

**SUPERIOR COURT**  
(Class Actions Division)

**CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL**

**N° : 500-06-000993-192**

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**LYSE BEAULIEU**

Plaintiff

v.

**META PLATFORMS, INC.  
-and-  
FACEBOOK CANADA LTD.**

Defendants

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**DEFENDANTS' APPLICATION FOR LEAVE  
TO EXAMINE CLASS MEMBERS  
(ART. 587 CCP)**

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**I. INTRODUCTION**

1. Defendants Meta Platforms, Inc. and Facebook Canada Ltd. seek leave from this Court to conduct pre-trial examinations of ten (10) class members.
2. These pre-trial examinations are necessary to the determination of the common issues, for Defendants' right to a full and complete defense, and for a fair debate on the merits.

**II. PROCEDURAL BACKGROUND**

3. The present class action claims that third-party advertisers allegedly used Facebook's advertising tools to prevent certain Facebook users from receiving employment or housing ads on Facebook based on their age, sex or race, and that, even in the absence of alleged exclusion chosen by the advertisers, Facebook's algorithms prevented users from receiving employment or housing ads on Facebook based on age, sex, or race.
4. On July 27, 2021, the Honourable Suzanne Courchesne, j.s.c. refused to authorize Plaintiff to institute the present class action, on the grounds that the composition of

the class was “highly problematic and impossible to define, to the point that it would become an impediment to the exercise of a class action.”<sup>1</sup>

5. On December 22, 2022, the Court of Appeal of Québec authorized Plaintiff to institute this class action on behalf of the following class members (the “**Class**”):

Tous les usagers et usagères Facebook du Québec qui étaient à la recherche d'un emploi ou d'un logement ou qui étaient intéressé·e·s par les annonces d'emploi ou de logement et qui, en raison de leur race, de leur sexe ou de leur âge, ont été exclu·e·s par les services de publicité de Facebook de la distribution d'annonces d'offres d'emploi ou de logement sur Facebook, et ce, entre le 11 avril 2016 et le 22 décembre 2022; *[our emphasis]*

6. The Court determined that the class action would treat the following five collective issues:

- i. En permettant ou en facilitant l'utilisation de ses services publicitaires de sorte que les membres du groupe soient privé·e·s de recevoir des annonces d'offres d'emploi ou de logement, et ce, en fonction de leur race, de leur sexe ou de leur âge, Facebook, Inc. et Facebook Canada Ltd. ont-elles porté atteinte aux droits que leur confère la *Charte des droits et libertés de la personne* du Québec?
- ii. En distribuant des annonces d'emplois ou de logements de manière préférentielle à certaines personnes en fonction de leur race, de leur sexe ou de leur âge, Facebook, Inc. et Facebook Canada Ltd. ont-elles porté atteinte aux droits que la *Charte des droits et libertés de la personne* du Québec confère aux membres du groupe?
- iii. Facebook, Inc. et Facebook Canada Ltd. sont-elles responsables des dommages moraux causés aux membres du groupe par ces atteintes et, dans l'affirmative, à hauteur de quel montant?
- iv. Facebook, Inc. et Facebook Canada Ltd. doivent-elles être condamnées à des dommages punitifs envers les membres du groupe et, dans l'affirmative, à hauteur de quel montant?
- v. Une injonction devrait-elle être prononcée à l'endroit de Facebook, Inc. et de Facebook Canada Ltd. afin de leur enjoindre de cesser de permettre et/ou de faciliter le ciblage ou la distribution publicitaire discriminatoire en fonction de la race, du sexe ou de l'âge, en ce qui concerne les annonces d'emplois ou de logements?

7. On November 30, 2023, following the authorization of the class action, Plaintiff filed an Originating Application (the “**Application**”) in which she claimed moral damages, punitive damages as well as injunctive relief.

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<sup>1</sup> *Beaulieu c. Facebook inc.*, [2021 QCCS 3206](#), para. 57.

8. On September 23, 2025, the Defendants proceeded with the pre-trial examination of the Plaintiff. This examination confirmed that she is unable to shed sufficient light on several central allegations of the Application relating to the issues of law and fact to be dealt with collectively.
9. Indeed, despite the allegations contained in the Application, the Plaintiff confirmed that she never used Facebook to search for her own employment.<sup>2</sup>
10. She also confirmed that she has no recollection of any of the ads that she received on Facebook during the class period.<sup>3</sup>

### III. THE PRE-TRIAL EXAMINATIONS OF CLASS MEMBERS ARE NECESSARY TO THE COURT'S DETERMINATION OF ISSUES OF LAW AND FACT TO BE DEALT WITH COLLECTIVELY

11. The Defendants are seeking leave to examine ten (10) Facebook users who were interested in housing and/or employment advertisements but were allegedly excluded on the grounds of race, sex, or age, in order to understand, *inter alia*, the facts in support of the alleged fault, and the existence and nature of damages (if any), and to allow the Court to determine whether collective recovery could be awarded, which is denied.
12. The Court of Appeal indicated that the class includes individuals who, through Facebook ("*par le truchement de Facebook*"), were seeking employment or housing or were interested in receiving related advertisements. In other words, the use of Facebook for the relevant employment and housing searches is directly related to the authorized class description and ensuing common questions.<sup>4</sup>

[79] Elle ne cause en outre aucune difficulté au chapitre du droit d'exclusion[67] (dont l'exercice permet la conservation du droit d'action individuel) : **la personne qui, par le truchement de Facebook, cherchait à l'époque un emploi ou un logement ou était intéressée à recevoir des annonces en ces matières se reconnaîtra et pourra choisir de s'exclure du groupe.** Éventuellement, cette personne, si elle ne s'exclut pas, pourrait avoir à établir son statut de membre du groupe : ce sera alors une banale question de preuve et d'appréciation de la preuve (même si l'administration et l'évaluation de celle-ci peuvent requérir la mise en place de mécanismes de vérification de demandes possiblement très nombreuses – là encore, le cadre de l'action collective permet des mesures souvent innovantes et globalement efficaces). *[our emphasis]*

<sup>2</sup> As it appears from a copy of the extracts of the responses communicated by the Plaintiff to the pre-undertakings, communicated hereto as **Exhibit R-1**.

<sup>3</sup> As it appears from a copy of the extracts of the transcripts of the pre-trial examination of the Plaintiff dated September 23, 2025, communicated hereto as **Exhibit R-2**, at pp. 121-122.

<sup>4</sup> See also the Unofficial English Translation of the Court of Appeal's decision at para. 79: "Anyone who was looking for a job or housing on Facebook at the time (...)."

13. In her pre-trial examination, the Plaintiff admitted that she never used Facebook for her personal employment or housing searches during the relevant period.<sup>5</sup>
14. While Plaintiff stated that she does not remember seeing any employment or housing advertisements on Facebook during the relevant period, she admitted that she does not recall any of the advertisements she received on Facebook over the class period.<sup>6</sup> She explained that she does not have a good memory (“[...] *je n’ai pas de mémoire*”)<sup>7</sup> and that she has difficulties remembering what she did the week prior.<sup>8</sup>
15. Although the Application alleges discrimination in the delivery of employment and housing ads, she was unable to respond to the majority of the Defendants’ factual questions regarding the use of Facebook for finding housing or employment opportunities.
16. Moreover, Plaintiff does not have any knowledge of anyone, during the relevant period or otherwise, who would have received an ad for a job that she could have applied to but that she claims she did not receive because of Meta,<sup>9</sup> nor was she able to identify any employment or housing ads that she claims she did not receive because of Meta’s alleged fault.<sup>10</sup>
17. As the Court of Appeal noted, Plaintiff modelled the description of the class on her personal situation, being someone who because of her age or sex, was allegedly excluded from receiving job advertisements, on Facebook, that could have interested her.<sup>11</sup>
18. The Court of Appeal justified the class’ extension beyond the Plaintiff’s personal situation (being employment discrimination on the alleged basis of age or sex) to include race-based employment discrimination and housing discrimination on the basis of age, race, and sex, by noting that:

[72] . . . Ses recherches l’ont amenée à conclure que cette situation résultait des politiques et pratiques publicitaires des intimées et s’étendait de façon générale aux domaines de l’emploi et du logement (deux domaines particulièrement sensibles aux effets néfastes de la discrimination fondée sur la race, le sexe ou l’âge).

19. However, the Application contains no indication of such research, nor any exhibits or allegations, that show tangible examples of the forms of discrimination claimed

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<sup>5</sup> **Exhibit R-2** (pp. 119 (lines 15-25), 120 (lines 1-3), 154 (13-21)); **Exhibit R-1** (Responses n° 6, 16 and 19).

<sup>6</sup> **Exhibit R-2**, pp. 121-122, pp. 123 (lines 14-17).

<sup>7</sup> **Exhibit R-2**, pp. 88 (line 2), 108 (7-8), 168 (lines 13-20),

<sup>8</sup> **Exhibit R-2**, p. 108 (lines 21-22).

<sup>9</sup> **Exhibit R-2**, p. 138 (lines 4-23).

<sup>10</sup> **Exhibit R-2**, p. 138 (lines 4-23).

<sup>11</sup> *Beaulieu c. Facebook inc.*, [2022 QCCA 1736](#), at paras. 71-72.

by Plaintiff in the class definition. Moreover, Plaintiff confirmed during her examination that she did not do any research nor speak to any other class members.

20. However, a review of the allegations and exhibits presented by Plaintiff post-authorization makes the deficiencies of the Application's evidence of discrimination clear:

- i. The Application only contains allegations regarding the Plaintiff's situation, who alleges that she "periodically searched for a variety of jobs online" and that "[b]ecause of her age, [Plaintiff] was excluded from the opportunity to receive job advertisements in which advertisers and Facebook excluded older workers from receiving such advertisements."<sup>12</sup>
- ii. Plaintiff offers no factual allegations related to being excluded from housing opportunities for any reason, or about being excluded from employment opportunities on the basis of race or sex.
- iii. There is no exhibit that refers to targeting on the basis of race or sex in Québec nor is there any exhibit related to discriminatory housing opportunity.

21. Importantly, the Application contains no factual allegations or exhibits that relate to other Québec class members who were allegedly: (i) seeking employment or housing opportunities during the relevant period; (ii) discriminated against on the basis of their race; (iii) discriminated against on the basis of their sex.

22. The Plaintiff confirmed that she has made no efforts to identify or contact other potential Facebook users who claim they have been discriminated against and that she is unaware of anyone having been affected in the manner alleged in the Application.<sup>13</sup>

23. By contrast, the collective issues of the class action – as well as the damages claimed by Plaintiff on behalf of the entire class – extend to exclusion from employment *and* housing opportunities, on the basis of age *as well as* race and sex.

24. Faced with an Application that claims a significantly broader scope of collective issues and harm than it in fact alleges, it is therefore not only useful but necessary for Defendants to examine additional class members. Those examinations will show whether any class members can speak to the Application's allegations regarding exclusion from housing opportunities as well as employment opportunities, can speak to discrimination on the basis of age, sex, and race as well, can speak to their employment or housing searches on Facebook, or can speak to the nature of the alleged violations to their dignity.

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<sup>12</sup> Application, para. 43; Our emphasis.

<sup>13</sup> **Exhibit R-2**, p. 160 (lines 1-25).

25. These examinations will be relevant, useful, and indeed necessary, for the Court's "determination of the issues of law of fact to be dealt with collectively," in conformity with article 587 CCP, given the current lack of any factual allegations or exhibits beyond the exclusion from employment opportunities on the basis of age.
26. In addition, a brief and targeted examination of such class members is essential to the Defendants' right to make full answer and defence. Defendants otherwise risk being taken by surprise should they learn at trial for the very first time details of the class members' cause of action with respect to allegations regarding exclusion from housing opportunities on the basis of race, age, or sex, and exclusion from employment opportunities on the basis of race or sex without having been able to examine such allegations.

#### **IV. THE PROPOSED EXAMINATION MODALITIES**

27. The Defendants request that Plaintiff be ordered to (i) confirm the number of members on the registered list who meet the following broad categories, and (ii) communicate this list of registered class members to the Court:
- i. Excluded from employment opportunities;
  - ii. Excluded from housing opportunities.
28. The Defendants propose that this Court selects, at random, a sample of ten (10) registered class members (or any other reasonable number based on the number of registered class members to be communicated by class counsel) from this list, divided equally between these two categories. The selected members should include members who were allegedly excluded from receiving employment and housing opportunities on the basis of race and sex.
29. The Defendants request leave to conduct a brief and targeted examination of these randomly selected class members, who would each be examined for no longer than two (2) hours each, on the following themes:
- i. Their general use of and interactions with Facebook, including their use of Facebook to search for employment or housing opportunities as well as the ads received on Facebook;
  - ii. Their searches on other platforms for housing or employment opportunities as well as their advertising exposure and engagement;
  - iii. Their knowledge of having been excluded on Facebook from employment or housing opportunities on the basis of age, race, or sex.
  - iv. The existence and nature of the harm they allegedly suffered as a result of their alleged exclusion on Facebook.

30. Consistent with the approved First Case Protocol (Box 20), Defendants request that the Court require the selected class members to communicate responses to the list of pre-undertakings below at least five (5) weeks prior to the examination. This list is consistent with the pre-undertakings that were sought by the Defendants in advance of the examination on discovery of the representative Plaintiff. It notably includes a copy of the “Download Your Information” files for the Facebook accounts created or used by class members to access Facebook and to search for employment and/or housing:

- i. A copy of the class members’ latest curriculum vitae (CV), if they allege they were excluded from employment opportunities;
- ii. Information relating to the Facebook accounts held by the class members, and a copy of their Facebook account information, including “Download Your Information” files for the Facebook accounts that the class members used to access Facebook and to search for employment and/or housing during the relevant period;
- iii. A copy of the documents relating to the search parameters and tools used by the class members both in Facebook and other search sites used, relating to the employment and housing searches during the relevant period;
- iv. A copy of all documents related to advertisements for employment and/or housing that the class members received or saw on Facebook during the relevant period; and
- v. A copy of all documents relating to employment and/or housing advertisements that the class members claim they would have received on Facebook if not for Facebook’s alleged conduct challenged in this action.

## **V. CONCLUSION**

31. For these reasons, the Defendants request that the Court grant leave to examine ten (10) class members, to be selected at random by this Court from a list of registered class members to be provided by class counsel within a mutually agreed-upon timeframe.

32. Given the overall size and complexity of the litigation, the examinations respect the principles of proportionality and proper administration of justice.

33. The Application is well founded in fact and in law.

### **FOR THESE REASONS, MAY IT PLEASE THE COURT TO:**

**GRANT** the *Defendants Meta Platforms, Inc. and Facebook Canada Ltd.’s Application for Leave to Examination Class Members*;

**GRANT** leave to the Defendants Meta Platforms, Inc. and Facebook Canada Ltd. to examine a sample of ten (10) registered class members to be selected at random by this Honourable Court or by any other methodology deemed reasonable, for a duration of 120 minutes, each;

**ORDER** the selected class members to communicate the responses to the following pre-undertakings five (5) weeks prior to their examination date:

- i. A copy of the class members' latest curriculum vitae (CV), if they allege they were excluded from employment opportunities;
- ii. Information relating to the Facebook accounts held by the class members, and a copy of their Facebook account information, including "Download Your Information" files for the Facebook accounts that the class members used to access Facebook and to search for employment and/or housing during the relevant period;
- iii. A copy of the documents relating to the search parameters and tools used by the class members both in Facebook and other search sites used, relating to the employment and housing searches during the relevant period;
- iv. A copy of all documents related to advertisements for employment and/or housing that the class members received or saw on Facebook during the relevant period; and
- v. A copy of all documents relating to employment and/or housing advertisements that the class members claim they would have received on Facebook if not for Facebook's alleged conduct challenged in this action.

**RENDER** any other order required to facilitate such examinations;

**THE WHOLE** with costs to follow.



MONTREAL, this November 28, 2025

*McCarthy Tétrault LLP*

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**McCARTHY TÉTRAULT LLP**

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**SUPERIOR COURT**  
(Class Actions Division)

**CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL**

**N° : 500-06-000993-192**

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**LYSE BEAULIEU**

Plaintiff

v.

**META PLATFORMS, INC.**  
-and-  
**FACEBOOK CANADA LTD.**

Defendants

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**AFFIDAVIT**

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I, the undersigned, Audrée Anne Barry, lawyer, exercising my profession at *McCarthy Tétrault* LLP, located at 1000 de la Gauchetière Street West, Suite MZ400, in the city and district of Montreal, province of Quebec, H3B 0A2, declare and affirm under oath the following:

1. I am one of the lawyers of the Defendants, **Meta Platforms, Inc. and Facebook Canada Ltd**, in the present case;
2. All the facts alleged in the *Defendants' Application for Leave to Examine Class Members* are true.

AND I HAVE SIGNED,



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**AUDRÉE ANNE BARRY**

DECLARED UNDER OATH BEFORE ME BY  
TECHNOLOGICAL MEAN, AT  
MONTREAL, THIS NOVEMBER 28, 2025

*Manouchka Piard*

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COMMISSIONER OF OATHS FOR THE  
PROVINCE OF QUÉBEC (**#239401**)

**SUPERIOR COURT**  
(Class Actions Division)

**CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL**

**N° : 500-06-000993-192**

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**LYSE BEAULIEU**

Plaintiff

v.

**META PLATFORMS, INC.  
-and-  
FACEBOOK CANADA LTD.**

Defendants

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**NOTICE OF CIVIL PRESENTATION**

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At: **Mtre Olga Redko**  
**Mtre Jean-Michel Boudreau**  
**Mtre Jessica Michelin**  
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Counsel for Plaintiff

**TAKE NOTICE** that the *Defendants' Application for Leave to Examine Class Members* shall be presented for adjudication before the Honourable Donald Bisson, j.c.s. of the Superior Court of Québec, sitting in and for the District of Montréal, at a date, time and room to be determined of the Montréal Courthouse, located at 1 Notre-Dame Street East, Montréal, Québec or via TEAMS.

**PLEASE ACT ACCORDINGLY.**

MONTREAL, this November 28, 2025

*McCarthy Tétrault LLP*

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**MC CARTHY TÉTRAULT LLP**

Lawyers for the Defendants

**Meta Platforms, Inc. and Facebook Canada Ltd**

**SUPERIOR COURT (CLASS ACTIONS  
DIVISION)**

NO. 500-06-000993-192  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

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**LYSE BEAULIEU**  
**PLAINTIFF**

**V.**

**META PLATFORMS, INC.**  
**AND**  
**FACEBOOK CANADA LTD**

**DEFENDANTS**

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**Defendants' Application for Leave to  
Examine Class Members**

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**ORIGINAL**

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Mtre Isabelle Vendette / Mtre Audrée Anne Barry

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