

SUPERIOR COURT

(Class Action Chamber)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL

No.: 500-06-001405-253

DATE: March 24, 2026

BY THE HONOURABLE MARTIN F. SHEEHAN, J.S.C.

TARAS GRESCOE

Applicant

v.

NVIDIA CORPORATION

Defendant

JUDGMENT ON AN APPLICATION TO STAY THE CLASS ACTION

[1] The applicant, Taras Grescoe (the “**Applicant**”), seeks a stay of the Application for Authorization to Institute a Class Action and to Obtain the Status of Representative filed on July 30, 2025 (the “**Quebec Class Action**”) pending the final judgment of the national class action before the Supreme Court of British Columbia in *James Bernard MacKinnon and NVIDIA Corporation*, court docket number S-255561 (the “**B.C. Class Action**”) or as may be further requested by the parties or ordered by this Court.

[2] The defendant, NVIDIA Corporation takes no position on the motion and reserves all rights to defend against the Quebec Class Action, including but not limited to challenging whether this Court has jurisdiction to hear this action.

ANALYSIS

[3] Article 3137 C.C.Q. allows a Quebec Court to stay proceedings brought before it “if another action, between the same parties, based on the same facts and having the same subject is pending before a foreign authority, provided that the latter action can result in a decision which may be recognized in Quebec”.

[4] Article 3155(4) C.C.Q. prevents the recognition of a foreign judgment when a similar action is pending in Quebec and the Quebec court was “first seized of the dispute”. Thus, a Quebec action can only be stayed under article 3137 C.C.Q. if the foreign action was filed first.¹

[5] The Court of Appeal has observed that the general rules of *lis pendens* “do not apply neatly to motions for authorization to institute class actions”.² For example, there can be identity of parties, even in the presence of different applicants if the proposed classes are similar.³

[6] Given the above, it is generally recognized that a Quebec court can rely on article 3137 C.C.Q. to stay a Quebec motion to authorize a class action in favour of another Canadian class action proceeding if:

- 6.1. Both motions are directed against the same defendants.
- 6.2. The proposed group in the Quebec class action is included in the foreign class action.
- 6.3. Both motions are grounded in the same facts, have the same object and advance the same causes of action.
- 6.4. The motion to certify the foreign class action was filed first.

[7] However, even if the above conditions are not met (for example, even if the Quebec application was filed first), a Quebec court can still use its inherent jurisdiction under article 49 of the *Code of Civil Procedure* (“C.C.P.”) to stay a class action if the interests of the Quebec members and the proper administration of justice favour a suspension.⁴

[8] It will generally not be in the interests of justice or of the parties “to have two class actions proceed in parallel in front of different courts”. “Besides the risk of conflicting judgments, there is also the cost to the parties and the waste of scarce judicial resources”.⁵

[9] Other factors to be considered include whether one of the proposed class actions “includes issues, remedies or class members not included in the other”.⁶

¹ *Micron Technology inc. c. Hazan*, 2020 QCCA 1104, paras. 30 and 31; *FCA Canada inc. c. Garage Poirier & Poirier inc.*, 2019 QCCA 2213, para. 45.

² *Micron Technology inc. c. Hazan*, *supra*, note 1, para. 26.

³ *Ibid*; *Schmidt c. Johnson & Johnson inc.*, 2012 QCCA 2132, para. 32 (Motion to dismiss an application for authorization to institute a class action granted, 2019 QCCS 419); *Hotte c. Servier Canada inc.*, [1999] R.J.Q. 2598 (C.A.).

⁴ *Micron Technology inc. c. Hazan*, *supra*, note 1, paras. 35 and 47; *FCA Canada inc. c. Garage Poirier & Poirier inc.*, *supra*, note 1, paras. 73 and 78.

⁵ *Micron Technology inc. c. Hazan*, *supra*, note 1, para. 51.

⁶ *Ibid*, para. 52.

[10] In all cases, when it stays a Quebec application to authorize a class action, the court must strive to protect the rights and interests of the Quebec members.⁷ Among other things, the court must ensure that:

- 10.1. The proposed representative is in a position to properly represent them.
- 10.2. The Quebec residents receive the benefits of any applicable favourable Quebec legislation.
- 10.3. Any notices and other communications are disseminated in Quebec and in French.⁸

[11] The criteria are met here.

[12] The B.C. Class Action was filed on July 24, 2025, that is before the Quebec Class Action.

[13] The B.C. Class action raises the same issues and includes the same members as those of the Québec Class Action.

[14] The suspension seeks to avoid the possibility of contradictory judgments and to ensure a sound and efficient use of judicial resources, all the while protecting the interests of the putative class members who are Québec residents.

[15] The rights and interests of Québec members are protected in that:

- 15.1. The causes of action asserted in the B.C. Class Action include all the ones asserted in the Québec Class Action;
- 15.2. In the context of the stay, counsel for the Applicant, both in B.C. and Québec, have agreed to cooperate to ensure the efficient conduct of the proceedings and coordination of the Québec Class Action and the B.C. Class Action;
- 15.3. Class counsel in the BC Action have bilingual (FR/EN) lawyers and paralegals available to respond to any inquiries that putative class members in the Québec Action may have, and they will ensure that all notices as well as important communications or documents are made available to Quebec class members in French; and
- 15.4. The Québec Action has not progressed since its filing on July 30, 2025, and no procedural steps other than the present Application have been taken.

[16] The Applicant agrees that the Québec Class Action should be temporarily stayed in favour of the B.C. Class Action.

⁷ Art. 577 C.C.P.

⁸ *Micron Technology inc. c. Hazan*, *supra*, note 1, para. 53.

[17] The Applicant undertakes to provide this Court, on a semi-annual basis, with an update on the status of the B.C. Class Action, and to advise this court within 30 days of any significant development in the B.C. Class Action that may affect the course of the Québec Class Action.

FOR THESE REASONS, THE COURT:

[18] **GRANTS** the Application to Temporarily Stay the Québec Class Action;

[19] **STAYS** the present Québec Class Action until a final judgment is rendered in the putative class action filed by James Bernard MacKinnon before the Supreme Court of British Columbia in court docket number S-255561, or earlier as may be subsequently requested by the parties or ordered by this Court;

[20] **PRAYS ACT** of the commitment of class counsel in the BC Action to ensure that all notices as well as important communications or documents are made available to Quebec class members in French;

[21] **PRAYS ACT** of the Applicant's undertaking to provide this Court, on a semi-annual basis, with an update on the status of the B.C. Class Action and to advise this court within 30 days of any significant development in the B.C. Class Action that may affect the course of the Québec Action, including but limited to providing a copy of any and all judgments rendered in the B.C. Class Action, and **ORDERS** the parties to comply with said undertaking;

[22] **THE WHOLE**, without legal costs.

MARTIN F. SHEEHAN, J.S.C.

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Hearing date: Judgment rendered without a hearing.