

C A N A D A
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No. 500-06-001426-259

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

CHLOÉ SABOURIN

Applicant

v.

OPENAI, INC.
and
OPENAI GLOBAL, LLC
and
OPENAI GP, LLC
and
OPENAI HOLDCO, LLC
and
OPENAI HOLDINGS, LLC
and
OPENAI OPCO, LLC
and
OAI CORPORATION
and
OPENAI STARTUP FUND GP I, LLC
and
OPENAI STARTUP FUND I, L.P.
and
OPENAI STARTUP FUND MANAGEMENT, LLC

Defendants

**APPLICATION TO TEMPORARILY STAY AN APPLICATION FOR AUTHORIZATION
TO INSTITUTE A CLASS ACTION**
(Articles 18, 49, and 158 C.C.P.)

**TO THE HONOURABLE CATHERINE PICHÉ, J.S.C., ACTING AS THE DESIGNATED
JUDGE IN THE PRESENT CASE, THE DEFENDANTS SUBMIT THE FOLLOWING:**

I. INTRODUCTION

1. The Defendants have not attorned to the jurisdiction of this Honourable Court and they file this case management request without attorning to the jurisdiction of this Honourable Court;
2. The Defendants hereby seek a stay of this proceeding pending a final judgment on the declinatory exception motion in the *Anne Robillard* putative class action in Superior Court file number 500-06-001414-255;
3. For the reasons further detailed below, the Defendants submit that it is in the interest of justice and consistent with the principles of proportionality and judicial economy to grant the requested stay;

II. CONTEXT

A. The Robillard Application

4. On or about September 4, 2025, the applicant Anne Robillard filed a *Demande pour autorisation d'exercer une action collective et pour être représentante* against multiple OpenAI entities¹ and Microsoft entities in the court file number 500-06-001414-255 (the “**Robillard Application**”), as appears from the court record and from a copy of the Robillard Application communicated herewith as **Exhibit RAD-1**;
5. The applicant in the Robillard Application is currently seeking authorization to institute a class action on behalf of the following purported class:

“Toute personne au Québec titulaire du droit d'auteur sur une oeuvre littéraire ou dramatique que les défenderesses ont reproduite sans autorisation dans le cadre du développement ou de la formation de grands modèles de langage (en anglais, « large language models »).”

6. The Robillard Application alleges that the OpenAI entities developed large language models using datasets containing allegedly unauthorized copies of works, including works of proposed class members, and that these copies were illicitly obtained;

¹ OpenAI, Inc., OpenAI GP, LLC, OpenAI Global, LLC, OpenAI OpCo, LLC, OpenAI Holdings, LLC, OpenAI, LLC, OAI Corporation, OpenAI Startup Fund I, L.P., OpenAI Startup Fund GP I, LLC and OpenAI Startup Fund Management, LLC.

7. The core alleged wrongful conduct in the Robillard Application is the alleged reproduction and use of copyrighted works in the development and training of large language models;
8. The first case management hearing in the Robillard Application took place on May 5, 2026, and was presided by the Honourable Justice Martin F. Sheehan who has been designated to manage the authorization phase of the Robillard Application;
9. The OpenAI entities confirmed their intention to challenge this Court's jurisdiction and the Honourable Justice Martin F. Sheehan therefore set a tight case protocol that would ensure a quick resolution of the jurisdiction question, as appears from a copy of the minutes of said hearing communicated herewith as **Exhibit RAD-2**;
10. On June 12, 2026, the OpenAI entities filed an *Application for Declinatory Exception of OpenAI Defendants for Lack of Jurisdiction* (the "**Robillard Jurisdiction Application**"), as appears from the court record and from a copy of a redacted version² of the Robillard Jurisdiction Application communicated herewith as **Exhibit RAD-3**;
11. In support of the Robillard Jurisdiction Application, the OpenAI entities essentially allege that the Superior Court cannot adjudicate claims of copyright infringement that fall outside the territorial reach of Canadian copyright law, and that none of the criteria set out in article 3148 C.C.Q. apply, such that the Robillard Application should be dismissed;
12. The Robillard Jurisdiction Application will be heard on November 4, 2026, by the Honourable Justice Martin F. Sheehan who has been designated to manage the authorization phase of the Robillard Application;

B. The Sabourin Application

13. On or about October 8, 2025, the applicant Chloé Sabourin filed an *Application to Authorize the Bringing of a Class Action and to Appoint the Status of a Representative Applicant* against the Defendants in the present court file (the "**Sabourin Application**"), as appears from the court record;
14. The applicant Chloé Sabourin seeks authorization to institute a class action on behalf of the following proposed group:

² A redacted version of the Robillard Jurisdiction Application was filed in the court record pending a judgment on an *Application for the issuance of a sealing order*.

“All persons domiciled in the province of Quebec, holders of a copyright within the meaning of the Copyright Act (R.S.C. 1985, c. C-42) in an artistic work, whose works were used without authorization by the defendants to develop, train and/or commercialize their artificial intelligence models since October 19, 2023, or any other group to be determined by the court.”

15. Similar to the Robillard Application, the Sabourin Application alleges that the Defendants developed their artificial intelligence models (large language models) using datasets containing allegedly unauthorized copies of works, including works of proposed class members, and that these copies were illicitly obtained;
16. The core alleged wrongful conduct in the Sabourin Application is also the alleged reproduction and use of copyrighted works in the development and training of artificial intelligence models;
17. On February 24, 2026, a case management conference was held whereby the parties agreed on a timeline to file relevant pleadings, including the filing of Defendant’s application for declinatory exception by August 3, 2026, as appears from the court file and from the minutes of hearing communicated herewith as **Exhibit RAD-4**;
18. On March 20, 2026, the applicant Chloé Sabourin filed a *Demande pour permission de modifier la Demande d’autorisation d’exercer une action collective*, along with a modified Sabourin Application dated March 20, 2026, and modified on March 25, 2026, as appears from the court record. The Court has not yet authorized this proposed modification;
19. The Defendants intend to file an application for declinatory exception on the Sabourin Application. However, given the similar factual and legal theory of liability in both the Sabourin Application and the Robillard Application, and the fact that the Defendants’ application for declinatory exception will contain nearly identical arguments to those already included in the Robillard Jurisdiction Application, the Defendants seek a temporary stay of the current proceeding, pending final judgment on the Robillard Jurisdiction Application;
20. Depending on the outcome of the Robillard Jurisdiction Application and the jurisdiction challenge in the related Jackson v. OpenAI, further stay of the Sabourin Application might also be considered;

III. THE TEMPORARY STAY

21. The judgment that will be rendered on the Robillard Jurisdiction Application will have a significant impact on the present proceeding, as it will influence the Defendants’

decision to file and/or approach to any application for declinatory exception on the Sabourin Application;

22. The temporary stay is necessary, as it would prevent the risk of contradictory judgments on the Robillard Jurisdiction Application and the application for declinatory exception on the Sabourin Application. The temporary stay would also avoid unnecessary consumption of judicial resources while there is already a jurisdictional challenge pending before this Court. Furthermore, the temporary stay will likely save party resources in respect of the parties to the Sabourin Application;
23. Moreover, the Defendants named in the Sabourin Application are nearly identical to the OpenAI defendants in the Robillard Application, with the exception of OpenAI, LLC and OpenAI HoldCo, LLC;
24. In both proceedings, the OpenAI entities are represented by the undersigned lawyers;
25. It is therefore in the interest of justice and consistent with the principles of proportionality and judicial economy that the current proceedings be stayed pending the judgment on the Robillard Jurisdiction Application;
26. The proposed stay is limited in time and will not prejudice the rights of the class members in the current proceeding;
27. This application is well founded in fact and in law;

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present *Application to Temporarily Stay an Application for Authorization to Institute a Class Action*;

STAY the present proceeding pending a final judgment on the *Application for Declinatory Exception of OpenAI Defendants for Lack of Jurisdiction* dated June 12, 2026, in the Superior Court file 500-06-001414-255;

ORDER the parties to advise this Court within 30 days of any significant development in the Superior Court file 500-06-001414-255 that may affect the course of the present proceeding;

THE WHOLE with costs.

Montréal, July 30, 2026

Gowling WLG (Canada)

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Me Michael Crichton

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Me Marc Crandall

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Me Gabriel D'Addona

gabriel.daddona@gowlingwlg.com

Lawyers for the Defendants

SWORN STATEMENT

I, the undersigned, Guy Poitras, attorney, practising at Gowling WLG (Canada) LLP, 1 Place Ville-Marie, 37th floor, Montréal, Québec, H3B 3P4, solemnly declare the following:

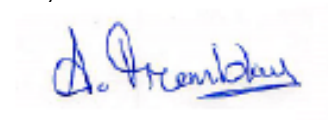
1. I am one of the attorneys for the Defendants;
2. All of the facts alleged in the present *Application to Temporarily Stay an Application for Authorization to Institute a Class Action* are true to my personal knowledge.

AND I HAVE SIGNED:



GUY POITRAS

Solemnly declared before me by
videoconference, in Montreal, Québec, on July
30, 2026



Commissioner for Oaths for Québec and for
outside of Québec

NOTICE OF PRESENTATION

TO:

Mtre Amal Sebti
TWIN LISBET INC.
SebtiAmal@TwinLisbet.com

Attorney for Applicant

TAKE NOTICE that the *Application to Temporarily Stay an Application for Authorization to Institute a Class Action* shall be presented before the Honorable Catherine Piché, J.S.C., of the Superiour Court of Québec, sitting in and for the district of Montréal, at a time and place to be determined by the Court.

Montréal, July 30, 2026

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Lawyers for the Defendants

C A N A D A
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

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

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**LIST OF EXHIBITS IN SUPPORT OF THE APPLICATION TO TEMPORARILY STAY
AN APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION**

EXHIBIT RAD-1:

Copy of the Robillard Application dated September 4,
2025;

- EXHIBIT RAD-2:** Copy of the minutes of the case management conference hearing presided by The Honourable Martin F. Sheehan on May 5, 2026;
- EXHIBIT RAD-3:** Copy of the redacted version of the Robillard Jurisdiction Application dated June 12, 2026;
- EXHIBIT RAD-4:** Copy of the minutes of the case management conference hearing presided by The Honourable Catherine Piché on February 24, 2026.

Montréal, July 30, 2026

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Lawyers for the Defendants

N°: 500-06-001426-259

SUPERIOR COURT
(Class Actions Division)
DISTRICT OF MONTREAL

CHLOÉ SABOURIN

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Defendants

BL0052

**APPLICATION TO TEMPORARILY STAY AN APPLICATION
FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION
(Articles 18, 49, and 158 C.C.P.), List of exhibits and
Exhibits RAD-1 TO RAD-4**

ORIGINAL

Mtre Guy Poitras (AP0J00), Mtre Michael Crichton, Mtre Marc
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Tremblay, Suzie

De: Tremblay, Suzie
Envoyé: 30 juillet 2026 14:28
À: sebtiamal@twinlisbet.com
Cc: Poitras, Guy; D'Addona, Gabriel; Crandall, Marc; Crichton, Michael
Objet: Notification: APPLICATION TO TEMPORARILY STAY AN APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION (Arts 18, 49 and 158 C.C.P.) Chloé Sabourin c. OpenAI inc. et al. 500-06-001426-259 (N/D: G10086048)
Pièces jointes: Application to Temporarily Stay an Application for Authorization to Institu(95834612.4).pdf

**NOTIFICATION PAR COURRIEL
(ART. 134 C.P.C.)
BORDEREAU D'ENVOI**

DATE DE L'ENVOI : Le 30 juillet 2026

Avocats :	Me Guy Poitras / Me Gabriel D'Adonna
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Notre référence :	G10086048

DESTINATAIRE :

Nom	Entreprise	Adresse courriel
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IDENTIFICATION DU DOSSIER ET NATURE DU DOCUMENT TRANSMIS:

No de dossier de Cour :	500-06-001426-259
Parties :	Chloé Sabourin c. OpenAI inc. et al.
Nature des documents	APPLICATION TO TEMPORARILY STAY AN APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION (Articles 18, 49, and 158 C.C.P.), List of exhibits and Exhibits RAD-1 TO RAD-4
Nombre total de pages :	200

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Confirmation de la transmission des documents



Succès

Vos documents ont bien été transmis.

Numéro de demande : 2026-PROC-00290442

Date et heure de transmission : 2026-07-30 14:38:00

Numéro de dossier judiciaire : 500-06-001426-259

Titre : APPLICATION TO TEMPORARILY STAY AN APPLICATION FOR AUTHORIZATION TO
INSTITUTE A CLASS ACTION (Articles 18, 49, and 158 C.C.P.), List of exhibits

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