C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL
LOCALITY OF MONTRÉAL

SUPERIOR COURT
(Class Actions Division)

No: 500-06-000002-267

SOLOMON ABUDARHAM

-and-

GAÉTAN GUÉRARD

-and-

SYLVAIN GAGNON

-and-

CÉDRIC LECLERC

Applicants

v.

EQUIFAX CANADA CO.

-and-

EQUIFAX INC.

Defendants

APPLICATION BY EQUIFAX CANADA CO. AND EQUIFAX INC. 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 EQUIFAX CANADA CO. AND EQUIFAX INC. RESPECTFULLY SUBMIT THE FOLLOWING:

I. INTRODUCTION

1. Equifax Canada Co. and Equifax Inc. (collectively “**Equifax**”) hereby seek the authorization of this Honourable Court to adduce relevant evidence pursuant to article 574, paragraph 3 of the *Code of Civil Procedure*, RLRQ c. C-25.01 (“**CCP**”).

2. More specifically, Equifax seeks authorization to adduce as relevant evidence the sworn statement of Chris Jepsen, Director, Product Management - Identity & Compliance at Equifax Canada Co., dated June 26, 2026, communicated as **Exhibit E-1** hereto, along with its Annex A attached in support thereof (the “**Sworn Statement**”).

3. As further detailed below, the Sworn Statement is relevant and necessary for the Court’s analysis of the authorization criteria pursuant to article 575 CCP, and more specifically to assess whether the Applicants have demonstrated an arguable case pursuant to 575(2) CCP, as it serves to correct, clarify and complete certain false, incomplete and ambiguous allegations advanced by the Applicants.

II. THE AUTHORIZATION APPLICATION

4. On January 22, 2026, the Applicant Solomon Abudarham filed an *Application for Authorization to Institute a Class Action and for Appointment as Class Representative* (the “**Authorization Application**”).

5. On April 27, 2026, the Authorization Application was amended, namely to add the three additional Applicants, to revise the definition of the main class and to introduce two new subclasses (the “**Amended Authorization Application**”).

6. The Applicants seek authorization to institute a class action on behalf of the following proposed classes (the “**Proposed Classes**” or “**Class Members**”):

> “Main Class
>
> All natural persons residing in Canada whose Equifax credit file was the subject, since at least January 1, 2020, of one or more access entries, inquiries, or modifications generated through an Equifax third-party partner platform, without their knowledge or consent.
>
> *(hereafter the “**Class**”)*
>
> Subclass A
>
> All Class Members whose personal information, accessed or disclosed through an Equifax third-party partner platform, was subsequently used by an unauthorized third party to perpetrate financial fraud or identity misappropriation.
>
> *(hereafter “**Subclass A**” or “**Identity Fraud Victims**”)*
>
> Subclass B
>
> All Class Members whose Equifax credit file, in addition to the unauthorized access, was the subject of unauthorized modifications having resulted in economic consequences, notably a deterioration of their credit score or unfavourable financing conditions.

*(hereafter "**Subclass B**" or "**Credit Harm Victims**")*"

7. The Amended Authorization Application alleges that Equifax, in its exclusive role as holder, custodian and operator of the systems used to access, authenticate, match and disclose credit files to third-party partner platforms, enabled unauthorized access to and disclosure of sensitive information. This would have allegedly resulted from deficient monitoring, flawed authentication processes and inadequate security measures, amounting to a breach by Equifax of its duty of prudence, diligence and protection of the Class Members' personal information.

8. The Amended Authorization Application alleges breaches of provisions of the *Charter of Human Rights and Freedoms*, CQLR, c. C-12, of the C*ivil Code of Québec*, CQLR, c. CCQ-1991, of the *Act respecting the protection of personal information in the private sector*, CQLR, c. P-39.1, and of the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5, as well as of other provincial privacy legislation.

9. As a result of Equifax's alleged faults, the Applicants seek, on behalf of the Proposed Classes, compensatory damages for alleged pecuniary and non-pecuniary losses, punitive damages, and injunctive remedies.

III. THE RELEVANCE OF THE SWORN STATEMENT

10. As detailed below, Equifax submits that the Sworn Statement provides essential information for the Court's analysis of the authorization criteria, serving to correct, clarify and complete key allegations contained in the Amended Authorization Application. Specifically, the Sworn Statement:

    a) Corrects erroneous allegations regarding Equifax's role and relationship with third-party platforms;

    b) Corrects, completes and clarifies erroneous allegations regarding the Matching process and the Authentication process (as defined below);

    c) Explains the scope of the information shared with users; and

    d) Explains the process by which a credit file can be modified.

11. Equifax submits that the information contained in the Sworn Statement is necessary for the Court's analysis of whether the Applicants have established an arguable case under article 575(2) CCP, and will ensure that the Court has a complete and accurate understanding of the facts relevant to the Applicants' proposed class action.

A. Third-Party Partner Platforms

12. Equifax seeks this Honourable Court's permission to file the Sworn Statement in order to correct the Applicants' allegations that Borrowell, KOHO, Mogo, Chexy,

and Fairstone are all third-party partner platforms of Equifax (see paragraphs 2, 11, 48 and 53 of the Amended Authorization Application).

13. The Sworn Statement serves to correct these erroneous allegations, confirming that :

a) For the period covered by the Amended Authorization Application, Equifax has only maintained contractual relationships with Borrowell, Koho and Mogo for the purpose of providing access to their users' credit information, including reports generated and adapted by them through their respective platforms (the "**Services**");

b) The agreement between Equifax and Mogo for the provision of the Services was terminated on November 30, 2024; and

c) Equifax has never entered into any agreement in connection with the Services with either Chexy or Fairstone.

14. This evidence is therefore crucial as it serves to correct plainly false allegations regarding the identity of the third-party platforms with which Equifax has maintained contractual relationships for the provision of its Services.

B. Authentication Process with Borrowell

15. The Amended Authorization Application further provides an incomplete and inaccurate description of the process by which Equifax determines whether the input data provided by the user to Borrowell corresponds to an existing credit file (the "**Matching process**"), as well as the process used to verify that the individual requesting access is the same individual to whom the matched credit file relates (the "**Authentication process**") (see notably paragraphs 17 and following of the Amended Authorization Application).

16. The Amended Authorization Application asserts, incorrectly, that Equifax is exclusively responsible for designating, implementing and administering the Matching process and Authentication process and that Borrowell "has no independent decision-making authority regarding the validity of the match or the scope of the information transmitted", a claim that is plainly false (see paragraphs 3, 8, 12, 47, 62, 123 and 132.1 of the Amended Authorization Application).

17. The Sworn Statement addresses and rectifies these erroneous and incomplete allegations, explaining the Matching process and the Authentication process and Equifax's and Borrowell's respective roles in respect thereof. The Sworn Statement establishes that:

a) During the Matching process, Equifax relies on, at a minimum, the personally identifiable information ("**PII**") required by Borrowell for its users to open a Borrowell account, including namely a user's first and last name, address and date of birth, to identify a corresponding credit file;

b) Upon completion of the Matching process, a two-step Authentication process must be successfully completed before any credit information is shared by Equifax with Borrowell. Contrary to the allegations in the Amended Authorization Application, this Authentication process is predetermined by Borrowell (not by Equifax) and is merely confirmed by Equifax;

18. By explaining the Matching and Authentication processes and the parties' respective roles, the Sworn Statement completes and corrects the erroneous allegations that Equifax is exclusively responsible for designating, implementing and administering a deficient Matching process and Authentication process.

19. This evidence is relevant and necessary for the Court to assess whether the Applicants have established an arguable case against Equifax pursuant to article 575(2) CCP.

C. Information Shared with Users

20. The Authorization Application further alleges that users are provided access to their entire credit file and all of their personal information through the Borrowell platform (see notably paragraphs 6 and 10 of the Amended Authorization Application).

21. These allegations are plainly false. The Sworn Statement addresses and corrects these allegations by clarifying and confirming that:

a) The credit reports of the Applicants (and information contained therein), filed as Exhibits P-12, P-18.1, P-18.5 and P-18.6, are not reports provided through the Borrowell platform at all, but rather reports that would have been obtained directly through Equifax;

b) Certain sensitive credit-related information, such as dates of birth, social insurance numbers and account numbers, are partially redacted for security purposes by Equifax, as appears from Exhibits P-12, P-18.1, P-18.5 and P-18.6; and

c) The credit information disclosed to users through the Borrowell platform is more limited than that contained in credit reports filed as Exhibits P-12, P-18.1, P-18.5 and P-18.6, namely no account numbers whatsoever are provided by Borrowell to its users.

22. This evidence is relevant and necessary in assessing whether the Applicants have established an arguable case against Equifax pursuant to article 575(2) CCP.

D. Modifications to the Credit File

23. The Applicant Cédric Leclerc baldly asserts that his Equifax credit file was the subject of unauthorized modifications following and because of the unauthorized

access to his credit information through a Borrowell account (see paragraphs 101.38, 101.42, 101.43 and 101.49 of the Amended Authorization Application).

24. Indeed, in respect of the modifications to Mr. Leclerc's credit file, it is alleged that "he understood the cause lay in Equifax's deficient authentication and oversight mechanisms" (see paragraph 101.38 of the Amended Authorization Application).

25. The Sworn Statement is useful and necessary for the Court to assess whether Mr. Leclerc's alleged personal case is arguable, serving to clarify and outline the process by which an Equifax credit file can be modified. Specifically, the Sworn Statement confirms:

    a) that Borrowell users cannot modify information in their credit file through the Borrowell platform, and that any such modifications must be made directly with Equifax;

    b) the process and required information and documentation for a user to be able to request a modification to their credit file with Equifax (as detailed in Annex A).

26. This information will assist the Court in determining whether Mr. Leclerc's vague assertions that modifications to his Equifax credit file would have resulted from unauthorized access to his credit information through a Borrowell account and from Equifax's deficient authentication mechanisms are tenable.

27. In light of the above, Equifax respectfully submits that the Sworn Statement and its supporting Annex A are essential to the Court's analysis of the authorization criteria, and specifically in its determination of whether the Applicants have established an arguable case pursuant to article 575 (2) CCP.

28. The Sworn Statement is relevant and useful and complies with the requirements of articles 9, 18 and 19 of the CCP.

29. The present Application is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present Application for Authorization to Adduce Relevant Evidence;

AUTHORIZE the Defendants Equifax Canada Co. and Equifax Inc. to file a Sworn Statement of Chris Jepsen, along with its Annex A attached in support thereof, a copy of which is filed herewith as **Exhibit E-1**;

THE WHOLE with legal costs.

Montréal, this June 26, 2026

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C A N A D A

PROVINCE OF QUEBEC
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SUPERIOR COURT
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No: 500-06-000002-267

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-and-

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LIST OF EXHIBITS

Exhibit E-1: Sworn Statement of Chris Jepsen dated June 26, 2026, and its Annex A.

Montréal, this June 26, 2026

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NOTICE OF PRESENTATION

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TAKE NOTICE that the present *Application 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, at a time to be determined 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, this June 26, 2026

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16989/312190.00009 **BF1339**

APPLICATION BY EQUIFAX CANADA CO. AND EQUIFAX INC. FOR AUTHORIZATION TO ADDUCE RELEVANT EVIDENCE (Art. 574 CCP), LIST OF EXHIBITS, EXHIBIT E-1 AND NOTICE OF PRESENTATION

Nature: 03

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Date :	26 juin 2026 14:40:00
Pièces jointes :	322172953_v(1)_2026-06-26 Application by Equifax for Authorization to Adduce Relevant Evidence.pdf

NOTIFICATION BY TECHNOLOGICAL MEANS

Fasken Martineau DuMoulin LLP
(Art. 133 - 134 of the *Code of Civil Procedure*, CQLR c. C-25.01)

Parties :	Solomon Abudarham et al. v. Equifax et al.
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Judicial District:	Montréal
Locality:	Montréal
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