

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL
LOCALITY OF MONTRÉAL

SUPERIOR COURT
(Class Actions)

No: 500-06-001342-241

NATHALIE AZOULAY

-and-

CARL LAREDO

Plaintiffs

vs.

FCA CANADA INC.,

and

FCA US LLC.,

Defendants

**APPLICATION BY THE DEFENDANTS FCA CANADA INC. AND FCA US LLC. FOR
DECLINATORY EXCEPTION IN ORDER TO LIMIT THE PROPOSED CLASS
(Articles 166 and 167 CCP and Article 3148 CCQ)**

**TO THE HONORABLE PIERRE NOLLET, OF THE SUPERIOR COURT, SITTING IN
AND FOR THE DISTRICT OF MONTREAL, THE DEFENDANTS FCA CANADA INC.
AND FCA US LLC. RESPECTFULLY SUBMIT THE FOLLOWING:**

I. INTRODUCTION

1. The Defendants, FCA Canada Inc. and FCA US LLC. (collectively referred to as “**FCA**”) intend to contest the *Amended Application for Authorization to Institute a Class Action* (the “**Authorization Application**”).
2. However, should this Honourable Court authorize the class action, FCA submits that the Proposed Class (as defined below) should be limited to Quebec residents, given that this Court lacks jurisdiction over non-residents of Quebec pursuant to article 3148 of the *Civil Code of Quebec* (“**CCQ**”), as further detailed below.

II. THE AUTHORIZATION APPLICATION

3. The Plaintiffs seek to authorize a class action against FCA on behalf of the following proposed class (the “**Proposed Class**”):

“All persons in Canada who own, owned, lease, leased and/or used one or more of the **Subject Vehicles**, namely:

- 2020-2024 Jeep Wrangler plug-in hybrid electric vehicle;
- 2022-2024 Jeep Grand Cherokee plug-in hybrid electric vehicle;

or any other Group(s) or Sub-Group(s) to be determined by the Court. [...]

“7. The “**Subject Vehicles**” means the model year 2020-2024 Jeep Wrangler plug-in hybrid electric vehicles (PHEV) and the model year 2022-2024 Jeep Grand Cherokee plug-in hybrid electric vehicles (PHEV), designed, manufactured, tested, assembled, marketed, advertised, distributed, leased and/or sold by Defendants FCA, which are equipped with a high-voltage battery which may fail internally and lead to a vehicle fire while parked or driving. [...]”

4. The Authorization Application alleges that FCA Canada Inc. is a wholly owned and/or controlled subsidiary of the FCA US LLC, which, *inter alia*, designs, manufacturers, tests, assembles, markets, distributes, supplies, sells and/or leases the Subject Vehicles, in Canada and within the Province of Quebec.
5. The Plaintiffs allege that the Subject Vehicles' high-voltage batteries are defective (the “**Alleged Defect**”), and that despite recalls on the Subject Vehicles, FCA failed to identify the root cause of the Alleged Defect.
6. On this basis, the Plaintiffs seek injunctive conclusions, an annulment of the sale of the Subject Vehicles, a reimbursement of the total amounts paid by the Proposed Class Members, and compensatory, moral and punitive damages.

III. THE LACK OF JURISDICTION OVER THE CLAIMS OF NON-RESIDENTS OF QUEBEC

7. FCA respectfully submits that the Quebec courts lack jurisdiction over this matter with respect to the claims of non-residents of Quebec.
8. In order to include non-residents of Quebec in the Proposed Class, this Court must have jurisdiction over each claim, taken individually.
9. For Quebec authorities to have jurisdiction over personal actions of a patrimonial nature, at least one of the criteria set out at article 3148 CCQ needs to be met. These criteria are the following:

“3148. In personal actions of a patrimonial nature, Quebec authorities have jurisdiction in the following cases:

- (1) the defendant has his domicile or his residence in Quebec;
- (2) the defendant is a legal person, is not domiciled in Quebec but has an establishment in Quebec, and the dispute relates to its activities in Quebec;
- (3) a fault was committed in Quebec, injury was suffered in Quebec, an injurious act or omission occurred in Quebec or one of the obligations arising from a contract was to be performed in Quebec;
- (4) the parties have by agreement submitted to them the present or future disputes between themselves arising out of a specific legal relationship;
- (5) the defendant has submitted to their jurisdiction.

However, Quebec authorities have no jurisdiction where the parties have chosen by agreement to submit the present or future disputes between themselves relating to a specific legal relationship to a foreign authority or to an arbitrator, unless the defendant submits to the jurisdiction of the Quebec authorities.”

10. The burden of establishing that Quebec Courts have jurisdiction over non-Quebec residents belongs to the Plaintiffs, who have failed to do so, as further detailed below.
11. Indeed, as appears from the Authorization Application, none of the FCA defendants have their domicile in Quebec.
12. FCA Canada Inc. is a company incorporated under the Canadian Business Corporations Act (R.S.C., 1985, c. C-44) with an address for its domicile at 1, Riverside Drive West, Windsor, Ontario, N9A 5K3 (para. 2 of the Application and Exhibit P-1).
13. FCA US LLC is a company incorporated under the laws of Delaware with its headquarters at 1000 Chrysler Dr, Auburn Hills, Michigan, USA, 48326 (para. 3 of the Application and Exhibit P-2).
14. As such, the criterion of the first paragraph of article 3148 CCQ to grant jurisdiction to Quebec authorities is not met.

15. With respect to the second criterion of article 3148 CCQ, FCA US LLC does not have any establishment in Quebec, as appears from Mr. Sami Georgi's Affidavit dated May 1st, 2025 (the **Georgi Affidavit**"), communicated herewith as **Exhibit FCA-1**.
16. While FCA Canada Inc. does have an establishment in Quebec located at 750-6600 aut. Félix-Leclerc, Pointe-Claire, Quebec, Canada, H9R 4S2 (the "**Quebec Establishment**"), the present dispute is not related to its activities in Quebec.
17. Indeed, as appears from the Georgi Affidavit, the Quebec establishment is not involved with the design, manufacture, testing, marketing or distribution of the Subject Vehicles, nor does it serve as a selling and/or leasing point of the Subject Vehicles.
18. The Quebec Establishment is used by FCA Canada Inc.'s Business Centre team for occasional in-person meetings with team members or dealers, as appears from the Georgi Affidavit.
19. The Business Centre team's role serves as the main liaison between FCA Canada Inc. and its independent owned and operated authorized dealer network to support sales, marketing, training, and inventory operations, and ensuring dealers are equipped to meet targets and grow profitability, as appears from the Georgi Affidavit.
20. FCA Canada Inc.'s Quebec-based employees, who mostly work remotely, were not involved in any respect with the decision to recall the Subject Vehicles. In addition, no vehicle repairs are carried out at the Quebec Establishment, whether it be in relation to the recall of the Subject Vehicles or otherwise.
21. As a consequence of the foregoing, Plaintiffs have failed to establish that FCA Canada Inc.'s activities in Quebec relate to the dispute. Therefore, the jurisdiction of Quebec courts is not justified under Article 3148(2) CCQ.
22. With respect to article 3148(3) CCQ, the Authorization Application contains no allegations that any non-resident of Quebec sustained damages in Quebec or that any alleged faults against them occurred in Quebec.
23. Finally, the Application contains no allegation that the criteria set out in subparagraphs (4) and (5) of article 3148 CCQ are met, or even applicable.
24. Therefore, article 3148 CCQ cannot justify the Proposed Class which seeks to include non-residents of Quebec. FCA respectfully submits that given the lack of any real and substantial connection to Quebec, this Court lacks jurisdiction over the members of the Proposed Class who do not reside within the Province of Quebec.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present *Application by the Defendants FCA Canada Inc. and FCA US LLC for Declinatory Exception in Order to Limit the Proposed Class*;

DECLARE that the Superior Court of Quebec lacks the jurisdiction to adjudicate the claim brought by the class members who do not reside within the Province of Quebec;

DISMISS the *Amended Application for Authorization to Institute a Class Action* against FCA Canada Inc. and FCA US LLC as it pertains to the claims of the proposed class who do not reside within the Province of Quebec;

EXCLUDE all non-residents of the Province of Quebec from the Proposed Class;

THE WHOLE, with costs.

Montréal, this May 1st, 2025

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NOTICE OF PRESENTATION

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TAKE NOTICE that the present Application by the Defendants FCA Canada Inc. and FCA US LLC for Declinatory Exception in order to limit the Proposed Class will be presented for adjudication before the honourable justice Pierre Nollet S.C.J. of the Superior Court, sitting in civil practice division for the district of Montréal at a date and time to be determined at the Montréal courthouse, located at 1 Notre-Dame Street East, Montréal, Quebec, H2Y 1B6, in a room to be determined or by videoconference in a virtual room to be determined.

Montréal, this May 1st, 2025

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C A N A D A

**PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL
LOCALITY OF MONTRÉAL**

No: 500-06-001342-241

**SUPERIOR COURT
(Class Actions)**

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-and-

CARL LAREDO

Plaintiffs

vs.

FCA CANADA INC.,

and

FCA US LLC.,

Defendants

LIST OF EXHIBITS

Exhibit FCA-1: Affidavit of Mr. Sami Georgi dated May 1st, 2025.

Montréal, this May 1st, 2025

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De: Marie Joan Lai Kwan
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À: Me David Assor
Cc: Noah Boudreau; Mirna Kaddis
Objet: Notification - Nathalie Azoulay et Carl Laredo c. FCA Canada Inc. et FCA US LLC - 500-06-001342-241 - N. réf./Our ref. : 227690.00325 [FMD-CANADA.FID13402595]
Pièces jointes: 2025-05-01 Application for Declinatory Exception.pdf; Exhibit FCA-1.pdf

NOTIFICATION PAR MOYEN TECHNOLOGIQUE / NOTIFICATION BY TECHNOLOGICAL MEANS

Fasken Martineau DuMoulin S.E.N.C.R.L., s.r.l.
(Art. 133 - 134 du Code de procédure civile, RLRQ c. C-25.01)
/(Art. 133 - 134 of the Code of Civil Procedure, CQLR c. C-25.01)

Parties : Nathalie Azoulay et Carl Laredo c. FCA Canada Inc. et FCA US LLC
Cour / Court: Cour supérieure
District judiciaire /Judicial District: Montréal
Localité /Locality: Montréal
Numéro de cour /Court Number: 500-06-001342-241

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LOCALITY OF MONTRÉAL

NATHALIE AZOULAY ET ALS.

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**APPLICATION BY THE DEFENDANTS FCA
CANADA INC. AND FCA US LLC. FOR
DECLINATORY EXCEPTION IN ORDER TO LIMIT
THE PROPOSED CLASS; NOTICE OF
PRESENTATION, LIST OF EXHIBITS AND EXHIBIT
FCA-1**

ORIGINAL

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