

C A N A D A

**PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL
LOCALITY OF MONTRÉAL**

(Class Actions)
SUPERIOR COURT

No: 500-06-001393-251

MARK KASHETSKY

Plaintiff

v.

FCA CANADA INC.

-and-

FCA US LLC

Defendants

**APPLICATION BY THE DEFENDANTS FOR AUTHORIZATION TO ADDUCE
RELEVANT EVIDENCE
(Art. 574 CCP)**

**TO THE HONOURABLE ENRICO FORLINI OF THE SUPERIOR COURT, ACTING AS
THE DESIGNATED JUDGE IN THE PRESENT CASE, THE DEFENDANTS FCA
CANADA INC. AND FCA US LLC RESPECTFULLY SUBMIT AS FOLLOWS:**

I. INTRODUCTION

1. The Defendants FCA Canada Inc. and FCA US LLC (collectively, "**FCA**") seek authorization to adduce relevant evidence pursuant to article 574(3) of the *Code of Civil Procedure*, RLRQ c. C-25.01 ("**CCP**").
2. More specifically, FCA seeks to adduce as relevant evidence the Sworn Statement of Anna Langlois, Product Analysis Engineer at FCA Canada Inc., dated February 13, 2026, communicated herewith as **Exhibit FCA-1** (the "**Sworn Statement**").
3. As further detailed below, the Sworn Statement is relevant and necessary for the Court's assessment of whether the Plaintiff, Mark Kashetsky (the "**Plaintiff**"), has met the criteria for authorization pursuant to article 575 CCP, as it serves to correct and clarify certain false and incomplete allegations advanced by the Plaintiff.

II. THE APPLICATION FOR AUTHORIZATION

4. On July 4, 2025, the Plaintiff filed an *Application for Authorization to Institute a Class Action*, which was subsequently amended on December 15, 2025 (the “**Application for Authorization**”), seeking to institute a class action on behalf of the following proposed class (the “**Class**”):

“All persons in Canada who own, purchased, lease, leased and/or used one or more of the **Subject Vehicles**, namely:

- 2022–2026 Jeep Grand Cherokee 4xe Plug-In Hybrid Electric Vehicles (PHEV);
- 2021–2026 Jeep Wrangler 4xe Plug-In Hybrid Electric Vehicles (PHEV);

or any other group or subgroup to be determined by the Court.”

5. The Plaintiff alleges that FCA designed, manufactured and sold the “Subject Vehicles” with defective software and hardware that affect their safety and hybrid-system operation. This purported defect caused the “Subject Vehicles” to experience a sudden loss of acceleration power and torque (the “**Alleged Defect**”).
6. The Plaintiff further pleads that although FCA has issued Transport Canada Recall 2025-453 (the “**Recall**”) addressing the Alleged Defect affecting the “Subject Vehicles”, the Recall fails to adequately resolve the issue.
7. The Plaintiff seeks, for himself and on behalf of the Class, the annulment of the sales or lease contracts for the “Subject Vehicles” and reimbursement of the sales price or, subsidiarily, a reduction of obligations or damages corresponding to the losses suffered as a result of the Alleged Defect. The Plaintiff also claims, for himself and on behalf of the Class, compensatory, moral and punitive damages pursuant to the *Civil Code of Québec*, CCQ-1991, the *Consumer Protection Act*, CQLR c. P-40.1, and the *Quebec Charter of Human Rights and Freedoms*, CQLR c. C-12, including but not limited to damages for loss of use, additional fuel costs, decreased resale value, stress and inconvenience.

III. THE RELEVANCE OF THE SWORN STATEMENT

8. FCA seeks the Court’s authorization to file the Sworn Statement in order to correct the erroneous scope of the proposed Class, and specifically regarding the alleged “Subject Vehicles” affected by the Recall. The Sworn Statement also serves to correct and clarify the factual allegations regarding the Plaintiff’s vehicle, and the remedy offered and carried out by FCA further to the Recall. The Sworn Statement seeks to correct, clarify and confirm, *inter alia*, that:

- (a) The only vehicles affected by the Recall are the 2022-2025 Jeep Grand Cherokee 4xe Plug-In Hybrid Electric Vehicle (PHEV) models;

- (b) The 2026 Jeep Grand Cherokee 4xe Plug-In Hybrid Electric Vehicle (PHEV) and the 2021-2026 Jeep Wrangler 4xe Plug-In Hybrid Electric vehicle models referenced in the Application for Authorization are not subject to the Recall;
 - (c) FCA developed a complete software-based remedy, the Hybrid Control Processor software update ("**HCP Update**"), which fully addresses the issue identified in the Recall;
 - (d) The HCP Update is provided free of charge and can be completed in about 30 minutes during a routine visit to any FCA dealer in Canada.
 - (e) The Plaintiff's vehicle has received the HCP Update, which is a complete remedy, contrary to the Plaintiff's allegations that FCA cannot remedy the Alleged Defect and that the Plaintiff's vehicle remains unfixed and unsafe.
 - (f) FCA has implemented the HCP Update extensively across Canada, with approximately 73% of the vehicles affected by the Recall having received the HCP Update in Canada, as of February 4, 2026; and
9. This evidence is relevant and necessary to the Court's determination of whether the Plaintiff has met the authorization criteria, and specifically whether he has satisfied articles 575(2) and 575(4) CCP. Indeed, the Sworn Statement directly addresses several erroneous and incomplete factual allegations underlying the Plaintiff's personal claim and that of the proposed Class, including notably the scope of the vehicles affected by Recall and Alleged Defect, and the availability and effectiveness of the full remedy (the HCP Update) offered and implemented by FCA further to the Recall, including regarding the Plaintiff's own vehicle.
10. In particular, the Sworn Statement corrects and completes the false allegations that FCA has no remedy for the Alleged Defect, that FCA has not sufficiently repaired the Plaintiff's vehicle and that FCA continues to expose consumers to undisclosed safety risks. These allegations form a central premise of the Plaintiff's proposed legal syllogism, and the Sworn Statement serves to correct and complete these allegations, offering exact information about the Recall, and the HCP Update and remedy, including regarding the Plaintiff's own vehicle.
11. For all these reasons, the Sworn Statement is relevant and necessary and complies with the requirements of articles 9, 18 and 19 of the CCP.
12. In light of the above, FCA respectfully submits that it is in the interests of justice and of the parties that the Sworn Statement be authorized as relevant evidence to be considered by this Honourable Court in the context of its analysis of the authorization criteria, and specifically in its determination of whether the Plaintiff has established an arguable case pursuant to articles 575(2) and 575(4) CCP.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present Application for Authorization to Adduce Relevant Evidence;

AUTHORIZE the Defendants FCA Canada Inc. and FCA US LLC to file the Sworn Statement of Anna Langlois dated February 13, 2026, communicated herewith as Exhibit FCA-1;

THE WHOLE with costs.

Montréal, February 13, 2026

Fasken Martineau DuMoulin

Fasken Martineau DuMoulin LLP

Attorneys for Defendants FCA Canada Inc. and
FCA US LLC

800 Victoria Square

Suite 3500

Montréal, Québec, H3C 0B4

Fax number: +1 514 397 7600

Mtre Noah Boudreau

Phone number: +1 514 394 4521

Email: nboudreau@fasken.com

Mtre Mirna Kaddis

Phone number: +1 514 397 7484

Email: mkaddis@fasken.com

Mtre Jeremy Lieberman

Phone number: +1 514 397 7518

Email: jlieberman@fasken.com

NOTICE OF PRESENTATION

ADDRESSEE(S):

Me David Assor
Lex Group Inc
Counsel for the Plaintiff
4101 Sherbrooke St. West
Westmount, (Québec), H3Z 1A7
Phone: 514 451 5500
Fax: 514 940 1605
davidassor@lexgroup.ca

TAKE NOTICE that the *Application by the Defendants for Authorization to Adduce Relevant Evidence* will be presented for adjudication before the honourable justice Enrico Forlini S.C.J. of the Superior Court, sitting in civil practice division for the district of Montréal on **April 26, 2026 at 9 a.m.** or so soon thereafter as counsel may be heard, at the Montréal courthouse, located at 1 Notre-Dame Street East, Montréal, Quebec, H2Y 1B6, in a room to be determined or by videoconference in a virtual room to be determined.

DO GOVERN YOURSELVES ACCORDINGLY.

Montréal, February 13, 2026

Fasken Martineau DuMoulin

Fasken Martineau DuMoulin LLP
Attorneys for Defendants FCA Canada Inc. and
FCA US LLC
800 Victoria Square
Suite 3500
Montréal, Québec, H3C 0B4
Fax number: +1 514 397 7600
Mtre Noah Boudreau
Phone number: +1 514 394 4521
Email: nboudreau@fasken.com
Mtre Mirna Kaddis
Phone number: +1 514 397 7484
Email: mkaddis@fasken.com
Mtre Jeremy Lieberman
Phone number: +1 514 397 7518
Email: jlieberman@fasken.com

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LIST OF EXHIBITS

Exhibit FCA-1

Sworn Statement of Anna Langlois dated February 13, 2026

Montréal, February 13, 2026

Fasken Martineau DuMoulin

Fasken Martineau DuMoulin LLP

Attorneys for Defendants FCA Canada Inc. and
FCA US LLC

800 Victoria Square

Suite 3500

Montréal, Québec, H3C 0B4

Fax number: +1 514 397 7600

Mtre Noah Boudreau

Phone number: +1 514 394 4521

Email: nboudreau@fasken.com

Mtre Mirna Kaddis

Phone number: +1 514 397 7484

Email: mkaddis@fasken.com

Mtre Jeremy Lieberman

Phone number: +1 514 397 7518

Email: jlieberman@fasken.com

Marie Joan Lai Kwan

De: Marie Joan Lai Kwan
Envoyé: 13 février 2026 14:55
À: 'davidassor@lexgroup.ca'
Cc: Noah Boudreau; Mirna Kaddis; Jeremy Lieberman
Objet: Notification - Mark Kashetsky v. FCA Canada Inc. and FCA US LLC - 500-06-001393-251 - Notre réf. : 227690.00334
Pièces jointes: 2026-02-13 Application for Authorization to Adduce Relevant Evidence.pdf

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NOTIFICATION PAR MOYEN TECHNOLOGIQUE

Fasken Martineau DuMoulin S.E.N.C.R.L., s.r.l.
(Art. 133 - 134 du *Code de procédure civile*, RLRQ c. C-25.01)

Parties : Mark Kashetsky v. FCA Canada Inc. and FCA US LLC
Cour : Cour supérieure
District judiciaire : Montréal
Localité : Montréal
Numéro de cour : 500-06-001393-251

Expéditeur :	Noah Boudreau +1 514 394 4521 nboudreau@fasken.com Notre réf. : 227690.00334	Fasken Martineau DuMoulin 800, rue du Square-Victoria, bureau 3500 Montréal (Québec) H3C 0B4 Télécopieur : +1 514 397 7600
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Destinataire(s) :

Mtre David Assor	Lex Group Inc.	davidassor@lexgroup.ca
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Document(s) notifié(s) :

Titre du document	Type	Nb pages	Taille
2026-02-13 Application to Adduce Relevant Evidence	PDF	9	840KB

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Marie Joan Lai Kwan

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BF1339

**APPLICATION BY THE DEFENDANTS
FOR AUTHORIZATION
TO ADDUCE RELEVANT EVIDENCE
(Art. 574 CCP), NOTICE PRESENTATION
AND LIST OF EXHIBITS AND EXHIBIT FCA-1**

ORIGINAL

Fasken Martineau DuMoulin LLP

800 Victoria-Square, Suite 3500

Montréal, Quebec, H3C 0B4

Mtre Noah Boudreau Tél. +1 514 394 4521
nboudreau@fasken.com Fax. +1 514 397 7600

Mtre Mirna Kaddis Tél. +1 514 397 7484
mkaddis@fasken.com Fax. +1 514 397 7600

Mtre Jeremy Lieberman Tél. +1 514 397 7518
jlieberman@fasken.com Fax. +1 514 397 7600