

CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

SUPERIOR COURT
(Class Actions)

NO: 500-06-001321-245

JOYCE ROMANO

Applicant

v.

DANONE INC.

and

WAL-MART CANADA CORP.

and

JORIKI INC.

and

INTACT COMPAGNIE D'ASSURANCE, legal
person having a principal establishment at
2450 Girouard Street West, Saint-Hyacinthe,
Quebec, J2S 3B3

Defendants

and

CONCILIA SERVICES INC.

Settlement Administrator

CONSOLIDATED APPLICATION TO: (1) AMEND THE AUTHORIZATION APPLICATION; (2) AUTHORIZE THE CLASS ACTION FOR SETTLEMENT PURPOSES; (3) APPROVE NOTICES TO CLASS MEMBERS OF A SETTLEMENT APPROVAL HEARING; AND (4) APPOINT THE CLAIMS ADMINISTRATOR
(Articles 25, 49, 206, 571, 575, 579, 580, 581, 585 & 590 CCP)

TO THE HONOURABLE MARIE-CHRISTINE HIVON, J.S.C., DESIGNATED JUDGE IN THE PRESENT CLASS ACTION, THE APPLICANT SUBMITS THE FOLLOWING:

I. Introduction

1. The purpose of the present application is notably to amend the authorization application to include Intact Compagnie d'assurance ("**Intact**") as a co-defendant, to authorize the class action for settlement purposes only, to approve the notices of a settlement approval hearing with respect to the proposed class action settlement concluded with Danone Inc., Wal-Mart Canada Corp. and Intact Insurance Company (collectively, the "**Settling Defendants**"), and to appoint a Claims Administrator;
2. On July 18, 2024, the initial authorization application was filed, as appears from the Court record;
3. On August 14, 2024, the authorization application was amended for the benefit of the following Class and Family Class:

Class: All persons in Canada who purchased or ingested the Various Silk and Great Value brand plant based refrigerated beverages recalled due to Listeria monocytogenes.	Groupe: Toutes les personnes au Canada ont acheté ou ingéré les diverses boissons végétales réfrigérées de marque Silk et Great Value rappelé en raison de la bactérie Listeria monocytogenes.
Family Class: All persons in Canada who, by virtue of a personal relationship with one or more Class Members, have standing to claim damages pursuant to the <i>Civil Code of Quebec</i> , section 61(1) of the <i>Family Law Act</i> , R.S.O. 1990, c. f.3, as amended, or analogous provincial legislation.	Groupe Famille : Toutes les personnes au Canada qui, en vertu d'une relation personnelle avec un ou plusieurs membres du Groupe, ont qualité pour agir pour réclamer des dommages en vertu du <i>Code civil du Québec</i> , de l'article 61(1) de la <i>Loi sur le droit de la famille</i> , L.R.O. 1990, c. f.3, telle qu'amendée, ou d'une législation provinciale analogue.

4. The Applicant notably alleged that the Joriki inc, Danone inc. and Wal-Mart Canada Corp. acted in violation of the Civil Code, the *Consumer Protection Act*, the Quebec Charter and the Common Law, as well as the analogous provincial legislation (for Class and Family Class members residing outside of Quebec), with respect to various Silk and Great Value brand plant based refrigerated beverages recalled due to Listeria monocytogenes on July 8, 2024 (the "**Recall**");
5. Following a mediation presided by retired Justice Robert Mongeon, the Applicant and the Settling Defendants have agreed to settle the class action, as appears from a copy of the Settlement Agreement filed herewith, along with a French translation, as **Exhibit R-1** (the "**Settlement**");

6. The Settlement notably provides for the payment of a fixed and guaranteed all-inclusive settlement amount of **\$6,500,000.00**, which will be used to pay monetary compensation to the Class Members, payments for the Provincial Health Insurer Claims, settlement expenses, disbursements and class counsel fees;
7. Pursuant to article 590 C.C.P., a transaction settling a class action is valid only if approved by the Court. The Applicant therefore intends to present an application for Settlement approval. However, before the Court can approve the Settlement, the Class Members must be advised that a hearing will take place on the matter;

II. Purpose of this Application

8. The Applicant is asking this Court to:
 - a) allow the Applicant to add Intact as a co-defendant to this class action as provided for in the Settlement Agreement and to modify the Class definition in accordance with section 1(m) of the Settlement Agreement;
 - b) authorize the class action against the Defendants for settlement purposes only on behalf of the modified Class;
 - c) appoint Mrs. Romano as Representative Plaintiff for settlement purposes only;
 - d) approve the form and means by which the Pre-Approval Notice will be disseminated, including the procedure for opting out, commenting on or raising an objection to the Settlement Agreement; and
 - e) appoint Concilia Services Inc. as the Claims Administrator.

A) Modification to the authorization application

9. Intact was Joriki's commercial general liability insurer at the time of the Recall. Intact's presence in the file will thus assist in a full resolution of the dispute and is, in the circumstances, in the interest of justice and of the Class members. All of the Settling Defendants consent to this modification;
10. The parties have also agreed to modify the Class definition uniformly as follows:

Class: All persons in Canada who purchased or ingested the Silk Products or Great Value Products subject to the Recall initiated by Danone Canada on July 8, 2024, including those who have suffered any Personal Injury as a result thereof, and their	Groupe: Toutes les personnes au Canada qui ont acheté ou ingéré les Produits Silk ou Produits Great Value assujettis au Rappel initié par Danone le 8 juillet 2024, y compris celles qui ont subi un Préjudice corporel découlant de cette ingestion, ainsi que leurs successeurs, ayants droit,
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successors, assigns, family members, and dependants;	membres de la famille et personnes à charge;
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11. The modifications sought are in conformity with articles 206 and 585 C.C.P.;

B) Authorization for Settlement Purposes Only

12. The Settling Defendants consent to authorization for the purposes of settlement only, subject to the terms of the Settlement and approval of same by the Court;

13. Where defendants consent to the authorization of a class action for settlement purposes, the criteria set forth at article 575 C.C.P. must nonetheless be met. However, the analysis of the criteria must be conducted in a flexible manner, i.e. *avec souplesse*, taking into account the settlement;

C) Appointment of Representative Plaintiff

14. The Applicant is fairly and adequately protecting and representing the interests of class members, and does not have any conflicts of interest with the other Class Members;

D) Notice of Settlement to Class Members

15. Prior to the Applicant presenting the Settlement for approval and prior to the Court being able to approve the Settlement, the Class Members must be informed that a settlement hearing is taking place, and that they can opt-out thereof, object thereto, or intervene therein;

16. The Applicant is asking the Court to approve the notice plan provided for at **Schedule K** of the Settlement (Exhibit R-1);

17. The proposed Pre-Approval Notice, attached to the Settlement as **Schedule E**, has a specific purpose to inform the Class Members of the following, in conformity with articles 579 and 590 C.C.P.:

- a) The judgment authorizing the class action for the sole purposes of the settlement and the definition of the Class;
- b) The principal issue raised by the class action;
- c) the existence of the Settlement and the fact that it will be submitted to the Court for approval, specifying the date and place of the approval hearing;
- d) the nature of the Settlement, the compensation offered to Class Members, and the payment of Class Counsel Fees and Disbursements;
- e) the contact information of the Plaintiff's lawyers, as well as the district in which the class action is to proceed;

- f) the consequences and effects of the approval of the Settlement by the Court with respect to the release of the Defendants by the Class Members;
 - g) the possibility for Class Members to opt-out of the class action;
 - h) the possibility for Class Members to make objections or other representations at the hearing for the approval of the Settlement; and
 - i) that Class Members have the right to seek intervenor status in the class action and that no class member other than the Applicant or an intervenor may be required to pay legal costs arising from the Class Action.
18. The Pre-Approval Notices required pursuant to articles 579 and 590 C.C.P. will be disseminated pursuant to the Notice Plan (Schedule K to the Settlement), notably as follows:
- (a) the short-form Pre-Approval Notice (Schedule E.2) shall be published in the form of at least a 1/4-page advertisement in 1 edition of LaPresse+ (Digital Edition, 1/4 screen), Le Journal de Montréal, Le Journal de Québec, The Toronto Sun, Vancouver Sun, Vancouver Province, and The National Post;
 - (b) the Pre-Approval Notice shall be promoted through a national Facebook campaign across Canada (via a hyperlink);
 - (c) the Pre-Approval Notice will be disseminated via a paid Google digital media advertising campaign (via a hyperlink);
 - (d) press releases adapting the content of the Pre-Approval Notice, will be issued in English and French to news media and online audiences via Canada Newswire (Cision);
 - (e) Class Counsel (or the Claims Administrator on their behalf) will send a bilingual email (French and English) containing a hyperlink to the long-form version of the Pre-Approval Notice to the persons who registered for this class action on their website dedicated to this class action (www.lpclex.com/silk);
 - (f) A link to the long-form version of the Pre-Approval Notice will be published on Danone Canada's website dedicated to the Recall (<https://www.silkcanada.ca/product-recall/>) up until the end of the Opt-Out Period;
 - (g) the long-form version of the Pre-Approval Notice will be published by the Claims Administrator on a website dedicated to the Claims Administration;

(h) Class Counsel shall also publish the long-form version of the Pre-Approval Notice on (i) their website (www.lpclex.com/silk), (ii) the Canadian Bar Association’s National Class Action Database and (iii) the Quebec Registry of class actions;

19. The Applicant therefore requests that this Court approve the form and content of the Pre-Approval Notice (Schedule E to the Settlement filed herewith as Exhibit R-1), in both its English and French versions, and their proposed modes of distribution;
20. The Applicant requests that this Court set the time limit for Class Members to file an opt-out of the Settlement to a date that is at least thirty (30) days after delivery of the Pre-Approval Notice;
21. The Applicant requests that this Court set the time limit for Class Members to file objections to Court approval of the Settlement to a date that is at least thirty (30) days after delivery of the Pre-Approval Notice;

E) The Appointment of the Claims Administrator

22. Concilia Services Inc. has agreed to act as the Claims Administrator pursuant to the Settlement and is prepared to faithfully abide by the terms of the Settlement acting in that capacity, subject to the supervision of the Court;
23. The parties are asking the Court to appoint Concilia Services Inc. as the Claims Administrator.

PAR CES MOTIFS, PLAISE AU TRIBUNAL :	FOR THESE REASONS, MAY IT PLEASE THE COURT TO:
[1] ACCUEILLIR la présente demande;	GRANT the present application;
[2] DÉCLARER qu’aux fins du jugement à intervenir, les définitions énoncées dans l’Entente de règlement (pièce R-1) seront appliquées et intégrées;	DECLARE that for the purposes of the judgment to be rendered, the definitions in the Settlement Agreement (Exhibit R-1) be applied and integrated therein;
[3] AUTORISER la demanderesse à modifier l’Action du Québec pour ajouter Intact Compagnie d’assurance en tant que défenderesse nommée;	AUTHORIZE the Plaintiff, to amend the Quebec Proceeding to add Intact Compagnie d’assurance as named defendant;
[4] AUTORISER l’exercice de l’action collective contre les défenderesses, Danone inc., Wal-Mart Canada Corp., Joriki inc., et Intact Compagnie d’assurance, aux	AUTHORIZE the bringing of a class action against the Defendants Danone Inc., Wal-Mart Canada Corp., Joriki Inc., and Intact Compagnie d’assurance, for settlement

<p>seules fins de règlement, au nom du Groupe modifié suivant :</p> <p>Toutes les personnes au Canada qui ont acheté ou ingéré les Produits Silk ou Produits Great Value assujettis au Rappel initié par Danone le 8 juillet 2024, y compris celles qui ont subi un Préjudice corporel découlant de cette ingestion, ainsi que leurs successeurs, ayants droit, membres de la famille et personnes à charge;</p>	<p>purposes only on behalf of the following modified Class:</p> <p>All persons in Canada who purchased or ingested the Silk Products or Great Value Products subject to the Recall initiated by Danone Canada on July 8, 2024, including those who have suffered any Personal Injury as a result thereof, and their successors, assigns, family members, and dependants;</p>
<p>[5] DÉSIGNER et ATTRIBUER à Joyce Romano le statut de demanderesse aux seules fins du règlement;</p>	<p>APPOINT Joyce Romano the status of Representative Plaintiff for settlement purposes only;</p>
<p>[6] IDENTIFIER aux fins de règlement uniquement, la question commune suivante à traiter collectivement :</p> <p>Joriki inc, Danone inc. et Wal-Mart Canada Corp. ont-elles commises une faute en rapport avec le rappel du 8 juillet 2024 et, dans l'affirmative, les membres du groupe ont-ils droit à une indemnisation ?</p>	<p>IDENTIFY for the purposes of settlement only, the common question to be dealt with collectively as follows:</p> <p>Did Joriki inc, Danone inc. and Wal-Mart Canada Corp. commit a fault in relation to the Recall of July 8, 2024 and, if so, are Class members entitled to compensation?</p>
<p>[7] NOMMER en tant qu'Administrateur des réclamations Services Concilia inc. afin de s'acquitter des tâches qui lui incombent en vertu de l'Entente de règlement;</p>	<p>APPOINT Concilia Services Inc. as Claims Administrator for the purposes of accomplishing the tasks that devolve to it pursuant to the Settlement Agreement;</p>
<p>[8] APPROUVER la forme et le contenu de l'Avis de préapprobation aux membres du groupe, dans ses versions française et anglaise (annexe « E » à l'Entente de règlement) et le Plan de notification prévu à l'annexe « K » de l'Entente de règlement déposée comme pièce R-1;</p>	<p>APPROVE the form and content of the Pre-Approval Notice to Class Members in its French and English versions (Schedule "E" to the Settlement Agreement) and the Notice Plan provided for at Schedule "K" of the Settlement Agreement filed as Exhibit R-1;</p>
<p>[9] APPROUVER la forme et le contenu du Formulaire d'exclusion, en français et en anglais, essentiellement conformément à l'annexe « D » à l'Entente de règlement;</p>	<p>APPROVE the form and content of the Opt-Out Form, in French and in English, substantially in conformity with Schedule "D" to the Settlement Agreement;</p>
<p>[10] ORDONNER à Services Concilia inc. de maintenir la confidentialité des informations qui lui sont fournies conformément au jugement à intervenir et</p>	<p>ORDER that Concilia Services Inc. shall maintain confidentiality over and shall not share the information provided to it pursuant to the judgment to be rendered with any other</p>

<p>ne pas les partager avec toute autre personne, sauf si cela est strictement nécessaire pour exécuter le Plan de notification et/ou faciliter le processus de distribution conformément au jugement à intervenir;</p>	<p>person, unless doing so is strictly necessary for executing the Notice Plan and/or facilitating the distribution process in accordance with the judgment to be rendered;</p>
<p>[11] ORDONNER que Services Concilia inc. utilisera les informations qui lui sont fournies en vertu du jugement à intervenir dans le seul but d'exécuter le Plan de notification et de faciliter le processus de distribution conformément au dit jugement, et à aucune autre fin;</p>	<p>ORDER that Concilia Services Inc. shall use the information provided to it pursuant to the judgment to be rendered for the sole purpose of executing the Notice Plan and facilitating the distribution process in accordance with said judgment, and for no other purpose;</p>
<p>[12] ORDONNER à Services Concilia inc. de diffuser l'avis de préapprobation conformément au Plan de publication dans les dix (10) jours suivant le jugement à intervenir;</p>	<p>ORDER Concilia Services Inc. to disseminate the Pre-Approval Notice pursuant to the Notice Plan within ten (10) days of the judgment to be rendered;</p>
<p>[13] DÉCLARER que les Membres du groupe qui souhaitent s'exclure de cette action collective et de l'Entente de règlement peuvent le faire en remettant le Formulaire d'exclusion, de la manière prévue dans l'Avis de préapprobation, dans un délai de trente (30) jours suivant la date à laquelle l'Avis de préapprobation est publié pour la première fois;</p>	<p>DECLARE that Class Members who wish to opt out from this class action and the Settlement Agreement may do so by delivering the Opt-Out Form, in the manner provided for in the Pre-Approval Notice, within thirty (30) days after the date on which the Pre-Approval Notice is first published;</p>
<p>[14] DÉCLARER que les Membres du groupe qui souhaitent s'objecter à l'approbation par le Tribunal de l'Entente de règlement doivent le faire de la manière prévue dans l'Avis de préapprobation, dans un délai de trente (30) jours suivant la date à laquelle l'Avis de préapprobation est publié pour la première fois;</p>	<p>DECLARE that the Class Members who wish to object to Court approval of the Settlement must do so in the manner provided for in the Pre-Approval Notice, within thirty (30) days after the date on which the Pre-Approval Notice is first published;</p>
<p>[15] DÉCLARER que tous les Membres du groupe qui n'ont pas demandé leur exclusion sont liés par tout jugement à rendre sur l'action collective de la manière prévue par la loi;</p>	<p>DECLARE that all Class Members that have not opted out are bound by any judgment to be rendered on the Class Action in the manner provided for by the law;</p>

<p>[16] DÉCLARER que dans le cas où l'Entente de règlement serait résiliée conformément à la Section 6 de l'Entente de règlement, le jugement à intervenir serait déclaré nul et sans effet;</p>	<p>DÉCLARE that in the event that the Settlement Agreement is terminated in accordance with Section 6 of the Settlement Agreement, that the judgment to be rendered shall be declared null and of no effect;</p>
<p>[17] FIXER la date d'audience pour l'approbation de l'Entente de règlement déposée comme pièce R-1 au 26 janvier 2026, à 9h30 en salle 2.08 du Palais de justice de Montréal;</p>	<p>SCHEDULE the hearing date for approval of the Settlement Agreement filed as Exhibit R-1 on January 26, 2026, at 9:30 a.m., in room 2.08 of the Montreal Courthouse;</p>
<p>[18] ORDONNER que la date et l'heure pour la tenue de l'audience d'approbation de l'Entente de règlement soient indiquées dans l'Avis de préapprobation, bien qu'elles puissent être reportées par le Tribunal sans autre avis aux Membres du groupe autre que l'avis qui sera affiché sur le site des avocats du groupe www.lpclex.com/fr/silk/;</p>	<p>ORDER that the date and time of the settlement approval hearing shall be set forth in the Pre-Approval Notice, but may be adjourned by the Court without further notice to the Class Members, other than such notice as may be posted on Class Counsel's website www.lpclex.com/silk/;</p>
<p>[19] LE TOUT, sans frais de justice.</p>	<p>THE WHOLE, without legal costs.</p>

Montreal, November 6, 2025

(s) LPC Avocats

LPC AVOCATS

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CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

(Class Actions)
SUPERIOR COURT

NO: 500-06-001321-245

JOYCE ROMANO

Applicant

v.

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and
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and
INTACT COMPAGNIE D'ASSURANCE

Defendants

LIST OF EXHIBITS

Exhibit R-1: Copy of the Settlement Agreement (including French Translation).

Montreal, November 6, 2025

(s) LPC Avocats

LPC AVOCATS

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NOTICE OF PRESENTATION

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TAKE NOTICE that the attached Application shall be presented for adjudication before the Honourable Marie-Christine Hivon, J.S.C., **on a date, time and manner to be determined** by the Court.

Montreal, November 6, 2025

(s) LPC Avocats

LPC AVOCATS

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ET AL.

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(Articles 25, 49, 206, 571, 575, 579, 580, 581, 585 & 590 CCP)

ORIGINAL

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