

CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N°: 500-06-001289-236

SUPERIOR COURT
(Class Action)

JÉRÉMIE BÉDARD

Plaintiff

v.

**MITSUBISHI MOTOR SALES OF CANADA,
INC.**

and

**MITSUBISHI MOTORS NORTH AMERICA,
INC.**

and

MITSUBISHI MOTORS CORPORATION

Defendants

**APPLICATION FOR DECLINATORY EXCEPTION TO LIMIT THE PROPOSED
CLASS**

(Art. 167 and 576 CCP; Art. 3148 CCQ)

**TO THE HONOURABLE MARIE-CHRISTINE HIVON OF THE SUPERIOR COURT,
ACTING AS THE DESIGNATED JUDGE IN THE PRESENT CASE, THE DEFENDANTS
RESPECTFULLY SUBMIT AS FOLLOWS:**

I. INTRODUCTION

1. The Defendants Mitsubishi Motor Sales of Canada, Inc. ("**Mitsubishi Canada**"), Mitsubishi Motors North America ("**MMNA**"), and Mitsubishi Motors Corporation ("**MMC**") (together, the "**Defendants**") contest the authorization of the present class proceeding (the "**Class Action**"), the whole as it appears from the Court records.
2. Should this Honourable Court authorize the Class Action, which the Defendants respectfully submit it should not, the Defendants submit that the proposed class, as described in the *Demande pour autorisation d'exercer une action collective et pour être représentante* ("**Application for Authorization**"),¹ should be limited to Quebec residents, the whole as it appears from the Court records.
3. For the reasons detailed below, this Court lacks jurisdiction over non-residents of Quebec.

¹ An application for leave to amend the Application for Authorization was filed on August 8, 2025. The present application is based on the Application for Authorization as amended on August 8, 2025, under reserve of this honourable Court's decision on the application for leave, which is still pending as of the date of this procedure.

4. The Defendants will make submissions regarding the Proposed Class (as defined below) at the authorization hearing and file the present application strictly under reserve of its rights.

II. THE CLAIMS CONTAINED IN THE APPLICATION FOR AUTHORIZATION

5. Mr. Jérémie Bédard (the “**Class Applicant**”) seeks authorization to introduce a class action on behalf of the following group (the “**Proposed Class**”):

Toute personne physique, personne morale de droit privé, société ou association qui a loué ou acheté au Canada (*subsidiairement* au Québec) un véhicule Mitsubishi, de marque Outlander, modèle PHEV, année 2023, 2024 ou 2025.

6. The Application for Authorization seeks to authorize a claim for sales price reduction and damages for contractual faults and breach of manufacturer’s warranty (Conclusion B.).
7. To that end, the Class Applicant alleges the Defendants made false representations regarding the range of the battery of the 2023, 2024, and 2025 Outlander PHEV (the “**Vehicles**”). He further alleges that said vehicles do not start in extreme cold temperatures, which, it is alleged, constitutes a defect undisclosed by the Defendants.
8. The Application for Authorization seeks to obtain the following condemnations:
 - a) A price reduction and/or damages in the amount of \$12,975 per class member;
 - b) Punitive damages of \$10,000 per class member.

III. LACK OF JURISDICTION OVER NON-RESIDENTS OF QUEBEC

9. The Defendants respectfully submit that this Court lacks jurisdiction over the Proposed Class, as it concerns non-residents of Quebec and purchases and leases conducted outside of Quebec.
10. In order to include non-residents of Quebec in the Class Action, this Court must have territorial jurisdiction over each of their claims, taken individually.
11. Article 3148 of the *Civil Code of Quebec* (“**CCQ**”) sets out the criteria for this jurisdiction.
12. However, the Defendants submit that non-resident of Quebec in the Proposed Class fail to meet any of the criteria set out by Article 3148 CCQ.

13. First, the Class Applicant fails to satisfy the criteria of Article 3148(1) CCQ. As appears from the Application for Authorization and the relevant evidence adduced, the Defendants do not have domiciles or residences in Quebec:
 - a) Mitsubishi Canada is domiciled in Toronto, Ontario, and possesses its head office in Mississauga, Ontario, as it appears from Exhibit R-1 (*Extract of the REQ for Mitsubishi Motor Sales of Canada, Inc.*), and the Sworn Declaration of Mitsubishi Canada's representative.
 - b) MMNA is an American corporation, with its main office in Tennessee, United States, as it appears from Exhibit R-2 (*Mitsubishi Motors North America, Inc.'s certificate of constitution, certificate of name change, and extract of the California Secretary of State's website*) and the Sworn Declaration of MMNA's representative.
 - c) MMC is a Japanese corporation with its head office in Japan, as it appears from Exhibit R-3 (*English translation of the articles of incorporation of Mitsubishi Motors Corporation*) and the Sworn Declaration of MMC's representative.
14. The Application for Authorization contains no allegations that the Defendants have domiciles or residences in Quebec.
15. Second, the Class Applicant fails to satisfy the criteria of Article 3148(2) CCQ. The Application for Authorization contains no allegations that the Defendants has any establishments in Quebec and, if they did, that the dispute would relate to any of their activities in Quebec.
16. Third, the Class Applicant fails to satisfy the criteria of Article 3148(3) CCQ with respect to non-Quebec residents. The Application for Authorization contains no allegations to the effect that any non-resident of Quebec suffered damages in Quebec, that the alleged faults committed as against non-Quebec residents were committed in Quebec, that an obligation arising out of contract was to be performed in Quebec, or that an injurious act or omission occurred in Quebec.
17. Finally, the Application for Authorization contains no allegations that the criteria set out at paragraph (4) and (5) of Article 3148 CCQ are met or even applicable, in the context of this Class Action.
18. In light of the above and the criteria laid out by Article 3148 CCQ, it is not justified that the Proposed Class includes non-residents of Quebec. The Defendants respectfully submit that, given the lack of any real and substantial contention to Quebec, this Honourable Court lacks jurisdiction over non-residents of Quebec.

IV. MULTIPLICITY OF LEGAL REGIMES

19. Authorizing a national class will strip the claim of its collective dimension, a requirement to authorize any class action.

20. In effect, authorizing a national class in the present would require analyzing and assessing a multitude of legal regimes (which are not even alleged by the Class Applicant). But doing so will affect the common aspect of the questions among the potential class members.
21. The legal syllogism proposed must be analyzed under the legal regime applicable within each Canadian province and territory. But doing so will break the requirement of treating the questions commonly, core to authorizing a class action.
22. Indeed, the legal regimes in Quebec (civil law) and the rest of Canada (common law) are substantially and fundamentally different, and will require the Court separate analyses, thereby breaking a core requirement for authorizing a class action.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present *Application for declinatory exception to limit the proposed class*;

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

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

MONTREAL, October 10, 2025



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NOTICE OF PRESENTATION

TAKE NOTICE that the *Application for Declinatory Exception to limit the Proposed Action (Art. 167 and 576 CCP, Art. 3148 CCQ)* will be presented for adjudication before the Honourable Marie-Christine Hivon, at a time and room to be determined by the Court and by a technological means to be determined and communicated to the parties.

PLEASE GOVERN YOURSELF ACCORDINGLY.

MONTREAL, October 10, 2025

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NOTICE OF PRESENTATION

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