

CANADA

(Class Action Division)

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

SUPERIOR COURT

No.: 500-06-001352-257

I [REDACTED] K [REDACTED]

Plaintiff

vs.

APPLE CANADA INC.

-and-

APPLE, INC.

Defendants

**APPLICATION FOR PERMISSION TO AMEND THE APPLICATION FOR
AUTHORIZATION TO INSTITUTE A CLASS ACTION
(Art. 206, 207, and 585 C.C.P.)**

**TO THE HONOURABLE JUSTICE MARTIN SHEEHAN OF THE SUPERIOR
COURT OF QUÉBEC, APPOINTED TO PRESIDE IN THE PRESENT MATTER,
SITTING IN AND FOR THE DISTRICT OF MONTREAL, THE PLAINTIFF
STATES THE FOLLOWING:**

1. For the reasons detailed hereinbelow, Plaintiff wishes to amend the "Application for Authorization to Institute a Class", the whole in accordance with a copy of the "Amended Application for Authorization to Institute a Class Action", which has been notified and which is communicated herewith as **Exhibit R-1** (the "**Amended Application**").
2. Plaintiff wishes to complete or correct her pre-existing allegations.
3. Plaintiff also wishes to file and rely upon additional documents and exhibits emanating from either Apple itself or from certain news sources, the whole in relation to the various privacy violations and unauthorized disclosure of confidential communications committed by Apple in connection with its Siri voice assistant technology pre-loaded in the Apple Siri Devices.
4. In fact, many of the proposed amendments (including new exhibits) directly respond to Apple's pending Application for particulars (which includes requests for additional documents from the Plaintiff). Indeed, each and every

requested particular has been fully addressed via the proposed amendments, rendering the pending Application for particulars moot in our opinion.

5. Plaintiff has also communicated, under seal and confidentially, the over 900 class member online submissions with the undersigned attorneys' firm webpage in this file, together with their submitted comments, the whole in order to further fulfil her burden under Article 575 C.C.P.
6. The proposed amendments are purposeful, deliberate and appropriate. They are neither useless nor contrary to the ends of justice, and do not result in an entirely new action.
7. Plaintiff and the Potential Class Members' interests are better protected by the Amended Application, which provides a stronger legal and factual foundation to support the collective vindication of their rights.
8. The amendments would not prejudice the rights of any of the parties to this litigation nor those of the proposed Group and serve instead to clarify and enhance the claims presented. They further enlighten the Court of the issues to be determined.
9. Given that the proposed class action is at a very early stage, and it has not yet been authorized, permitting these amendments would not run contrary to the interests of justice.
10. The law and case law applicable to an application for permission to amend an application for authorization to institute a class action is well established. Recent case law has identified the following principles, which we respectfully submit are all fulfilled and respected herewith:
 - a) An application for permission to amend the application for authorization to institute a class action must obtain the authorization of the Court pursuant to Article 585 C.C.P. and must comply with the conditions set out in Articles 206 and 207 C.C.P.;
 - b) In addition to being subject to Articles 206 and 207 C.C.P., the request for permission to amend must be relevant to the analysis of the authorization criteria set out in Article 575 C.C.P. In other words, it must contain allegations and elements that are relevant to the analysis of the criteria of Article 575 C.C.P.;

c) Case law has long recognized that the permitting the amendment is the rule, and refusing the amendment is the exception;

d) Articles 206 and 207 C.C.P. stipulate that the parties may, prior to the judgment on authorization, amend a pleading in order to replace, correct or complete allegations or conclusions, allege new facts or assert a right accrued since the notification of the judicial application. However, the right to amend is not without limits, which are set out in Article 206 C.C.P. and must be interpreted restrictively: it must not result in an entirely new claim unrelated to the original claim, nor be contrary to the interests of justice or delay the progress of the proceedings;

e) In its analysis, the Court must take account of the principles of proportionality, sound management of the proceedings and the proper administration of justice, as set out in Articles 18 et seq. of the C.C.P.

11. Plaintiff further refers *inter alia* to Leduc c. Elad Canada inc., 2024 QCCA 152 (at paragraphs 1-10), Haroch c. Toronto-Dominion Bank, 2023 QCCA 1282 (at paragraphs 12 and 14), Knafo c. Barilla Canada Inc., 2024 QCCS 3250, par. 22-26, 56, 79 and 98 and Lambert (Gestion Peggy) c. Écolait Itée, 2016 QCCA 659 (at paragraphs 31-32) regarding her right to amend and to file new exhibits at this time.
12. For all of the above reasons, we respectfully submit that the proposed amendments respect the above guidelines and case law, and that they do not in any manner change the stated intent of the proceedings and Plaintiff has the interest and is justified, on her behalf and on behalf of the proposed Class Members, to amend the Application for Authorization in accordance with the Amended Application (Exhibit R-1).

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

ALLOW Plaintiff to amend the “Application for Authorization to Institute a Class Action”, as set forth in the “Amended Application for Authorization to Institute a Class Action”, Exhibit R-1;

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

MONTREAL, August 5, 2025

LEX GROUP INC.

(s) *Lex Group Inc.*

Per: David Assor
Attorneys for Plaintiff

AFFIDAVIT

I, the undersigned, **DAVID ASSOR**, attorney, practicing my profession with the firm Lex Group Inc., located at 4101 Sherbrooke St. West, in the City and District of Montreal, Province of Quebec, H3Z 1A7, solemnly declare:

1. I am one of the attorneys representing the Plaintiff in the present matter;
2. All of the facts alleged in the present *Application for Permission to Amend the Application for Authorization to Institute a Class Action*, are true to my personal knowledge

AND I HAVE SIGNED:



David Assor

SOLEMNLY DECLARED TO BEFORE ME
AT MONTREAL, on August 5, 2025



COMMISSIONER OF OATHS FOR
ALL THE DISTRICTS OF QUEBEC



NOTICE OF PRESENTATION

TO: Me Kristian Brabander
Osler, Hoskin & Harcourt S.E.N.C.R.L./s.r.l.
1000 De La Gauchetière Street West, Suite 2100
Montréal, Québec, H3B 4W5

Attorneys for Defendants

TAKE NOTICE that the present *Application for Permission to Amend the Application for Authorization to Institute a Class Action* will be presented for adjudication at a date and time to be determined by the Honourable Justice Martin Sheehan, sitting in class actions division of the Superior Court of Quebec, at the Montreal Courthouse located at 1 Notre-Dame Street East, or as soon thereafter as counsel may be heard.

DO GOVERN YOURSELVES ACCORDINGLY.

MONTREAL, August 5, 2025

LEX GROUP INC.

(s) *Lex Group Inc.*

Per: David Assor
Attorneys for Plaintiff

Nº.: 500-06-001352-257

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ORIGINAL

Me David Assor



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