

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° 500-06-000993-192

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

LYSE BEAULIEU

Petitioner (Respondent)

v.

FACEBOOK, INC.

- and -

FACEBOOK CANADA LTD.

Defendants (Applicants)

APPLICATION FOR PERMISSION TO AMEND PLEADING
(Art. 585 C.C.P.)

IN SUPPORT OF HER MOTION TO AMEND HER PLEADING, THE PETITIONER STATES AS FOLLOWS:

1. On April 11, 2019, Lyse Beaulieu filed an Application for Authorization to Institute a Class Action and to Obtain the Status of Representative Plaintiff (the “**Application for Authorization**”).
2. On October 9, 2020, Facebook filed an Application for Leave to Examine Ms Beaulieu and to Submit Relevant Evidence (the “**Application to Examine**”).
3. In its Application to Examine, Facebook claims that certain allegations in the Application for Authorization are “general, incomplete or vague” and thus “prejudicial” to Facebook (para. 12), and requests permission to examine Ms. Beaulieu on these subjects. Among the allegations it takes issue with, Facebook lists “whether Mrs. Beaulieu has suffered any type of damage.”
4. Although the Petitioner disagrees with Facebook’s characterizations, for the sake of resolving any debate, the Petitioner seeks the Court’s permission to amend the Application for Authorization to provide additional detail on the issue of damages.
5. Moreover, as part of its request to submit relevant evidence, Facebook seeks the Court’s permission to adduce evidence to the effect that it intends to make changes to the way advertisement targeting works in Canada, as appears from paragraphs 13-16 of the Draft Sworn Statement of Andrew Howard (Exhibit F-1 to the Application to Examine).

6. The Petitioner claims that Facebook's much-delayed response to the use of discriminatory advertising in Canada is relevant to the Court's assessment of punitive damages. In addition to responding to Facebook's request for detail regarding damages, the addition of allegations regarding these developments also serves to provide the Court with an updated account of events.
7. Finally, the Petitioner has removed her claim for non-pecuniary damages.
8. Given that this proposed class action has not yet been authorized, permitting these amendments would not run contrary to the interests of justice. The proposed amendments are limited in scope and do not constitute new claims, but rather additional details about existing claims and, in the case of pecuniary damages, remove a claim and narrow the debate.
9. That being the case, allowing these amendments should have no impact on the authorization schedule established by the Court.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present Application;

AUTHORIZE the amendment of the Application for Authorization to Institute a Class Action and to Obtain the Status of Representative Plaintiff;

THE WHOLE without costs except in case of contestation.

MONTREAL, October 23, 2020

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Our file: 5026-1

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NOTICE OF PRESENTATION

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FACEBOOK, INC
FACEBOOK CANADA LTD..

TAKE NOTICE that the *Application for Permission to Amend Pleading* will be presented for adjudication before one of the Honourable Suzanne Courchesne, J.S.C., at a date and time to be determined, in a room to be determined of the Montreal Courthouse, located at 1 Notre-Dame Street East, Montreal, Quebec.

DO GOVERN YOURSELF ACCORDINGLY.

MONTREAL, October 23, 2020

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SUPERIOR COURT (Class Action)
DISTRICT OF MONTREAL
PROVINCE OF QUEBEC

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**APPLICATION FOR PERMISSION
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(Art. 585 C.G.P.) AND NOTICE OF
PRESENTATION**

ORIGINAL



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