

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR QUÉBEC)

B E T W E E N:

**NIPPON YUSEN KABUSHIKI KAISHA, NYK LINE (NORTH AMERICA) INC., NYK
LINE (CANADA), INC., EUKOR CAR CARRIERS, INC., WILH. WILHELMSSEN ASA,
WILH. WILHELMSSEN HOLDING ASA, WALLENIUS WILHELMSSEN LOGISTICS
AMERICAS, LLC, WALLENIUS WILHELMSSEN OCEAN AS, WALLENIUS LINES
AB, KAWASAKI KISEN KAISHA, LTD.,
“K” LINE AMERICA, INC.**

APPLICANTS
(Appellants on Appeal)

A N D:

OPTION CONSOMMATEURS

RESPONDENT
(Respondent on Appeal)

A N D:

JEAN-CLAUDE CHARLET

RESPONDENT
(Respondent on Appeal)

AMENDED NOTICE OF APPLICATION FOR LEAVE TO APPEAL

(Pursuant to Section 40 of the *Supreme Court Act* and
Rule 25 of the *Rules of the Supreme Court of Canada*)

TAKE NOTICE that Nippon Yusen Kabushiki Kaisha, NYK Line (North America) Inc., NYK Line (Canada), Inc., EUKOR Car Carriers, Inc., Wilh. Wilhelmsen ASA, Wilh. Wilhelmsen Holding ASA, Wallenius Wilhelmsen Logistics Americas, LLC, Wallenius Wilhelmsen Ocean AS, Wallenius Lines AB, Kawasaki Kisen Kaisha, Ltd. and “K” Line America, Inc. hereby apply for leave to appeal to this Court, pursuant to section 40(1) of the *Supreme Court Act*, R.S.C. 1985, c. S-26, from the judgment of the Court of Appeal for Québec, File No. 500-09-030064-224 (500-06-000657-136), made on the 19th day of April, 2023, 2023 QCCA 513, and for an order of costs, and for any other order that the Court may deem appropriate.

AND FURTHER TAKE NOTICE that that this application for leave is made on the grounds that this case raises the following issue of national and public importance relating to:

What are the principles to be applied when an application is brought to Canadian courts to consolidate overlapping class actions (as to claims, defences, parties and common issues) in multiple provinces into a single common issues proceeding, so as to achieve judicial economy, fairness and efficiency?

Dated at Montréal, Québec, this 19th day of June, 2023.


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NOTICE TO THE RESPONDENT: A respondent may serve and file a memorandum in response to this application for leave to appeal within 30 days of the date a file number is assigned in this matter. You will receive a copy of the letter to the applicant confirming the file number as soon as it is assigned. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration.

REASONS FOR JUDGMENT:

- Judgment of the Québec Superior Court, [2022 QCCS 1338](#)
- Judgment of the Court of Appeal for Québec, [2023 QCCA 513](#)

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Rule 26(2)(b) Notice of Application:

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