

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No : 500-06-001091-202

SUPERIOR COURT
(Class Actions)

9356-6677 QUÉBEC INC.

Plaintiff (representative of the Class)

-and-

**AVIVA INSURANCE COMPANY OF
CANADA**

-and-

**EVEREST INSURANCE COMPANY OF
CANADA**

-and-

**SOVEREIGN INSURANCE COMPANY (LA
SOVERAINE COMPAGNIE
D'ASSURANCE GÉNÉRALE)**

-and-

HDI GLOBAL SPECIALTY SE

Defendants

PLAINTIFF'S APPLICATION TO TEMPORARILY STAY THE PROCEEDINGS
(Art. 156 C.C.P.)

**TO THE HONORABLE DOMINIQUE POULIN, JUDGE OF THE SUPERIOR COURT,
SITTING IN AND FOR THE DISTRICT OF MONTREAL, PLAINTIFF RESPECTFULLY
SUBMITS AS FOLLOWS:**

I. PROCEDURAL HISTORY

1. On September 2, 2020, Plaintiff's predecessor, 9391-2186 Quebec Inc., filed an original *Application for authorization to institute a class action and to obtain the*

status of representative plaintiff, the whole as more fully appears from the court record;

2. On December 18, 2020, the Defendants applied to this Court asking for a stay of the present class action proceedings due to parallel class action proceedings being pending in other provinces, including the Ontario National Class Action (defined below) (the **Motion for a stay**);
3. On October 15, 2021, the Honorable Gary D.D. Morrison, J.S.C., rendered judgment whereby Defendants' June 10, 2021, Amended Application for a stay of this class action was denied, the whole as appears from the court record;
4. On June 28, 2024, this Court rendered judgment whereby it authorized the class action against the four defendant insurers, including Aviva Insurance Company of Canada, amended the definition of the class, identified the common issues to be tried and the conclusions sought on the merits (the **Authorization Judgment**);
5. Pursuant to the Authorization Judgment, Groupe Serpone Inc. was appointed as temporary representative of the class in continuance of suit, in the stead of the original Applicant 9391-2186 Quebec inc. who had filed for bankruptcy protection;
6. By judgment dated June 12, 2025, this Court authorized 9356-6677 Quebec Inc. (9356) to replace Groupe Serpone Inc. as the representative of the class, and it authorized 9356 to serve the originating Application for authorization to institute a class action on the four defendants;
7. This Court further approved a notice to the class members which was duly mailed out or communicated by the defendants to all 21 members of the class and to insurance brokers who were known by them to have placed and sold, with one or several of the four defendants, insurance policies to Quebec insured parties forming part of the class through a policy corresponding to, or containing the language of, the policies covered by the Authorization Judgment;
8. In parallel, a class action proceeding under the Ontario *Class Proceedings Act*, 1992, has been certified by the court in the case of *Nordik Windows Inc., Cash and Carry Inc., Hangar9 Studio Inc. and Real Food for Real Kids Inc. against Aviva Insurance Company of Canada* in the Ontario Superior Court of Justice file No CV-20-00643386-00CP and CV-24-00728023-00CL (the **Ontario National Class Action**);
9. The Ontario National Class Action concerns claims by insured persons in Canada against their insurer, Aviva Insurance Company of Canada, for business interruption losses under various endorsements issued pursuant to an insurance policy having the same or substantially the same coverage language as the one found in the insurance policies encompassed by the Authorization Judgment of this Court;

10. The Ontario National Class Action has recently given rise to a settlement between the representatives of the class action and Aviva Insurance Company of Canada whereby Aviva Insurance Company of Canada has agreed to an amount of \$150,000,000.00, inclusive of fees, disbursements, administration costs and all other amounts in exchange for a full and final release of all claims in or relating to the Ontario National Class Action;
11. On April 29, 2026, Mr. Justice E.M. Morgan, judge of the Ontario Superior Court of Justice having carriage of the Ontario National Class Action, rendered an Order by which the Court approved as to form and content the notice of the settlement approval hearing and the method of dissemination to covered national class members and ordered that class members be given notice of the settlement approval hearing under an approved form;
12. Mr. Justice E.M. Morgan also appointed BDO Canada LLP as Settlement Administrator for the purposes of implementing and administering the Notice Program, objection process and, if the settlement is approved by the Ontario Superior Court of Justice, to implement and manage the settlement approval notice program, the distribution protocol and the claims process, the whole as provided in the Distribution Protocol. Copy of the Order of April 29, 2026, signed by Mr. Justice E.M. Morgan, is annexed hereto as **Exhibit R-1**;
13. Counsel for the within Quebec Class Action has been in communication with plaintiffs' counsel for the Ontario National Class Action to discuss a process by which the members of the Quebec Class Action in this file can benefit to the fullest extent possible from the Ontario National Class Action settlement while the within proceedings are temporarily stayed on certain conditions;
14. It was agreed that the undersigned counsel for the Quebec Class Action members in the within action would seek from this Court a stay of this class action until such time that the Ontario Superior Court of Justice has approved the Ontario settlement and the distribution protocol at or after the hearing scheduled to that end in Toronto on October 13, 2026;
15. The stay will not affect the rights and prerogatives of the Quebec Class Members as:
 - a) The Quebec Class Action members in the within action are included in the Ontario National Class Action settlement, whether they gave notice or not to Aviva Insurance Company of Canada or to Epiq Class Action & Claims Solutions Inc. or to class counsel;
 - b) Should the Ontario Superior Court of Justice not approve the Ontario National Class Action settlement at the October 13, 2026 settlement approval hearing, or if such Order does not include the members of the within certified class action, then counsel for the Quebec Class Action

members will advise this Court and the stay shall no longer be in force so that proceedings can be continued; and

- c) Should the Ontario Superior Court of Justice approve the Ontario National Class Action settlement at the October 13, 2026 settlement approval hearing then the stay shall become permanent. Plaintiff's counsel will advise the Court in due time to seek the permanent stay of the within action.

II. CURRENT STATUS OF THE FILE

- 16. This is the first stay of proceedings requested by the plaintiff in the present file;
- 17. It is in the interest of justice that the present *Plaintiff's Application to Stay the Proceedings* be granted.
- 18. The present application is well founded in fact and in law;

WHEREFORE, MAY IT PLEASE THIS HONOURABLE COURT TO:

- A. **GRANT** the present *Plaintiff's Application to Stay the Proceedings*;
- B. **STAY** the proceedings;
- C. **ORDER** counsel for the Plaintiff to report to this Court regarding the outcome of the scheduled October 13, 2026, hearing before the Ontario Superior Court within 30 days of the hearing.
- D. **THE WHOLE** without costs, save in case of contestation.

Montreal, June 10, 2026

SPIEGEL RYAN L.L.P.

Spiegel Ryan LLP

Per: **MTRE.** LAURENT DEBRUN
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C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No : 500-06-001091-202

SUPERIOR COURT
(Class Actions)

9356-6677 QUÉBEC INC.

Plaintiff

-and-

**AVIVA INSURANCE COMPANY OF
CANADA**

-AND

**EVEREST INSURANCE COMPANY OF
CANADA**

-and-

**SOVEREIGN INSURANCE (LA
SOVERAINE COMPAGNIE 'ASSURANCE
GÉNÉRALE)**

-and-

HDI GLOBAL SPECIALTY SE

Defendants

SWORN DECLARATION

I, the undersigned, **LAURENT DEBRUN**, a duly licenced attorney in the province of Quebec, practicing my profession at **SPIEGEL RYAN S.E.N.C.R.L.**, 1255 Peel, Suite 1000, in the city and district of Montreal, do hereby solemnly declare the following:

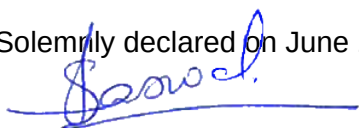
1. I am one of the attorneys representing the Plaintiff in the present class action;
2. All the facts alleged in Plaintiff's Application to temporarily stay the class action proceedings are true.

AND I HAVE SIGNED:



LAURENT DEBRUN

Solemnly declared on June 10, 2026, Montreal


Supriya Jaswal Gill # 222112
Commissioner for oaths for Quebec

C A N A D A

**PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL**

No : 500-06-001091-202

S U P E R I O R C O U R T
(Class Actions)

9356-6677 QUÉBEC INC.

Plaintiff (representative of the class)

-and-

**AVIVA INSURANCE COMPANY OF
CANADA**

AND

**EVEREST INSURANCE COMPANY OF
CANADA**

-and-

**SOVEREIGN INSURANCE (LA
SOVERAINE COMPAGNIE 'ASSURANCE
GÉNÉRALE)**

-and-

-

HDI GLOBAL SPECIALTY SE

Defendants

NOTICE OF PRESENTATION

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Everest insurance company of Canada
Vincent.rochette@nortonrosefullbright.com
dominique.noel@nortonrosefulbright.com

1. PRESENTATION OF THE APPLICATION

TAKE NOTICE that Plaintiff's Application to Temporarily Stay the Proceedings is being presented to Madam Justice Dominique Poulin, J.S.C., the judge having carriage of this class action, at the Montréal Courthouse situated at 1, Notre-Dame Street East, Montréal, Qc, so that judgment may be rendered on the face of the Application or, should Madam Justice Dominique Poulin so decide, or one of the Defendants so request, after a hearing on a day and time that the Court will set.

PLEASE GOVERN YOURSELF ACCORDINGLY

Montreal, June 10, 2026

SPIEGEL RYAN L.L.P.

Spiegel Ryan LLP

Per: **MTRE. LAURENT DEBRUN**

Attorney for 9356-6677 Québec inc.
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Our reference: 732268-1002

Supriya Jaswal Gill

De: Supriya Jaswal Gill
Envoyé: 11 juin 2026 12:56
À: 'eazran@stikeman.com'; 'vincent.rochette@nortonrosefullbright.com'
Cc: Me Laurent Debrun
Objet: Notification by email// 9391-2186 Québec Inc. v. Everest Insurance et al./action collective/demande de suspension // 500-06-001091-202// 732268.1002
Pièces jointes: 2026-06-10 Plaintiff's Application to stay the Quebec class action proceedings.pdf

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Chambre des actions collectives)

No : 500-06-001091-202

9391-2186 QUÉBEC INC.

Applicant

vs.

AVIVA INSURANCE COMPANY OF CANADA

-and-

**EVEREST INSURANCE COMPANY OF
CANADA**

-and-

**SOVEREIGN INSURANCE (LA SOUVERAINE
COMPAGNIE D'ASSURANCE GÉNÉRALE)**

-and-

HDI GLOBAL SPECIALTY SE

Defendants

**BORDEREAU DE TRANSMISSION POUR
NOTIFICATION PAR COURRIEL**
(Articles 133 et 134 C.p.c.)

EXPÉDITEUR :

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Me Laurent Debrun

Notre dossier : 732268-01002

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La souveraine,
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NATURE DU DOCUMENT NOTIFIÉ :

Plaintiff's application to temporarily stay the
proceedings (Art. 156 C.C.P.)

NOMBRE DE PAGES DU DOCUMENT NOTIFIÉ : 7

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NO : 500-06-001091-202

**SUPERIOR COURT
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL**

9356-6677QUÉBEC INC

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COMPAGNIE D'ASSURANCE GÉNÉRALE)**

-and-

HDI GLOBAL SPECIALTY SE

Defendants

**PLAINTIFF'S APPLICATION TO
TEMPORARILY STAY THE PROCEEDINGS,
SWORN DECLARATION AND NOTICE OF
PRESENTATION**

ORIGINAL

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