is attached hereto as **Exhibit R-10**;
24. On December 20, 2023, the United States Committee on Energy and Commerce sent Temu a letter demanding information relating to the data collection practices with respect to the Pinduoduo and Temu apps and expressing concerns amount the amount of data collected, a copy of the letter from the United States Committee on Energy and Commerce to Whaleco, Inc. dated December 20, 2023, is attached hereto as **Exhibit R-11**;
25. Analysis has revealed that the scope of the data collected by Temu goes well beyond the scope of data that is necessary in order to run an online shopping app. It has been recommended to remove the Temu app from users phone in order to prevent it from its covert information theft, a copy of the article entitled “Get Temu, the popular shopping app, off your phone now” dated April 15, 2023, is attached hereto as **Exhibit R-12**;
26. Analysts have concluded that the “TEMU app is purposefully and intentionally loaded with tools to execute virulent and dangerous malware and spyware activities on user devices which have downloaded and installed the TEMU app” suggesting that Defendant PDD is a “fraudulent company” and that “its shopping app Temu is cleverly hidden spyware that poses an urgent security threat to U.S. national interests” (Exhibit R-8);



27. Even more concerning is that the analysts asserted that there is “smoking gun evidence” that “Temu is the most dangerous malware/spyware package currently in widespread circulation” (Exhibit R-8);
28. The main findings of the analysts are the following:
- (a) “The app has hidden functions that allow for extensive data exfiltration unbeknown to users, potentially giving bad actors full access to almost all data on customers’ mobile devices.”
  - (b) “It is evident that great efforts were taken to intentionally hide the malicious intent and intrusiveness of the software.”
  - (c) “We engaged numerous independent data security experts to decompile and analyze TEMU app’s code, integrated with experts of our own staff, and analysts who have written independently in the public domain.”
  - (d) “Contributing to the danger of mass data exfiltration is the fast uptake rate of the TEMU app: over 100 million app downloads in the last 9 months, all in U.S. and Europe. TEMU is not offered in China.”
  - (e) “The TEMU app development team includes 100 engineers who built the Pinduoduo app, which earned a suspension from the Google Play Store.”
  - (f) “Pinduoduo app got reinstated by removing the ‘bad parts,’ some of which were identically utilized as components of the TEMU app, strongly indicating malicious intent.”
  - (g) “We strongly suspect that TEMU is already, or intends to, illegally sell stolen data from Western country customers to sustain a business model that is otherwise doomed for failure.”
- (Exhibit R-8);
29. The software functions that Temu uses as compared to other apps is concerning and inappropriate and dangerous, as depicted in the below chart:



Security issue	TEMU	SHEIN	Alibaba.com	Amazon	TikTok	eBay
1 Local compiling with "package compile" executed with <code>getRuntime.exec()</code>	Yes	No	No	No	No	No
2 Requesting information if app runs with root rights ("superuser")	Yes	Yes	Yes	Yes	No	Yes
3 Request process list with " <code>getRunningAppProcesses()</code> "	Yes	Yes	Yes	Yes	Yes	Yes
4 Requesting system logs from <code>"/system/bin/logcat"</code>	Yes	No	No	No	No	No
5 Accessing debugger status with " <code>Debug.isDebuggerConnected()</code> "	Yes	Yes	Yes	Yes	No	Yes
6 Reading and writing system files in <code>"sys/devices/"</code>	Yes	Yes	Yes	Yes	Yes	No
7 Accessing external storage with <code>"ExternalStorage"</code>	Yes	Yes	Yes	Yes	Yes	Yes
8 Making screenshots (" <code>getRootView()</code> ", " <code>peekDecorView()</code> " in " <code>getWindow()</code> ")	Yes	Yes	Yes	Yes	Yes	No
9 Requesting the MAC address	Yes	Yes	Yes	Yes	No	Yes
10 Putting MAC address into a JSON to send the information to server	Yes	No	No	No	No	No
11 Code obfuscation with most JAVA code: unnamed files, folders, functions	Yes	No	No	No	Yes	No
12 <code>android.permission.CAMERA</code>	Yes	Yes	Yes	Yes	Yes	Yes
13 <code>android.permission.WRITE_EXTERNAL_STORAGE</code>	Yes	Yes	Yes	Yes	Yes	Yes
14 <code>android.permission.RECORD_AUDIO</code>	Yes	No	Yes	Yes	Yes	No
15 <code>android.permission.INSTALL_PACKAGES</code>	Yes	No	No	No	No	No
16 <code>android.permission.INTERNET</code>	Yes	No	Yes	Yes	No	No
17 <code>android.permission.WAKE_LOCK</code>	Yes	No	Yes	No	No	No
18 Putting location information into JSON to send the information to server	Yes	No	No	Yes	No	No

30. It was reported in the United Kingdom that "law enforcement authorities have issued a stark warning about this online marketplace. They have uncovered evidence of the app harvesting customer data and expressed concerns that this data may find its way into Chinese hands", a copy of the Cybersecurity Insiders article entitled "China Temu App caused data privacy concerns in United Kingdom", is attached hereto as **Exhibit R-13**;

31. The Temu app was intentionally designed to hide the malicious features to prevent users from discovering the data privacy violations (Exhibit R-8);

32. On Temu's website, the Defendants make the following representations:

- "Temu is a safe shopping website. We care about our customers' privacy and data security."

- "Our Commitment to Your Privacy

1. Transparent Data Usage: Our Privacy Policy details how we collect and use your information.

2. No Unnecessary Data Sharing: We do not share your personal information with third-party merchandise partners on Temu, ensuring your data remains confidential and secure.

3. Customer Consent and Control: You have control over your personal information. We seek your consent for any data processing and provide options to manage your privacy settings."

- "Ensuring a Safe Shopping Experience  
Shopping on Temu is not just about finding great deals; it's also about feeling secure and protected. We continuously evolve our security measures to ensure that you can shop with confidence, knowing your data and other information are safe with us."



A copy of an extract from the Defendants' website at [www.temu.com](http://www.temu.com), is attached hereto as **Exhibit R-14**;

33. Despite the Defendants' assurances, the Temu app contains "self-compiling software" that circumvents your phone's malware detection abilities and allows the Defendants to illegally steal your data, a copy of The Week article entitled "Why shopping app Temu could be cause for consumer concern" dated September 11, 2023, is attached hereto as **Exhibit R-15**;
34. There are several Complaints that have been filed in the United States alleging substantially similar allegations, a copy of the Class Action Complaint in *Hu v. Whaleco, Inc.*, Case 1:23-cv-06962-MKB-PML and a copy of the Amended Class Action Complaint in *Ziboukh, et al. v. Whaleco Inc. et al.*, Case 1:23-cv-15653 are attached hereto *en liasse* as **Exhibit R-16**;

## **II. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY THE APPLICANT**

35. The Applicant owns a Xiaomi Poco X5 Android smartphone. In early 2023, the Applicant downloaded the Temu app from the Google Play Store;
36. The Applicant has used the Temu app to purchase several items over the last year, such as balloon stands, brain-teaser puzzles, and an electrical cord adapter;
37. The Applicant noticed that every 2 weeks or so, he would get a message that he could win a prize worth hundreds of dollars from Temu and that in order to claim his prize, he would need to refer 5 people to start using Temu. While he did not attempt this, his daughter did; she referred 5 people, but then, Temu announced that she had only passed to get to the next level and that she would need to refer 10 people. After completing this, Temu then said that she needed to refer 50 people – she gave up, as she figured she would never be able to claim her prize;
38. The Applicant was never made aware that his personal and private information was being collected and stored by Temu, including his Unique Device Identifier (UDID), biometric identifiers and information from his smartphone, and that such information was accessible to persons in China. Had he known this, he would never have downloaded the Temu app;
39. The Applicant has been made aware that his personal and private information, though he does not know the full extent of the breach of his privacy. What particularly concerns the Applicant is that Temu has accessed his contacts and also that he has no idea what the Defendants have done or are planning to do with his personal and private information;
40. The Applicant's damages are a direct and proximate result of the Defendants' conduct;





### **III. FACTS GIVING RISE TO INDIVIDUAL ACTIONS BY EACH OF THE MEMBERS OF THE CLASS**

41. Every member of the Class is a resident of Quebec who has used the Temu platform, or had electronic communications with Temu users, or who had their data stored on devices used by Temu users and has or will suffer damages;
42. All of these damages to the Class Members are an immediate and direct proximate result of the Defendants' conduct;

### **IV. CONDITIONS REQUIRED TO INSTITUTE A CLASS ACTION**

- A. The composition of the Class makes it difficult or impracticable to apply the rules of mandate to sue on behalf of others or for consolidation of proceedings
22. The Applicant is unaware of the specific number of persons in resident in Canada who have used and/or currently use the Temu online shopping platform or had electronic communications with Temu users, or who had their data stored on devices used by Temu users; however, the Temu app has been downloaded at least 100 million times and it is safe to assume that a portion of these downloads occurred by Class Members;
23. Class Members are numerous and scattered across the entire province and country;
24. In addition, given the costs and risks inherent in an action before the courts, many people will hesitate to institute an individual action against the Defendants;
25. Even if the Class Members themselves could afford such individual litigation, it would place an unjustifiable burden on the courts. Furthermore, individual litigation of the factual and legal issues raised by the conduct of the Defendants would increase delay and expense to all parties and to the court system;
26. Also, a multitude of actions instituted in different jurisdictions, both territorial (different provinces) and judicial districts (same province), risks resulting in contradictory judgments on questions of fact and law that are similar or related to all members of the Class;
27. These facts demonstrate that it would be impractical, if not impossible, to contact each and every member of the Class to obtain mandates and to join them in one action.
28. In these circumstances, a class action is the only appropriate procedural vehicle for all of the members of the Class to effectively pursue their respective rights and have access to justice;



B. The claims of the members of the Class raise identical, similar or related issues of law or fact

31. Individual issues, if any, pale by comparison to the numerous common issues that are central to the outcome of the litigation;
32. The damages sustained by the Class Members flow, in each instance, from a common nucleus of operative facts, namely, Defendants' misconduct;
33. The Members' claims raise identical, similar or related issues of fact or law:
  - (a) Did the Defendants collect, compile, store, and/or disseminate Class Members' personal and private information unrelated to the functionality of the Temu app?
  - (b) Did the Defendants collect, compile, store, and/or disseminate Class Members' personal and private information without their knowledge and consent or beyond the scope of their consent?
  - (c) Did the Defendants fail to disclose that they were collecting, compiling, storing, and/or disseminating Class Members' personal and private information?
  - (d) Did the Defendants violate Class Members' privacy rights?
  - (e) If the answer to any of the above questions is affirmative, did the Defendants' conduct engage their solidary liability toward the members of the Class?
  - (f) Are Class Members entitled to, among other remedies, injunctive relief, and, if so, what is the nature and extent of such injunctive relief?
  - (g) Are the Defendants liable to pay compensatory damages to the Class Members?
  - (h) Are the Defendants liable to pay aggravated or punitive damages and, if so, in what amount?
34. The interests of justice favour that this application be granted in accordance with its conclusions;

V. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

35. The action that the Applicant wishes to institute on behalf of the members of the Class is an action in damages, injunction, and declaratory judgment;
36. The conclusions the Applicant seeks by way of the present application to institute proceedings are as follows:



GRANT the class action of the Plaintiff and each of the members of the Class;

ORDER the Defendants to cease collecting, compiling, storing, and/or dissemination of Class Members' data;

ORDER the Defendants to destroy any and all Class Member data that it has in its possession or under their control;

DECLARE the Defendants solidarily liable for the damages suffered by the Applicant and each of the members of the Class;

CONDEMN the Defendants to pay to each member of the Class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay to each of the members of the Class, punitive damages, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay interest and additional indemnity on the above sums according to law from the date of service of the application to authorize a class action;

ORDER the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class Members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

- A. The Applicant requests that he be attributed the status of representative of the Class
37. The Applicant is a member of the Class;
38. The Applicant is ready and available to manage and direct the present action in the interest of the members of the Class that they wish to represent and are determined to lead the present dossier until a final resolution of the matter, the whole for the benefit of the Class, as well as, to dedicate the time necessary for the present action before the Courts and the *Fonds d'aide aux actions collectives*, as the case may be, and to collaborate with his attorneys;



39. The Applicant has the capacity and interest to fairly, properly, and adequately protect and represent the interest of the members of the Class;
40. The Applicant has mandated the undersigned attorneys to obtain all relevant information with respect to the present action and intend to keep informed of all developments;
41. The Applicant, with the assistance of said attorneys, is ready and available to dedicate the time necessary for this action and to collaborate with other members of the Class and to keep them informed;
42. The Applicant has given instructions to the undersigned attorneys to put information about this class action on their website and to collect the coordinates of those Class Members that wish to be kept informed and participate in any resolution of the present matter, the whole as will be shown at the hearing;
43. The Applicant is in good faith and has instituted this action for the sole goal of having his rights, as well as the rights of other Class Members, recognized and protected so that they may be compensated for the damages that he has suffered as a consequence of the Defendants' conduct;
44. The Applicant understands the nature of the action;
45. The Applicant's interests are not antagonistic or otherwise adverse to those of other members of the Class;
46. The Applicant is prepared to be examined out-of-court on his allegations, as may be authorized by the Court, and to be present for Court hearings, as may be required and necessary;
47. The Applicant has spent time researching this issue on the internet and meeting with the undersigned attorneys to prepare this file. In so doing, he is convinced that the problem is widespread;
- B. The Applicant suggests that this class action be exercised before the Superior Court of Justice in the district of Montreal
48. A great number of the members of the Class reside in the judicial district of Montreal and in the appeal district of Montreal;
49. The Applicant's attorneys practice their profession in the judicial district of Montreal;
50. The present application is well founded in fact and in law.



**FOR THESE REASONS, MAY IT PLEASE THIS HONOURABLE COURT TO:**

**GRANT** the present application;

**AUTHORIZE** the bringing of a class action in the form of an application to institute proceedings in damages and declaratory relief;

**APPOINT** the Applicant as representative of the persons included in the class herein described as:

- All persons resident in Quebec who used the Temu platform, or had electronic communications with Temu users, or who had their data stored on devices used by Temu users, any other group to be determined by the Court;

**IDENTIFY** the principal issues of fact and law to be treated collectively as the following:

- (a) Did the Defendants collect, compile, store, and/or disseminate Class Members' personal and private information unrelated to the functionality of the Temu app?
- (b) Did the Defendants collect, compile, store, and/or disseminate Class Members' personal and private information without their knowledge and consent or beyond the scope of their consent?
- (c) Did the Defendants fail to disclose that they were collecting, compiling, storing, and/or disseminating Class Members' personal and private information?
- (d) Did the Defendants violate Class Members' privacy rights?
- (e) If the answer to any of the above questions is affirmative, did the Defendants' conduct engage their solidary liability toward the members of the Class?
- (f) Are Class Members entitled to, among other remedies, injunctive relief, and, if so, what is the nature and extent of such injunctive relief?
- (g) Are the Defendants liable to pay compensatory damages to the Class Members?
- (h) Are the Defendants liable to pay aggravated or punitive damages and, if so, in what amount?

**IDENTIFY** the conclusions sought by the class action to be instituted as being the following:

GRANT the class action of the Plaintiff and each of the members of the Class;

ORDER the Defendants to cease collecting, compiling, storing, and/or dissemination of Class Members' data;



ORDER the Defendants to destroy any and all Class Member data that it has in its possession or under their control;

DECLARE the Defendants solidarily liable for the damages suffered by the Applicant and each of the members of the Class;

CONDEMN the Defendants to pay to each member of the Class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay to each of the members of the Class, punitive damages, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay interest and additional indemnity on the above sums according to law from the date of service of the application to authorize a class action;

ORDER the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class Members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

**DECLARE** that all members of the Class that have not requested their exclusion, be bound by any judgment to be rendered on the class action to be instituted in the manner provided for by the law;

**FIX** the delay of exclusion at thirty (30) days from the date of the publication of the notice to the Class Members, date upon which the members of the Class that have not exercised their means of exclusion will be bound by any judgment to be rendered herein;

**ORDER** the publication of a notice to the members of the group in accordance with article 579 C.C.P. within sixty days from the judgment to be rendered herein in The Montreal Gazette and *La Presse*;

**ORDER** that said notice be available on the Defendants' websites, Facebook page(s), X accounts, and Instagram accounts with a link providing "Notice to Temu users and persons in electronic communication with Temu users";



**ORDER** that said notice be sent by individual letters emailed to Class Members by using the Defendants' records;

**RENDER** any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

**THE WHOLE** with legal costs, including all publication and judicial fees.

Montreal, March 22, 2024

(s) Andrea Grass

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CONSUMER LAW GROUP INC.  
Per: Me Andrea Grass  
Attorneys for the Applicant

**CONSUMER LAW GROUP INC.**

1030 rue Berri, Suite 102  
Montréal, Québec H2L 4C3  
Telephone: (514) 266-7863  
Telecopier: (514) 868-9690  
Email: [agrass@clg.org](mailto:agrass@clg.org)

