

# SUPERIOR COURT

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTRÉAL

No.: 500-06-001014-196

DATE: August 28, 2024

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

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**JOSIANE FRÉCHETTE**

Plaintiff

v.

**NHK SPRING CO., LTD.**

and

**NHK INTERNATIONAL CORPORATION**

and

**NAT PERIPHERAL (HONG KONG) CO., LTD.**

and

**TDK CORPORATION**

and

**TDK U.S.A. CORPORATION**

and

**TDK CORPORATION OF AMERICA**

and

**SAE MAGNETICS (HK) LTD.**

and

**MAGNECOMP PRECISION TECHNOLOGY PUBLIC CO. LTD.**

and

**HUTCHISON TECHNOLOGY INC.**

Defendants

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JUDGMENT

(Application for an extension of the stay of the application for authorization to institute a class action)

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[1] On March 10, 2021, Justice Chantal Chatelain issued until a stay of the present proceedings for a period of 10 months after the filing of the Plaintiff's certification record in the parallel British-Columbia action (*Tony Cheung v. NHK Spring Co., LTD. & al.*, Court File No. S-1910612) (the "**BC Action**"). On March 11, 2022, Justice Donald Bisson extended the stay until a decision was rendered by the Supreme Court of British Columbia in the BC Action.

[2] A certification judgment in the BC Action was rendered on October 6, 2022, but was appealed the British Columbia Court of Appeal.

[3] On February 7, 2023 (rectified on May 18, 2023), Justice Bisson extended the stay until 60 days after the decision of the British Columbia Court of Appeal in the BC Action.

[4] The British Columbia Court of Appeal rendered its judgment on June 24, 2024, such that the current stay expired on August 24, 2024.

[5] Defendants in the BC Action advised the Court that they intend to seek leave to appeal of the decision to the Supreme Court of Canada.

[6] On August 20, 2024, the parties wrote to the Court requesting that the stay be extended until 60 days after the final resolution of the appellate proceedings in relation to the BC Action.

[7] All parties consent to the extending the stay. Given the prior judgments of this court, the stay is in the interest of justice and of the parties.

[8] On August 22, 2024, the Court confirmed to the parties that the stay would be extended and that a judgment confirming this extension would follow.

#### **FOR THESE REASONS, THE COURT:**

[9] **RENEWS** the stay of any and all proceedings related to the *Application for Authorization to Institute a Class Action* until 60 days after the final resolution of the appellate proceedings in relation to the judgment of the Supreme Court for British Columbia dated October 6, 2022, and the decision of the British Columbia Court of Appeal dated June 24, 2024, in the matter of *Tony Cheung v. NHK Spring Co., LTD. & al.*, Court File No. S-1910612);

[10] **ORDERS** the Defendants to provide the Court with periodic status reports no more than four months apart regarding the BC Action and to advise this Court within 30 days

of any significant development in the BC Action that may affect the course of the Québec Action;

[11] **RESERVES** the jurisdiction of the Court to lift this stay on request or on its own initiative if the circumstances so warrant;

[12] **THE WHOLE, WITHOUT COSTS.**

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MARTIN. F. SHEEHAN, J.S.C.

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and Hutchinson Technology Inc.