

CANADA
PROVINCE OF QUÉBEC
District: Montréal
Locality: Montréal
File No.: 500-06-001348-248

SUPERIOR COURT
(Class Actions Division)

ALYSSIA MARCHETTA

Applicant

vs.

McCain Foods Limited

-and-

LES FERMES CAVENDISH LTD.

-and-

LAMB WESTON HOLDINGS INC.

-and-

LAMB WESTON CANADA ULC

-and-

J.R. SIMPLOT COMPANY

Defendants

ANSWER

1. We, the Defendants, **McCain Foods Limited**, are answering to the *Applicant's Application to Authorize the Bringing of a Class Action* in this cause so as to:

☐ make a settlement;

or

☒ contest and determine the protocol of the proceeding with the other parties:

2. ☒ We are represented by counsel, whose contact information is:

Me Nick Rodrigo & Me Faiz Lalani
Davies Ward Phillips & Vineberg LLP
1501 McGill College Avenue, 27th floor
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flalani@dwpv.com

Montréal, Québec, December 6, 2024

Davies Ward Phillips & Vineberg LLP

DAVIES WARD PHILLIPS & VINEBERG LLP

Lawyers for the Defendants,

McCAIN FOODS LIMITED



Subject Please see the attached Answer.
Case name Alyssia Marchetta c. McCain Foods Limited et al.
Court file number 500-06-001348-248
Generated on Friday, December 06 2024, at 10:08
Report number A560348R570839

Document(s) Notified

File Name	Pages	Document Integrity
answer-mccain-foods-limited-december-6-2024-500-06-001348-248.pdf		(SHA256 checksum): b125cd7b840fd6ada15ff7fcefe7b5699845067e0c73d76ae25c1510694e46d6

Message

Hello Alexandrine Comtois, you are hereby notified with the attached document(s). A confirmation report with a proof of notification has been provided to Dorothy Bienz (pour Me Nick Rodrigo).

Sent from

Name	Dorothy Bienz (pour Me Nick Rodrigo)
Email	dbienz@dwpv.com

Sent to

Name	Alexandrine Comtois
Email	acomtois@belleaulapointe.com

Proof of Transmission

Date & Time	Dec. 6, 24 - 10:06 AM
Status	Message successfully delivered to recipient
SMTP	250 2.0.0 Ok: queued as 4Y4ZNF3gppzCfBMS2
ID SMTP Message	CKdFDsiSRG-X2Oxp0gcRvA.recvd-786d47b7ff-2vq65-1-675312FC-28.0
ID SMTP	<675312fc975e0_120b345402a4@pronotif-sidekiq-66ff489fd5-x6l72.mail>

Subject Please see the attached Answer.
Case name Alyssia Marchetta c. McCain Foods Limited et al.
Court file number 500-06-001348-248
Generated on Friday, December 06 2024, at 10:08
Report number **A560348R570838**

Document(s) Notified

File Name	Pages	Document Integrity
answer-mccain-foods-limited-december-6-2024-500-06-001348-248.pdf		(SHA256 checksum): b125cd7b840fd6ada15ff7fcede7b5699845067e0c73d76ae25c1510694e46d6

Message

Hello Maxime Nasr, you are hereby notified with the attached document(s). A confirmation report with a proof of notification has been provided to Dorothy Bienz (pour Me Nick Rodrigo).

Sent from

Name	Dorothy Bienz (pour Me Nick Rodrigo)
Email	dbienz@dwpv.com

Sent to

Name	Maxime Nasr
Email	mnasr@belleaulapointe.com

Proof of Transmission

Date & Time	Dec. 6, 24 - 10:06 AM
Status	Message successfully delivered to recipient
SMTP	250 2.0.0 Ok: queued as 4Y4ZNF6Dmqz7mJIXw
ID SMTP Message	eIR6faN3RU-rgSI-n8wICA.recvd-5f54b5d587-djvzq-1-675312FD-2.0
ID SMTP	<675312fc95d30_12024c834719@pronotif-sidekiq-66ff489fd5-wft8s.mail>

Pronotif certifies that it has made this email and all attached documents available to the recipient. According to [article 134 of the Code of Civil Procedure of Quebec](#), this email and attached documents can be considered proof of notification by technological means.

Subject	Please see the attached Answer.
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Annex to the Proof Report - Additional Explanatory Document

This document has been produced by the Corporation of Quebec Property Owners (CORPIQ) and aims to provide detailed explanations regarding the validity and legitimacy of the electronic transmission proofs generated through the Pronotif tool, owned by CORPIQ. This tool allows the sending of secure email notifications, ensuring full traceability of transmissions and secure archiving of proof.

This document accompanies the proof report issued by Pronotif and aims to thoroughly outline each step of the email transmission process, as well as the technical features that ensure the reliability of the tool.

Tenant Consent

Before sending emails through the Pronotif tool, the tenant has expressly consented to receive communications by any electronic means, including certified email. This consent was obtained at the time of signing the lease, either by providing the authorized email address for this purpose on an annex to the lease (which forms an integral part of the lease), or by accepting an electronic consent request sent via the Pronotif tool. This consent is a prerequisite for using the tool to transmit emails and it is based on Article 31 of the *Law concerning the legal framework of information technology*, which states in its second paragraph that «The technological document is presumed to be received or delivered when it becomes accessible at the address the recipient indicates as the location where they agree to receive a document from him».

Operation and Guarantees of Pronotif

1. Email Address Verification:

- Before sending emails, Pronotif verifies the existence of the recipient's email address. This verification is performed through a query to the mail server to ensure that the email address is valid and capable of receiving messages. This guarantees that emails are not sent to non-existent or incorrect addresses.

2. Data Encryption:

- To ensure the security of transmitted information, Pronotif uses advanced encryption protocols. This encryption protects the content of the emails sent, thereby guaranteeing the confidentiality and integrity of sensitive data during transmission. This measure prevents unauthorized access to the information.

3. Traceability of Transmissions:

- Each email sent through the Pronotif tool is precisely traceable and time-stamped. The integrated tracking system relies on the use of tracking pixels inserted into the emails, allowing for the accurate recording of the date and time the message was transmitted to the recipient, as well as all actions taken on the message. All actions related to the notifications are logged with precise timestamps, providing clear evidence of the actions taken.

4. Time-Stamped Proofs:

- Each step of the transmission process is accompanied by a time-stamped proof. These proofs confirm that the actions were carried out properly and in due form.

5. Mail Server Responses:

- Pronotif analyzes the responses from mail servers to verify that the email was successfully transmitted to the recipient. In the case of a rejection or error, such as an incorrect email address, a notification is sent to the sender, allowing corrective measures to be taken. This process ensures the effectiveness of email delivery and guarantees the detection and resolution of any potential delivery issues.

6. Secure Archiving of Proofs:

- All generated proofs (sending, transmission, opening, errors, etc.) are archived in a secure space. These archives are stored and available for verification or disputes if needed. This archiving ensures that the proofs cannot be modified or altered after the fact.

Conclusion

Pronotif is a technological solution that ensures the security and traceability of communications, providing proof that notifications have been sent, received, opened, and that attachments have been downloaded. Through encryption, traceability, and time-stamping, Pronotif is a reliable tool for any electronic transmission with legal value. This document explains the legitimacy of the proof reports generated by Pronotif and guarantees that all critical steps of the transmission process are carried out rigorously and transparently.

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McCAIN FOODS LIMITED *ET AL.*

Defendants

ANSWER

ORIGINAL

DAVIES

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