

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

S U P E R I O R C O U R T
(Class Action Division)

N°: 500-06-001377-254

MOHAN MONANY

Representative Plaintiff

v.

FORD MOTOR COMPANY OF CANADA,
LIMITED

Respondent

APPLICATION TO STAY THE QUEBEC ACTION

(Articles 18, 49 and 577 of the *Code of Civil Procedure* ("**CCP**") and Article
3137 of the *Civil Code of Québec* ("**CCQ**"))

TO THE HONOURABLE JUSTICE CATHERINE MARTEL, J.S.C, SITTING IN AND
FOR THE DISTRICT OF MONTREAL, THE APPLICANT MOHAN MONANY
("Monany") RESPECTFULLY SUBMITS AS FOLLOWS:

I. INTRODUCTION

1. The Applicant seeks a stay of the *Application for Authorization to institute a Class Action and to Obtain the Status of Representative* which was filed on April 24, 2025 (the "**Quebec Action**") pending a final judgment on certification and all proceedings related thereto in the putative class action *Pardeep Kumar Sharma v. Ford Motor Company and Ford Motor Company of Canada, Limited* filed on April 9, 2025 before the Supreme Court of British Columbia bearing the court file number VLC-S-S-252762 (the "**British Columbia Action**"), copy of which is filed in support hereof as **Exhibit S-1**.
2. The present *Application to stay the Quebec Action* (the "**Application**") is being presented with consent from the Respondent (along with Monany, jointly referred to as the "**Parties**").
3. The British Columbia Action raises the same issues on behalf of a putative class that includes the putative members of the Quebec Action.

4. The Quebec Action and the British Columbia Action also raise similar issues to those raised in the putative class action *Sara Davies v. Ford Motor Company and Ford Motor Company of Canada, Limited* filed on May 6, 2025 before the Ontario Superior Court of Justice bearing the court file number CV-25-00742862-00CP (the "**Ontario Action**"), copy of which is filed in support hereof as **Exhibit S-2**.
5. Via the present Application, the Parties hereby seek to avoid the possibility of contradictory judgments, ensure an efficient and proportional use of scarce judicial resources and protect the interests of the Quebec Action's putative class members.
6. For the reasons detailed below, the Parties submit that it is in the interest of justice, and consistent with the principles of proportionality and judicial economy that the overlapping questions raised in the Quebec Action and the British Columbia Action be adjudicated by a single court, and that the Quebec Action be stayed in favour of the British Columbia Action.
7. The Parties agree that the present Application, and statements contained herein, are not intended to be used and will not be used in any motion to certify or authorize any other class proceeding - including the British Columbia Action and/or the Ontario Action - as evidence that the authorization (or certification) criteria are or are not satisfied.

II. OVERVIEW OF THE PARALLEL CLASS ACTIONS

A. The Quebec Action

8. The Applicant in the Quebec Action, Mohan Monany, seeks to represent the following putative class:

Any person who has leased on a long-term basis or purchased, in the province of Quebec, a MY 2020 to 2024 Ford Escape vehicle or a MY 2021 to 2023 Corsair Lincoln vehicle or affected by recall 24S79 issued on 20 December 2024 by Ford Motor Company and/or Ford of Canada Company Limited [translation]

as appears from the Court record.

9. The Quebec Action claims various damages for Monany and the putative class members in relation to Ford Motor Company recall 24S79.

B. The British Columbia Action

10. The applicant in the British Columbia Action, Pardeep Kumar Sharma, seeks to represent the following putative class, on behalf of whom various damages are also being claimed in relation to recall 24S79:

All British Columbia residents, and all other persons resident in Canada, who own, owned, lease and/or leased an Affected Class Vehicle ("**Class**" or "**Class Members**"), excluding employees, officers, directors, agents of the Defendants and their family members, class counsel, presiding judges and any person who has commenced an individual proceeding against or delivered a release to the Defendants concerning the subject of this proceeding, or such other class definition or class period as the Court may ultimately decide on the application for certification.

as appears from Exhibit S-1.

11. As appears from the foregoing, the putative class of the Quebec Action is included in the British Columbia Action.

C. The Ontario Action

12. The applicant in the Ontario Action, Sara Davies, seeks to represent the following putative class, on behalf of whom various damages are also being claimed in relation to recall 24S79:

All persons residing in Canada who purchased or leased a PHEV Ford Escape or Lincoln Corsair for model years 2020-2024.

as appears from Exhibit S-2.

III. CLASS COUNSEL CONSORTIUM

13. Class counsel in the Quebec Action will be part of the consortium that will prosecute the British Columbia Action, which includes the Quebec Action's putative class members, as appears from an affidavit of Me Robert Astell, Class Counsel for the Quebec Action confirming same, a copy of which is filed in support hereof as **Exhibit S-3**.
14. In this consortium context, class counsel in the Quebec Action will ensure and protect the rights of the Quebec Action's putative class members before the Supreme Court of British Columbia.

IV. STATUS OF THE PARALLEL CLASS ACTIONS

A. The Quebec Action

15. The Quebec Action is in its early stages.
16. On June 13, 2025, the Parties sent a joint letter to Justice Martin F. Sheehan, in his capacity as coordinating judge of the class actions chamber, whereby the Court was informed of potential next steps in the matter, including the filing of a motion to stay the Quebec Action and the filing by Ford of a motion pursuant to article 574 CCP, as appears from the Court record.

17. On July 23, 2025, Justice Catherine Martel was assigned to preside over the Quebec Action.
18. A case management conference took place before the Court on August 19, 2025, at which the Parties confirmed their intention to seek a stay of the Quebec Action by consent.

B. The British Columbia Action

19. A case planning conference took place before the Court on August 22, 2025, during which class counsel for the British Columbia Action made a verbal request to have the British Columbia Action case managed and indicated their intention to bring a motion to add a representative plaintiff.
20. Class counsel for the British Columbia Action also informed the Court that the terms relating to a consortium with class counsel for the Quebec Action and Ontario Action were being finalized.
21. The Court informed counsel on file in the British Columbia Action that he would report to the Chief Justice of the Supreme Court of British Columbia on class counsel's request to have the file case managed.
22. As of today, no decision regarding the status of a request for case management has been issued in the British Columbia Action.

C. The Ontario Action

23. Class counsel in the Ontario Action have announced their intention to stay the Ontario Action in favour of the British Columbia Action, an intention which was relayed by class counsel for the British Columbia Action during the August 22, 2025 case management hearing.

V. LIS PENDENS AND THE COURT'S INHERENT POWER TO STAY THE PROCEEDINGS

24. The Quebec Action should be stayed in favour of the British Columbia Action for the following reasons:

A. *Lis Pendens*

25. Article 3137 CCQ specifically provides that:

On the application of a party, a Québec authority may stay its ruling on an action brought before it if another action, between the same parties, based on the same facts and having the same subject is pending before a foreign authority, provided that the latter action can result in a decision which may be recognized in Québec, or if such a decision has already been rendered by a foreign authority.

26. The criteria for *lis pendens* are met in the matter of which the Court is presently seized:
- a) The British Columbia Action was filed before the Quebec Action.
 - b) Same parties: The defendants in the British Columbia Action include Ford, who is the sole defendant in the Quebec Action, and the putative class members of the Quebec Action are included in the British Columbia Action's putative class.
 - c) Same facts: The Quebec Action and the British Columbia Action are based on the same key allegations of fact, alleged fault, and assert the same general cause of action, namely with respect to alleged faults related to, and damages sustained by putative class members in relation to, the issuance of recall no. 24S79.
 - d) Same cause: The Quebec Action and the British Columbia Action invoke similar allegations of fault and alleged breaches by Ford. The British Columbia Action includes specific reference to the Quebec *Consumer Protection Act*, CQLR c P-40.1, legislation which is not explicitly named in the Quebec Action.
 - e) Same object: The Quebec Action and the British Columbia Action both seek authorization (or: certification) of a class action for similar purposes, common questions and conclusions for the benefit of, among others, putative Quebec class members.
27. As a result, any judgment to be rendered at the outcome of the British Columbia Action is likely to be binding on the putative class members of the Quebec Action and may exhaust their claims.

B. The Court's Inherent Power to Stay the Quebec Action

28. By virtue of article 49 CCP, this Court has the inherent power to stay any action brought before it if such a stay is consistent with the principles proportionality and the proper administration of justice, or when there is a risk of contradictory judgments in related matters before different courts.
29. Given the similarity between the Quebec Action and the British Columbia Action, the Parties respectfully submit that a stay of the Quebec Action is consistent with the principles of proportionality, efficiency and the proper administration of justice
30. For the reasons and circumstances detailed above, the Parties respectfully submit that it would be contrary to the interests of justice, and those of the Parties, that scarce judicial resources be deployed to litigate parallel claims in front of different courts in class proceedings in which there is a serious risk of contradictory judgments.

31. These considerations are all the more heightened considering the consortium context described above.

C. The Rights and Interests of the Putative Members of the Quebec Action are Protected

32. The stay of the Quebec Action in favour of the British Columbia Action would serve the rights and interests of Québec residents, in accordance with the requirements set out in article 577 CCP.
33. Indeed, the causes of action asserted in the British Columbia Action largely mirror the causes of action asserted in the Quebec Action, such that the rights of the putative class members in the Quebec Action will be asserted in a similar fashion in the British Columbia Action.
34. Claims available under Quebec law are pleaded in the British Columbia Action, including specifically with respect to Quebec's *Consumer Protection Act*, CQLR c P-40.1.
35. The consortium context described above will ensure that the putative class members of the Quebec Action will have their rights and interests taken into account and protected.
36. Nothing indicates or leads the Parties to believe that the Courts of British Columbia will not protect the rights and interests of the Quebec Actions' putative class members in the same fashion as a Quebec Court would.
37. Moreover, the putative class members of the Quebec Action will benefit from judicial economy and will save time and legal costs by having British Columbia counsel pursue the authorization/certification of the British Columbia Action, and all related proceedings, before the Supreme Court of British Columbia.

VI. CONCLUSION

38. For the reasons stated above, the Parties seeks a stay of the Quebec Action for a period ending sixty (60) days after a final judgment on certification is rendered in the British Columbia Action and all proceedings related thereto are completed.
39. If the stay is granted, the Parties will provide this Court with an update on the status of the British Columbia Action on a semi-annual basis and further undertake to advise this Court within 30 days of any significant development in the British Columbia Action that may affect the course of the Quebec Action.
40. The stay sought is consistent with the principles of proportionality and judicial economy, as it serves to avoid a multiplicity of parallel proceedings progressing simultaneously, which would result in significant and avoidable costs for all Parties involved and be unnecessarily demanding on scarce judicial resources.

41. The stay sought is also consistent with the "spirit of mutual comity" between courts of different provinces recognized by the Supreme Court of Canada in *Canada Post Corp. v. Lépine*, 2009 1 SCR 549.
42. In light of the above, the Applicant, with support from the Quebec Action's Representative Plaintiff and class counsel, respectfully submits that this Court should use its discretion to stay the Quebec Action, as it is in the interest of justice and of the Quebec Action's putative class members.

WHEREFORE, MAY IT PLEASE THIS HONOURABLE COURT TO:

GRANT the present *Application to Stay the Quebec Action*;

STAY any and all proceedings related to the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* for a period ending sixty (60) days after a final judgment on certification is rendered in the British Columbia Action (court docket number VLC-S-S-252762) and all proceedings related thereto are completed.

PRAY ACT of the Parties undertaking to provide this Court with an update on the status of the British Columbia Action on a semi-annual basis and to advise this Court within 30 days of any significant development in the British Columbia Action that may affect the course of the Quebec Action.

THE WHOLE, without costs.

Montréal, October 20th 2025

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Subject: O/F: 9011-1A/ Monany v. Ford (500-06-001377-254) - Email Notification of procedure
Date: 20 octobre 2025 15:57:00
Attachments: [image001.png](#)
[Ford-Monany Application to Stay COPY.pdf](#)
[Exhibit S-3.pdf](#)
[Exhibit S-1.pdf](#)
[Exhibit S-2.pdf](#)

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**SUPERIOR COURT
(Class Action Division)**

**PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL**

MOHAN MONANY

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**FORD MOTOR COMPANY OF CANADA,
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Respondent

EMAIL NOTIFICATION SLIP

**NATURE OF
DOCUMENTS :**

Application to stay the Quebec action

NAME OF FILES :

**Ford-Monany Application to Stay COPY.pdf
Exhibit S-1.pdf
Exhibit S-2.pdf
Exhibit S-3.pdf**

NUMBER OF PAGES :

9 pages
75 pages
44 pages
2 pages

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**SUPERIOR COURT
DISTRICT OF MONTRÉAL**

500-06-001377-254

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