

SUPERIOR COURT
(Class Actions Division)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N° : 500-06-000657-136

DATE : December 15, 2025

PRESIDED BY: THE HONOURABLE DONALD BISSON, J.S.C.

OPTION CONSOMMATEURS

Plaintiff/Respondent

v.

NIPPON YUSEN KABUSHIKI KAISHA

ET AL.

Defendants/Applicants

JUDGMENT (Notice of Case Management)

- [1] **WHEREAS** on August 21, 2024, the Plaintiff and Defendants Höegh Autoliners inc. and Höegh Autoliners AS ("**Höegh Defendants**") reached a national settlement agreement relating to the present proceedings (the "**Höegh Settlement Agreement**");
- [2] **WHEREAS** the Application for approval of the Höegh Settlement Agreement was heard by the Court on December 15, 2025, and **WHEREAS** the remaining non-settling defendants did not oppose approval of the Höegh Settlement Agreement;
- [3] **WHEREAS** the Court has reserved judgment in respect of approval of the Höegh Settlement Agreement;
- [4] **WHEREAS** the Defendants Nippon Yusen Kabushiki Kaisha, NYK Line (North America) Inc., NYK Line (Canada), Inc., Wallenius Wilhelmsen Logistics Americas, LLC, Wallenius Wilhelmsen Logistics AS, EUKOR Vehicle Carriers,

Inc., Wilh. Wilhelmsen Holding ASA, Wilh. Wilhelmsen ASA, and Wallenius Lines AB (hereinafter, collectively, the “**Applicants**”) served a Notice of Case Management on December 10, 2025, seeking the Court’s intervention to obtain the disclosure of documents that had been provided by the Höegh Defendants to Plaintiff’s Counsel in the context of the discovery process of the present proceedings;

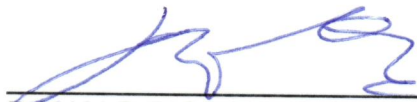
- [5] **WHEREAS** the documents requested by Applicants consist in documents provided by the Höegh Defendants to Plaintiff’s Counsel in the context of the Québec discovery process including but not limited to, any documents provided by the Höegh Defendants to Plaintiff’s Counsel in response to the Plaintiff’s letters dated February 14, 2020, and May 8, 2024, and any translations of such documents provided by the Höegh Defendants;
- [6] **WHEREAS** the Höegh Defendants represent that they provided documents to Plaintiff’s Counsel in four tranches, on January 29, 2021, April 7, 2021, May 6, 2021, and July 20, 2021 (collectively, the “**Höegh Discovery Documents**”);
- [7] **WHEREAS** Plaintiff’s Counsel represent that they received a total of approximately 1.3 million Höegh Discovery Documents including documents of substandard technical quality;

FOR THESE REASONS, THE COURT:

- [8] **PRAYS ACT** of Plaintiff’s Counsel’s undertaking, in good faith and solely to expedite the proceeding, to their full exoneration and without incurring any liability whatsoever, to act as the channel for transmitting an electronic copy of the Höegh Discovery Documents to Applicants, to the defendants Kawasaki Kisen Kaisha, Ltd. and “K” Line America, Inc. and to the Höegh Defendants, by no later than December 22, 2025;
- [9] **PRAYS ACT** of the Höegh Defendants’ consent for Plaintiff’s Counsel to provide to Applicants and to the defendants, Kawasaki Kisen Kaisha, Ltd. and “K” Line America, Inc., an electronic copy of the Höegh Discovery Documents by no later than December 22, 2025;
- [10] **CONFIRMS** that the communication of the Höegh Discovery Documents shall be covered by the implied confidentiality undertaking applicable to examinations for discovery held under the *Code of Civil Procedure* pursuant to *Lac d’Amiante du Québec Ltée v. 2858-0702 Québec inc.*, 2001 SCC 51;
- [11] **PRAYS ACT** of the Höegh Defendants’ designation of every page and document comprising the Höegh Discovery Documents as “highly confidential” pursuant to the terms of the Revised Confidentiality Agreement signed *inter alia* by the Plaintiff, the Höegh Defendants, the Kawasaki Kisen Kaisha, Ltd. and “K” Line America, Inc. defendants, and Applicants, effective August 4, 2021, and **CONFIRMS** that the parties shall not be required to

stamp every page of the Höegh Discovery Documents in light of this designation;

- [12] **CONFIRMS** that the Höegh Defendants reserve their rights to oppose any and all discovery demands by the Applicants, and by the defendants, Kawasaki Kisen Kaisha, Ltd. and “K” Line America, Inc., in view of the pending approval of their Settlement Agreement;
- [13] **ORDERS** that the pre-trial examinations of the first representative of each group of defendants be held before February 27, 2026, pursuant to the minutes of the case management hearing dated September 2, 2025, regardless of the quality, volume, or any other issue related to the communication of the Höegh Discovery Documents;
- [14] **THE WHOLE**, without judicial costs.



DONALD BISSON, J.S.C.

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Date of hearing: December 15, 2025