

# SUPERIOR COURT

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

No: 500-06-000661-138

DATE: SEPTEMBER 22, 2015

---

**BY THE HONOURABLE DAVID R. COLLIER, J.S.C.**

---

**JEAN-PIERRE LEROUX**  
Petitioner

v.

**LA COMPAGNIE D'ASSURANCE-VIE MANUFACTURERS**

-and-

**FINANCIÈRE MANUVIE**

-and-

**BENESURE CANADA INC.**

-and-

**BROKER SUPPORT CENTRE INC.**

-and-

**AGENCE D'ASSURANCE SÉCURITÉ DU CRÉDIT INC.**

-and-

**TACAMOR HOLDINGS INC.**

-and-

**DAVIS + HENDERSON**

-and-

**JOHN F. LORRIMAN**

-and-

**MARK SMITH**

Respondents

---

JUDGMENT ON DISCONTINUANCE

---

[1] On September 9, 2013 the petitioner Jean-Pierre Leroux filed a motion to authorize a class action on behalf of persons who had purchased certain insurance products from the respondents or had dealings with them.

[2] In his motion Mr Leroux described the class members whom he sought to represent as follows:

2. Le requérant désire exercer un recours collectif contre les Intimées pour le compte de toutes les personnes formant le Groupe ci-après décrits, soit:

Toutes les personnes physiques résidant au Canada :

- a) qui ont acheté les Produits; ou
- b) dont les renseignements personnels ont été transmis par Davis + Henderson à RPH; ou
- c) qui ont reçu la Renonciation RPH; ou
- d) qui ont reçu la « Safety Catch Letter »

Y sont exclus les employés, dirigeants et administrateurs des Intimées ou toute entité affiliée aux Intimées et leurs représentants judiciaires, héritiers, successeurs et ayants droit.

[3] Mr Leroux now wishes to discontinue his motion to authorize the bringing of a class action. His request for a discontinuance is not contested by the respondents.

[4] In the motion to discontinue, Mr Leroux's attorneys allege that their client no longer wishes to represent the proposed class, and that they have been unable to find a suitable replacement for Mr Leroux, despite having benefited from a period of several weeks to identify a new representative.

[5] In a letter to the Court dated September 16, 2015, Mr Leroux's attorneys advised that in March 2015 they instituted a similar class action proceeding against the respondents in the province of Saskatchewan, in which the petitioner proposes to represent Canadian residents who purchased the respondents' impugned products.

[6] There is no reason to refuse Mr Leroux's requested discontinuance. The respondents do not oppose the discontinuance and the proposed class members retain their individual rights of action. It is also possible that the proposed class members in the present proceeding may be included in the group of persons represented in the Saskatchewan action.

[7] **FOR THESE REASONS, THE COURT:**

[8] **GRANTS** the petitioner's motion in discontinuance;

[9] **AUTHORIZES** the petitioner to discontinue his *Motion to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative* filed on September 9, 2013;

[10] **ORDERS** the petitioner and his attorneys to publish a notice of the discontinuance in the register of class actions at the Superior Court of Québec and in the national register of class actions maintained by the Canadian Bar Association;

[11] **ORDERS** the petitioner's attorneys to communicate the full text of the present judgment by mail or email to all persons who identified themselves to the said attorneys as potential class members in the present proceedings;

[12] **ORDERS** the petitioner's attorneys to publish a readily-accessible notice of the discontinuance on their firm's website, merchantlaw.com, with a link to the full text of the present judgment, for a period of ninety days following the present judgment;

[13] **WITHOUT COSTS.**



---

DAVID R. COLLIER, J.S.C.

Mtre Daniel Chung  
MERCHANT LAW GROUP  
Attorneys for Petitioner

Mtre Éric Préfontaine  
Mtre Sylvain Lussier  
Mtre Alexandre Fallon  
OSLER, HOSKIN & HARCOURT LLP  
Attorneys for Respondents La Compagnie d'Assurance-Vie Manufacturers, Financière Manuvie, Benesure Canada inc., Broker Support Centre inc. and Agence d'Assurance Sécurité du Crédit inc.

Mtre Yves Martineau  
Mtre Guillaume Boudreau-Simard  
STIKEMAN ELLIOTT  
Attorneys for Respondents Davis + Henderson

Mtre Carolena Gordon  
Mtre André-Philippe Mallette  
CLYDE & CO CANADA, LLP  
Attorneys for John F. Lorriman and Mark Smith