

**CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL**

**(Class Action)  
SUPERIOR COURT**

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No: **500-06-001351-242**

**LIEL OHAYON**

Applicant

v.

**STARBUCKS COFFEE CANADA, INC.**

-and-

**STARBUCKS CORPORATION**

-and-

**FOODTASTIC INC. (a.d.b.a. SECOND CUP)**

-and-

**THE TDL GROUP CORP.**

-and-

**RESTAURANT BRANDS INTERNATIONAL  
INC.**

-and-

**RESTAURANT BRANDS INTERNATIONAL  
LIMITED PARTNERSHIP**

Defendants

**APPLICATION BY DEFENDANT STARBUCKS COFFEE CANADA, INC. FOR  
LEAVE TO ADDUCE RELEVANT EVIDENCE  
(Article 574 CCP)**

**TO THE HONOURABLE JUSTICE CATHERINE MARTEL OF THE SUPERIOR COURT  
OF QUEBEC, SITTING IN AND FOR THE DISTRICT OF MONTREAL, DEFENDANT  
STARBUCKS COFFEE CANADA, INC. RESPECTFULLY SUBMITS THE  
FOLLOWING:**

## I. INTRODUCTION

1. Defendant Starbucks Coffee Canada, Inc. ("**Starbucks Canada**") seeks leave to adduce relevant evidence in order to establish facts that are necessary to enable this Court to undertake an informed analysis, in light of the criteria set out in article 575 of the Code of Civil Procedure (the "**CCP**") regarding the authorization to institute class action proceedings.
2. On or around December 30, 2025, Applicant filed an *Application to Authorize the Bringing of a Class Action* (the "**Application for Authorization**"), as appears from the record of this Honourable Court.
3. The Applicant alleges that Starbucks Canada has been abusing consumers who requested non-dairy substitutes in their beverages by charging an additional \$0.80 plus taxes for same, while those same non-dairy substitutes cost them "a fraction of that amount, at most".<sup>1</sup> The Applicant seeks compensatory damages against Starbucks Canada on behalf of the following class:<sup>2</sup>

### "Starbucks Class"

"All consumers in Canada who, between December 30, 2021 and November 7, 2024, were charged for a non-dairy substitute when purchasing a Starbucks beverage;"

4. Starbucks Canada requests leave to adduce relevant evidence at the authorization hearing in support of its submissions that the Application for Authorization fails to meet the threshold conditions set out in Article 575 CCP.

## II. EVIDENCE PROPOSED BY STARBUCKS CANADA

5. The evidence Starbucks Canada seeks leave to adduce is eminently relevant and appropriate to the authorization inquiry proposed by the Applicant.
6. In the Application for Authorization, the Applicant alleges that Starbucks Canada charged an extra for non-dairy substitutes in beverages while those same non-dairy substitutes cost Starbucks Canada an equivalent amount to that of the dairy milks.<sup>3</sup>

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<sup>1</sup> Application for Authorization, para 3.

<sup>2</sup> Application for Authorization, para 7.

<sup>3</sup> Application for Authorization, paras 3, 5, 6, 31, 32, 46, 48 and 49.

7. Indeed, the Applicant alleges that, according to her research, the cost for non-dairy substitutes (such as almond, soy, oat or coconut milk) at retail is not more than regular milk and is sometimes even less expensive.<sup>4</sup>
8. The Applicant also alleges, vaguely and inaccurately, that Starbucks Canada's procurement cost for non-dairy substitutes at the wholesale level is the same as that for regular milk.<sup>5</sup>
9. Those allegations contained in the Application for Authorization are vague, unsubstantiated, and inaccurate with respect to the essential components of the supposed legal syllogism required to establish a cause of action against Starbucks Canada.
10. To ensure this Court has all of the relevant and accurate evidence necessary to address these issues, Starbucks Canada requests leave to file a sworn statement by Pri Dhawan, Sourcing Manager – Supply Chain Canada, providing information on the difference in costs for Starbucks Canada to procure the milks subject to an additional charge of \$0.80 and the milks not subject to an additional charge, during the period covered by the Application for Authorization.
11. The evidence Starbucks Canada wishes to adduce is limited and serves to remedy the vague, incomplete, and inaccurate allegations of the Application for Authorization by demonstrating that non-dairy substitutes are in fact more expensive for Starbucks Canada than dairy milks.
12. Faced with the Applicant's unsupported allegations which are based on an assumption and argument that wholesale prices mirror retail prices, the Court should allow the filing of this evidence before conducting its analysis of the Application for Authorization under the criteria of Article 575 CCP.
13. Furthermore, the Applicant consented in advance to the Defendants filing proof of their actual costs as preliminary evidence and invited them to do so at the authorization stage.<sup>6</sup>
14. For these reasons, Starbucks Canada respectfully submits that such evidence is relevant at the authorization stage to fully appreciate if the Applicant has met her burden.
15. The evidence that Starbucks Canada is hereby seeking to adduce is both useful and necessary to demonstrate that the facts alleged by the Applicant are

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<sup>4</sup> Application for Authorization, para 5.

<sup>5</sup> Application for Authorization, paras 6, 46, 48 and 49.

<sup>6</sup> Application for Authorization, para 6.

inaccurate and do not justify the conclusions sought, such that the proposed class action is untenable and doomed to fail.

16. The evidence proposed is limited in scope and is thus consistent with the authorization process and the principle of proportionality.
17. This *Application for Leave to Adduce Relevant Evidence* is well-founded in fact and in law.

**WHEREFORE MAY IT PLEASE THIS COURT TO:**

**GRANT** the present *Application for Leave to Adduce Relevant Evidence*;

**AUTHORIZE** the Defendants to file Exhibits SBK-1 – Sworn Statement of Pri Dhawan, dated June 18, 2025;

**THE WHOLE** without costs, except in the event of contestation.

MONTREAL, June 20, 2025



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**OSLER, HOSKIN & HARCOURT LLP**

1000 De La Gauchetière Street West, Suite 1100

Montréal, Québec, H3B 4W5

Tel: 514.904.8100

Fax: 514.904.8101

Lawyers for Defendants, **STARBUCKS COFFEE CANADA, INC.** and **STARBUCKS CORPORATION**

c/o Me Alexandre Fallon / Me Maggie Fortin

Emails: [afallon@osler.com](mailto:afallon@osler.com) / [mafortin@osler.com](mailto:mafortin@osler.com)

Notification by e-mail: [notificationosler@osler.com](mailto:notificationosler@osler.com)

Our file: 1265014

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| <b>NOTICE OF PRESENTATION</b> |
|-------------------------------|

TO: Mtre Joey Zukran  
Mtre Lea Bruyère  
**LPC Avocats**  
276 Saint-Jacques Street, Suite 801  
Montreal (Quebec) H2Y 1N3  
Telephone: (514) 379-1572  
Fax: (514) 221-4441  
Email : [jzukran@lpclex.com](mailto:jzukran@lpclex.com) / [lbruyere@lpclex.com](mailto:lbruyere@lpclex.com)  
*Lawyers for the Applicant*

Mtre Noah Boudreau  
Mtre Mirna Kaddis  
**Fasken Martineau DuMoulin LLP**  
800 Square Victoria Street, Suite 3500  
Montreal (Quebec) H3C 0B4  
Telephone: (514) 394-4521 / (514) 397-7484  
Fax: (514) 397-7600  
Email: [nboudreau@fasken.com](mailto:nboudreau@fasken.com) / [mkaddis@fasken.com](mailto:mkaddis@fasken.com)  
*Lawyers for the Defendant Foodtastic Inc. (a.d.b.a. Second Cup)*

Mtre Jean-François Forget  
Mtre Julien Demers-Poitras  
**Stikeman Elliott LLP**  
1155 René-Lévesque Blvd. West, 41st Floor  
Montreal (Quebec) H3B 3V2  
Telephone: (514) 397-3072 / (514) 397-3076  
Email: [jfforget@stikeman.com](mailto:jfforget@stikeman.com) / [jdemerspoitras@stikeman.com](mailto:jdemerspoitras@stikeman.com)  
*Lawyers for the Defendants The TDL Group Corp., Restaurant Brands International Inc. and Restaurant Brands International Limited Partnership*

**TAKE NOTICE** that the *Application by Defendant Starbucks Coffee Canada, Inc. for Leave to Adduce Relevant Evidence* will be presented for hearing and allowance at a date and time to be determined by the Honourable Justice Catherine Martel of the Superior Court of Québec, 1 Notre-Dame Street East, Montreal, Quebec.

**PLEASE GOVERN YOURSELVES ACCORDINGLY.**

MONTREAL, June 20, 2025

*Osler, Hoskin & Harcourt*

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**OSLER, HOSKIN & HARCOURT LLP**

1000 De La Gauchetière Street West, Suite 1100

Montréal, Québec, H3B 4W5

Tel: 514.904.8100

Fax: 514.904.8101

Lawyers for Defendants, **STARBUCKS COFFEE  
CANADA, INC.** and **STARBUCKS  
CORPORATION**

c/o Me Alexandre Fallon / Me Maggie Fortin

Emails: [afallon@osler.com](mailto:afallon@osler.com) / [mafortin@osler.com](mailto:mafortin@osler.com)

Notification by e-mail: [notificationosler@osler.com](mailto:notificationosler@osler.com)

Our file: 1265014

**CANADA  
PROVINCE OF QUÉBEC  
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**(Class Action)  
SUPERIOR COURT**

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**THE TDL GROUP CORP.**

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**RESTAURANT BRANDS INTERNATIONAL  
INC.**

-and-

**RESTAURANT BRANDS INTERNATIONAL  
LIMITED PARTNERSHIP**

Defendants

|                                                                    |
|--------------------------------------------------------------------|
| <b>LIST OF EXHIBITS OF DEFENDANT STARBUCKS COFFEE CANADA, INC.</b> |
|--------------------------------------------------------------------|

|                       |                                                     |
|-----------------------|-----------------------------------------------------|
| <b>Exhibit SBK-1:</b> | Sworn Statement of Pri Dhawan, dated June 18, 2025. |
|-----------------------|-----------------------------------------------------|

MONTREAL. June 20. 2025

*Osler, Hoskin & Harcourt*

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**OSLER, HOSKIN & HARCOURT LLP**

1000 De La Gauchetière Street West, Suite 1100

Montréal, Québec, H3B 4W5

Tel: 514.904.8100

Fax: 514.904.8101

Lawyers for Defendants, **STARBUCKS COFFEE**

**CANADA, INC.** and **STARBUCKS**

**CORPORATION**

c/o Me Alexandre Fallon / Me Maggie Fortin

Emails: [afallon@osler.com](mailto:afallon@osler.com) / [mafortin@osler.com](mailto:mafortin@osler.com)

Notification by e-mail: [notificationosler@osler.com](mailto:notificationosler@osler.com)

Our file: 1265014



CANADA  
PROVINCE OF QUÉBEC  
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SUPERIOR COURT

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-and-

RESTAURANT BRANDS INTERNATIONAL  
INC.

-and-

RESTAURANT BRANDS INTERNATIONAL  
LIMITED PARTNERSHIP

Defendants

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**SWORN STATEMENT OF PRI DHAWAN**

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I, the undersigned, Pri Dhawan, Sourcing Manager – Supply Chain Canada at Starbucks Coffee Canada, Inc. ("**Starbucks Canada**"), occupying my profession at 5160 Yonge Street, Suite 1700, North York (Ontario) M2N 6L9, do hereby solemnly affirm that:

1. I have read the Applicant Liel Ohayon's *Application to Authorize the Bringing of a Class Action* (the "**Application**").

2. Until November 7, 2024, Starbucks Canada charged an additional \$0.80 for customizing a handcrafted beverage with coconut milk, almond milk, soy milk, oat milk or lactose-free milk (the “**Milks subject to an additional charge**”).
3. Conversely, Starbucks Canada allowed its customers to select non-fat, 2% or whole-milk without additional charge (the “**Milks not subject to an additional charge**”).
4. I have compiled the actual cost of all Milks not subject to an additional charge procured for Starbucks Canada’s Quebec stores between December 30, 2021, and November 7, 2024 (the “**Period**”), and calculated, based on the total volume procured, an average cost per litre for the Period.
5. I have also compiled the actual cost of all Milks subject to an additional charge procured for the same stores during the Period, and calculated, based on the total volume procured, an average cost per litre for the Period.
6. Based on this compilation and calculation, during the Period, Starbucks Canada paid on average 16% more per litre for the Milks subject to an additional charge than it did for the Milks not subject to an additional charge for its Quebec stores.
7. All the facts alleged herein are true to the best of my personal knowledge, information and belief.

**AND I HAVE SIGNED:**



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Pri Dhawan

Solemnly declared before me,  
by technological means, in  
Montreal, Québec, on June 18, 2025

 #126844

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Commissioner for Oaths for Quebec

## Jansen, Jessica

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**De:** Jansen, Jessica  
**Envoyé:** 20 juin 2025 11:19  
**À:** jzukran@lpclex.com; lbruyere@lpclex.com; Noah Boudreau; Mirna Kaddis; Jean-François Forget; Julien Demers-Poitras  
**Cc:** Fallon, Alexandre; Fortin, Maggie  
**Objet:** NOTIFICATION / 500-06-001351-242 / Liel Ohayon v. Starbucks Coffee Canada, Inc & als / Application for leave to adduce relevant evidence, notice of presentation, list of exhibits, exhibit SBK-1  
**Pièces jointes:** OHH - Application for leave to adduce relevant evidence.pdf

**Suivi:**

**Destinataire**

**Réception**

jzukran@lpclex.com

lbruyere@lpclex.com

Noah Boudreau

Mirna Kaddis

Jean-François Forget

Julien Demers-Poitras

Fallon, Alexandre

Remis: 2025-06-20 11:19

Fortin, Maggie

Remis: 2025-06-20 11:19

Starbucks Coffee Canada I \_ Liel Ohayan 1265014

Proceedings \_class action\_ 500\_06\_001351\_242

Re : NOTIFICATION – LIEL OHAYON v. STARBUCKS COFFEE CANADA, INC., et als, 500-06-001351-242 - APPLICATION BY DEFENDANT STARBUCKS COFFEE CANADA, INC. FOR LEAVE TO ADDUCE RELEVANT EVIDENCE, NOTICE OF PRESENTATION, LIST OF EXHIBITS, EXHIBIT SBK-1 (Article 574 CCP)

cc: AF/ MF

**NOTIFICATION BY EMAIL**

(Art. 134 CCP)

**SENDER**

FIRM:

**OSLER, HOSKIN & HARCOURT LLP**

LAWYER(S):

Mtre Alexandre Fallon

Mtre Maggie Fortin

ADDRESS:

1000 De La Gauchetière St. West, Suite 1100

Montréal, Québec H3B 4W5

TELEPHONE:

514-904-5809

TELECOPIER:

514-904-8101

NOTIFICATION:

[afallon@osler.com](mailto:afallon@osler.com) / [mafortin@osler.com](mailto:mafortin@osler.com) /

[notificationosler@osler.com](mailto:notificationosler@osler.com)

OUR FILE NUMBER:

1265014

## **ADDRESSEES**

FIRM: LPC AVOCATS  
LAWYER(S): Mtre Joey Zukran / Mtre Lea Bruyère

ADDRESS: 276 Saint-Jacques Street, Suite 801, Mtl, QC H2Y 1N3  
EMAIL ADDRESS: [jzukran@lpclex.com](mailto:jzukran@lpclex.com) / [lbruyere@lpclex.com](mailto:lbruyere@lpclex.com)

FIRM: FASKEN MARTINEAU DUMOULIN  
LAWYER(S): Mtre Noah Boudreau / Mtre Mirna Kaddis

ADDRESS: 800 Square Victoria Street, Suite 3500, Mtl, QC H3C 0B4  
EMAIL ADDRESS: [nboudreau@fasken.com](mailto:nboudreau@fasken.com) / [mkaddis@fasken.com](mailto:mkaddis@fasken.com)

FIRM: STIKEMAN ELLIOTT  
LAWYER(S): Mtre Jean-François Forget/ Mtre Julien Demers-Poitras

ADDRESS: 1155 René-Lévesque Blvd. West, 41st Floor, Mtl, QC H3B 3V2  
EMAIL ADDRESS: [jfforget@stikeman.com](mailto:jfforget@stikeman.com) / [jdemerspoitras@stikeman.com](mailto:jdemerspoitras@stikeman.com)

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Type of document: Application by defendant Starbucks Coffee Canada Inc. for leave to adduce relevant evidence, notice of presentation, list of exhibits, exhibit SBK-1

Court file number: 500-06-001351-242

*Jessica*

**OSLER**

Jessica Jansen

Adjointe juridique  
514.904.5854 | [jjansen@osler.com](mailto:jjansen@osler.com)  
Osler, Hoskin & Harcourt S.E.N.C.R.L./s.r.l. | [osler.com](https://www.osler.com)

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**SUPERIOR COURT**  
**(Class Action Division)**  
PROVINCE OF QUÉBEC  
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-and-

**RESTAURANT BRANDS INTERNATIONAL LIMITED  
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Defendants

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**APPLICATION BY DEFENDANT STARBUCKS COFFEE  
CANADA, INC. FOR LEAVE TO ADDUCE RELEVANT  
EVIDENCE, NOTICE OF PRESENTATION, LIST OF  
EXHIBITS, EXHIBIT SBK-1  
(Article 574 CCP)**

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**ORIGINAL**

BO 0323

O/F: 1265014

Me Alexandre Fallon

Me Maggie Fortin

**Osler, Hoskin & Harcourt LLP**

1000 De La Gauchetière Street West, Suite 1100

Montréal, Québec, Canada, H3B 4W5

E-mails: [afallon@osler.com](mailto:afallon@osler.com) / [mafortin@osler.com](mailto:mafortin@osler.com)

Tel.: 514.904.8100

Fax: 514.904.8101

Notification by e-mail: [notificationosler@osler.com](mailto:notificationosler@osler.com)