

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N°: 500-06-001289-236

SUPERIOR COURT
(Class Action)

JÉRÉMIE BÉDARD

Plaintiff

v.

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

and

**MITSUBISHI MOTORS NORTH
AMERICA, INC.**

and

MITSUBISHI MOTORS CORPORATION

Defendants

**APPLICATION FOR LEAVE TO ADDUCE RELEVANT EVIDENCE OF THE
DEFENDANTS**

(Art. 574 al. 3 CCP)

**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. This application is brought under reserve of the Defendants' *Application for declinatory exception to limit the proposed class*, which contests this Court's jurisdiction over the proposed national class. The Defendants do not recognize the jurisdiction of this Court over non-Quebec residents class members and intend to contest said assertion.
2. The Defendants Mitsubishi Motor Sales of Canada, Inc. ("**Mitsubishi Canada**"), Mitsubishi Motors North America ("**MMNA**"), and Mitsubishi Motors Corporation ("**MMC**") are seeking leave from this Honourable Court to file relevant evidence to be used in the context of the hearing of the *Demande pour autorisation d'exercer une action collective et pour être représentant* ("**Application for Authorization**"),¹ the whole pursuant to Article 574 al. 3 of the *Code of Civil Procedure* ("**CCP**").

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.

3. More specifically, in order to ensure that the Court has the necessary facts to fairly consider the criteria for authorization set out at Article 575 CCP:
 - a) Mitsubishi Canada seeks leave to adduce a solemnly affirmed declaration from Brian Moroz, the Senior Manager of Compliance of Mitsubishi Canada, (the “**Mitsubishi Canada Declaration**”), communicated hereto as **Exhibit D-1**, together with **Exhibits BM-1, BM-2, BM-3, BM-4, BM-5, BM-6, and BM-7** annexed therein (as defined in the conclusions).
 - b) Mitsubishi Canada seeks leave to adduce **Exhibit D-2** (as defined in the conclusions), as a standalone document.
 - c) MMNA seeks leave to adduce a solemnly affirmed declaration from Dan LaFayette, the Senior Director, Aftersales Parts & Marketing at MMNA (the “**MMNA Declaration**”), communicated hereto as **Exhibit D-3**.
 - d) MMC seeks leave to adduce a solemnly affirmed declaration from Shunsuke Ito, the Manager of North American B Department at MMC (the “**MMC Declaration**”), communicated hereto as **Exhibit D-4**.
 - e) The Defendants seek leave to examine the applicant, Mr. Jérémie Bédard (the **Class Applicant**”).

II. THE APPLICATION FOR AUTHORIZATION

4. By way of the Application for Authorization dated August 3, 2025, the Class Applicant seeks to initiate a class action proceeding against Mitsubishi Canada, MMNA, and MMC (together, the “**Defendants**”) on behalf of the following group:

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.

(the “**Class Group**”)

5. The Application for Authorization seeks to authorize a claim for sales price reduction and damages for alleged contractual faults and breach of manufacturer’s warranty (Conclusion B.).
6. To that end, the Class Applicant alleges the Defendants made false and/or misleading 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.
7. 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. THE USEFULNESS OF THE PROPOSED DECLARATIONS AND EVIDENCE FOR THE AUTHORIZATION ASSESSMENT

- 8. The allegations contained in the Application for Authorization only partially depict the factual matrix relevant to the Class Applicant's proposed cause of action. In particular, the Application for Authorization provides an incomplete and inaccurate depiction of the representations or information available to customers, and the roles of each Defendants.
- 9. The Class Applicant essentially alleges that:
 - a) MMNA exports Mitsubishi branded vehicles to Canada (paragraph 2.6 of the Application for Authorization).
 - b) The website www.mitsubishi-motors.ca advertised that the 2023 Outlander PHEV contained a battery-heater as part of its features (paragraph 2.15).
 - c) The Defendants advertised that the Vehicles held a 61 km of range in electric mode (paragraphs 2.17 and 2.21).
 - d) The Vehicles do not hold the advertised range under extreme cold weather and that cold weather diminishes the range. As well, it is invoked that, in cold weather, the Vehicles either use the combustion mode for a given time or solely use the combustion mode (paragraphs 2.22 to 2.26).
 - e) The Defendants did not disclose the impact of extreme cold weather onto the Vehicles' ranges (paragraphs 2.23, 2.27, 2.28, 2.29, and 2.31).
 - f) The Class Applicant's vehicle failed to start on February 3, 2023, upon leaving his work, until February 4, 2023 (paragraphs 2.51 to 2.54).
 - g) The Vehicles must start by using the battery (paragraph 2.40).
 - h) The impact of extreme cold temperatures on the battery is a defect (paragraphs 2.48 to 2.50).
 - i) The Defendants implemented a software enhancement in February 2024 and issued letters to consumers discussing the impact of the cold onto the Vehicles (paragraphs 2.66 to 2.67).
- 10. However, this information is incomplete and does not adequately describe the facts. Notably, the role of each Defendant is amalgamated or wrongfully stated; and many allegations are based on incomplete facts or erroneous assumptions.

11. For these reasons, the Mitsubishi Canada Declaration (and exhibits annexed therein), MMNA Declaration, and MMC Declaration will permit to clarify, complete, and correct the factual elements and allegations raised in the Application for Authorization with respect to the above-mentioned themes.
12. The MMNA Declaration will specifically address:
 - a) The distinctions between MMNA's business operations and those of the other Defendants.
 - b) The operations of MMNA, in particular the fact that MMNA (i) does not sell, lease, or distribute the Vehicles in Canada; (ii) does not manufacture the Vehicles; (iii) does not export the Vehicles to Canada; (iv) does not conduct marketing or advertisement in Canada; and (v) does not have establishments, places of business, or offices in Quebec or Canada.
13. The contents of this declaration will be essential (i) in allowing the Court to determine whether the Class Applicant has demonstrated a valid cause of action against MMNA pursuant to article 575(2); and (ii) for the arguments that the Defendants are seeking to raise considering the proposed national scope of the class.
14. The MMC Declaration will specifically address:
 - a) The distinctions between MMC's business operations and those of the other Defendants.
 - b) The operations of MMC, in particular the fact that MMC (i) does not sell, lease, or distribute the Vehicles in Canada; and (ii) does not have establishments, places of business, or offices in Quebec or Canada.
15. The contents of this declaration will be essential (i) in allowing the Court to determine whether the Class Applicant has demonstrated a valid cause of action against MMC pursuant to article 575(2); and (ii) for the arguments that the Defendants are seeking to make considering the proposed national scope of the class.
16. The Mitsubishi Canada Declaration will specifically address:
 - a) The distinctions between Mitsubishi Canada's business operations and those of the other Defendants.
 - b) The fact that Mitsubishi Canada does not sell nor lease vehicles directly to the public; such activities being conducted by authorized retailers, who are independent business and are not agents, mandatories, or representatives of Mitsubishi Canada.

- c) The fact that the advertised range of the Vehicles is determined by standardized testing imposed by a government agency, for the sole purpose of enabling customers to compare vehicles, given the innumerable factors that may affect a range. To that end, the proposed **Exhibit BM-4** (*Fuel Consumption Guide published by Natural Resources Canada, 2023*), and **Exhibit BM-5** (*Fuel Consumption Guide published by Natural Resources Canada, 2024*) are also annexed.
 - d) The fact that Mitsubishi Canada provides information on the impact of extreme cold weather onto the Vehicles and how to prevent it. To that end, the proposed **Exhibit BM-1** (*Extract of the Outlander PHEV 2023 Owner's Manual*), **Exhibit BM-2** (*Outlander PHEV Owner's Handbook*), **Exhibit BM-3** (*Information Leaflet*), and **Exhibit BM-6** (*Outlander PHEV 2024 Brochure*) are also annexed.
 - e) The issue of alleged defect, by explaining that a battery is designed with certain safety features to protect its longevity and by providing explanations and context, concerning the software enhancement, which was issued to authorized retailers. To that end, the proposed **Exhibit BM-1** (*Extract of the Outlander PHEV 2023 Owner's Manual*), **Exhibit BM-2** (*Outlander PHEV Owner's Handbook*), **Exhibit BM-3** (*Information Leaflet*) are also annexed.
 - f) Certain exhibits adduced by the Class Applicant, to provide complete and/or more reader-friendly versions. Notably, with proposed **Exhibit BM-1** (*Extract of the Outlander PHEV 2023 Owner's Manual*) which comes to complete Exhibit R-12; **Exhibit BM-3** (*Information Leaflet*) which is referred to in Exhibit R-13.1; **Exhibit BM-6** (*Outlander PHEV 2024 Brochure*) which provides the English version and more easily readable version of Exhibit R-8; **Exhibit BM-7** (*Outlander PHEV 2023 Brochure*) which provides a more easily readable version of Exhibit R-7.
 - g) Information concerning what information is disclosed to the customers about extreme cold weather and starting the vehicle, in particular, correcting the Class Applicants' allegations concerning the context in which Exhibit R-13.2 is issued by the authorized retailer.
17. These clarifications are essential at the authorization stage, since the Court needs to have a more fulsome picture of the facts and elements surrounding the alleged "defect" in the Application for Authorization.
18. Mitsubishi Canada also seeks to file as a standalone document **Exhibit D-2**, an extract of Environment Canada's website showing the historical temperature in Rouyn-Noranda where the Class Applicant resides in February 2023. This evidence is essential as it will situate accurately the weather context around the alleged incident of the Class Applicant by showing how extreme the weather was at the time of the alleged incident; and will illustrate Mitsubishi Canada's explanation regarding the impact of extreme cold weather.

19. Moreover, the evidence proposed by Mitsubishi Canada seeks to explain the context in which certain exhibits filed by the Class Applicant are issued to customers and to provide a more complete factual context as to the information that is disclosed to customers about extreme cold weather conditions. In that respect, the evidence seeks to contradict and correct mischaracterization alleged by the Class Applicant.
20. All of the elements mentioned above will permit this Honourable Court to determine if the Class Applicant has demonstrated an arguable case and whether the legal syllogism proposed is not rooted in mere speculations and hypotheses contradicted by facts.
21. Moreover, the Class Applicant is seeking to represent a national class. The information contained in the sworn declarations concerning the Defendants' operations, the locations of their respective head offices and their places of business and lack thereof in Quebec is essential to the assessment of whether or not this Court has the jurisdiction to authorize a class including non-Quebec residents.

IV. THE USEFULNESS OF THE PROPOSED EXAMINATION OF THE CLASS APPLICANT FOR THE ASSESSMENT OF THE APPLICATION FOR AUTHORIZATION

22. At paragraph 2.51 of the Application for Authorization, the Class Applicant alleges that his vehicle would not start after his workday. However, he omits to say: whether the vehicle was plugged; how long the car was left outside unplugged, and if so, where the vehicle was plugged. Yet, as appears from the relevant evidence that the Defendants seek to file, such elements are key.
23. The Application for Authorization puts forth, in part, a claim for false and/or misleading representations. However, the Class Applicant omits to explain in detail the representations that he received and relied on.
24. The examination of the Class Application, for a period of up to 2 hours, will also be useful to remediate these omissions and thus assess whether the criteria for authorization have been met.
25. To that end, the Defendants seek the authorization from this honourable Court to depose the Class Applicant to determine:
 - a) The information that was sought by the Class Applicant prior to and at the time of purchasing his vehicle;
 - b) The questions that were asked to the authorized retailer prior to the purchase of the vehicle by the Class Applicant;
 - c) The specific advertisement consulted by Class Applicant prior to purchasing his vehicle;

- d) The conditions surrounding the incident alleged in the Application for Authorization to have occurred on February 3, 2023.
26. The answers to be provided concerning these circumscribed subjects are necessary for this Honourable Court to assess:
- a) If the claims of the class members raise identical, similar, or related issues of law or fact (Art. 575(1) CCP);
 - b) If the facts alleged appear to justify the conclusions sought (Art. 575(2) CCP);
 - c) If the Class Applicant has a viable personal claim with regards to the facts alleged and is in a position to properly represent the class members (Art. 575(4) CCP); and,
 - d) The scope and definition of the proposed class.

V. CONCLUSION

27. On light of the foregoing, the Defendants respectfully submit that the Mitsubishi Canada Declaration (and exhibits), the MMNA Declaration, the MMC Declaration, and the standalone exhibit are necessary, useful, and reasonable in order for this Honourable Court to take cognizance of the relevant facts for its determination of whether the Class Applicant has an arguable case and whether the authorization criteria set out under Article 575 CPC are met.
28. Under the circumstances, the present application is proportional and serves the interests of justice.
29. This application is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

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

AUTHORIZE the Defendant Mitsubishi Motor Sales of Canada, Inc., to submit and file into the Court record the following evidence:

- (a) A sworn declaration of its representative Mr. Brian Moroz;
- (b) The following exhibits annexed to the aforementioned sworn declaration:
 - a. **Exhibit BM-1** – Extract of the Outlander PHEV 2023 Owner's Manual;

- b. **Exhibit BM-2** – Outlander PHEV Owner’s Handbook (English and French), *en liasse*;
 - c. **Exhibit BM-3** – Information leaflet (English and French), *en liasse*;
 - d. **Exhibit BM-4** – Fuel Consumption Guide published by Natural Resources Canada, 2023;
 - e. **Exhibit BM-5** – Fuel Consumption Guide published by Natural Resources Canada, 2024;
 - f. **Exhibit BM-6** – Outlander PHEV 2024 Brochure (English and French), *en liasse*;
 - g. **Exhibit BM-7** – Outlander PHEV 2023 Brochure (French).
- (c) **Exhibit D-4** – Extract from Environment Canada’s website on historical temperatures in Rouyn-Noranda (February 2023), *en liasse*.

SUBSIDIARILY, AUTHORIZE the Defendant Mitsubishi Motor Sales of Canada, Inc., to submit and file into the Court record the **Exhibits BM-1, BM-2, BM-3, BM-4, BM-5, BM-6, BM-7** as standalone documents, along with **Exhibit D-2**, should the sworn declaration not be authorized into the record.

AUTHORIZE the Defendant Mitsubishi Motors North American, Inc., to submit and file into the Court record the following evidence:

- (a) A sworn declaration of its representative Mr. Dan LaFayette.

AUTHORIZE the Defendant Mitsubishi Motors Corporation to submit and file into the Court record the following evidence:

- (a) A sworn declaration of its representative Mr. Shunsuke Ito.

AUTHTORIZE the Defendants to proceed with the examination of Mr. Jérémie Bédard for a period of no longer than two (2) hours before the hearing on the *Demande pour autorisation d’exercer une action collective et pour être représentant*.

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

MONTREAL, October 10, 2025



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C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

Nº: 500-06-001289-236

SUPERIOR COURT
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Plaintiff

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and

**MITSUBISHI MOTORS NORTH
AMERICA, INC.**

and

MITSUBISHI MOTORS CORPORATION

Defendants

NOTICE OF PRESENTATION

TAKE NOTICE that the *Application for Leave to Adduce Relevant Evidence of the Defendants Mitsubishi Motor Sales of Canada, Inc., Mitsubishi Motors North America, Inc. and Mitsubishi Motors Corporation (Art. 574 (3) C.C.P.)* 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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CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N°: 500-06-001289-236

SUPERIOR COURT
(Class Action)

JÉRÉMIE BÉDARD

Plaintiff

v.

**MINIBUS MITSUBISHI MOTORS SALES OF
CANADA, INC.**

and

**MINIBUS MITSUBISHI MOTORS NORTH
AMERICA, INC.**

and

MINIBUS MITSUBISHI MOTORS CORPORATION

Defendants

LIST OF EXHIBITS

Exhibit D-1 : Sworn declaration of Mr. Brian Moroz, representative of Mitsubishi Motor Sales of Canada, Inc.

Exhibit BM-1 – Extract of the Outlander PHEV 2023 Owner’s Manual;

Exhibit BM-2 – Outlander PHEV Owner’s Handbook (English and French), *en liasse*;

Exhibit BM-3 – Information leaflet (English and French), *en liasse*;

Exhibit BM-4 – Fuel Consumption Guide published by Natural Resources Canada, 2023;

Exhibit BM-5 – Fuel Consumption Guide published by Natural Resources Canada, 2024;

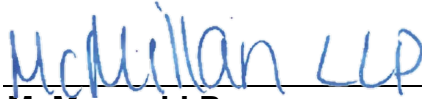
Exhibit BM-6 – Outlander PHEV 2024 Brochure (English and French) , *en liasse*;

Exhibit BM-7 – Outlander PHEV 2023 Brochure (French).

Exhibit D-2 : Extract from Environment Canada’s website on historical temperatures in Rouyn-Noranda (February 2023), *en liasse*.

- Exhibit D-3 :** Sworn declaration of Mr. Dan Lafayette, representative of Mitsubishi Motors North American, Inc.
- Exhibit D-4 :** Sworn declaration of Shunsuke Ito, representative of Mitsubishi Motors Corporation.

MONTREAL, October 10, 2025



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MITSUBISHI MOTORS SALES OF CANADA, INC.
and
MITSUBISHI NORTH AMERICA, INC.
and
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Defendants

**APPLICATION FOR LEAVE TO ADDUCE
RELEVANT EVIDENCE OF THE
DEFENDANTS (Art. 574 al. 3 CCP), NOTICE
OF PRESENTATION and LIST OF EXHIBITS**

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