

SUPERIOR COURT
(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No. 500-06-000898-185

DATE: October 22, 2018

IN THE PRESENCE OF: THE HONOURABLE THOMAS M. DAVIS, J.S.C

9085-4886 QUÉBEC INC.
Petitioner

v.

INTEL OF CANADA, LTD.
and
INTEL INTERNATIONAL, INC.
and
INTEL CORPORATION
Respondents

JUDGMENT ON TEMPORARY STAY

[1] **CONSIDERING** the Respondents' *Application to Temporarily Stay the Class Action* dated July 6, 2018, the affidavit and the exhibits in support thereof;

[2] **CONSIDERING** that the Respondents seek a temporary stay of the proceedings related to the *Application to Authorize the Bringing of a Class Action & to Appoint the Petitioner as Representative Plaintiff* filed on January 8, 2018, by Petitioner 9085-4886 Québec Inc. (the "Quebec Action");

[3] **CONSIDERING** that the requested stay is for a twelve-month period;

[4] **CONSIDERING** that the Petitioner consents to the Application to Temporarily Stay the Class Action;

[5] **CONSIDERING** that the Court must nonetheless be satisfied that a stay of proceedings will not be prejudicial to the potential members of the Quebec class;

[6] **CONSIDERING** the existence of a parallel national multi-district litigation class action in the United States District Court for the District of Oregon, through which 43 proposed class actions have been consolidated for all pre-trial proceedings (MDL No. 2828, the “US Action”);

[7] **CONSIDERING** that the US Action raises substantially similar issues as those raised in the Quebec Action, that the essential facts alleged in support of the proposed class actions materially overlap and that the remedies sought are similar;

[8] **CONSIDERING** that substantial financial and judicial resources will be spent in the US Action to better define factual questions relating to the recently disclosed alleged security vulnerabilities in processors manufactured, sold and distributed by Respondents;

[9] **CONSIDERING** the judgment in *Kegel c. National Bank of Canada*, where Justice Hamilton, as he then was, stated:

[35] Where there are several class actions against the same defendant in different jurisdictions, it will not generally make sense to proceed with all of them at the same time. There are obvious concerns of cost, judicial economy and contradictory judgments. In most cases, the parties will agree to proceed with the class action in one jurisdiction and to obtain a judgment on the substantive issues in that first jurisdiction, and then apply that judgment in the other jurisdictions.¹

[10] **CONSIDERING** that while the duration of the requested stay is limited in time, and not until final judgment in the US action, the proposed Quebec class members will nonetheless likely benefit from the factual and technical findings which should be made in the US Action;

[11] **CONSIDERING** that the temporary stay of the Quebec Action for a period of twelve months will allow for the factual situation to crystallize further and afford the parties significant savings in time, energy, and financial resources, as well as to achieve significant savings in judicial resources;

[12] **CONSIDERING** that under these particular circumstances, a temporary stay of the Quebec Action serves the rights and interests of Quebec residents;

[13] **CONSIDERING** that counsel for the Respondents have undertaken, within six months of the present judgment, to advise the Court of the status of the US Action;

[14] **CONSIDERING** that granting a temporary stay of the Quebec Action is consistent with the principle of proportionality;

FOR THESE REASONS, THE COURT:

[15] **GRANTS** the Respondents’ *Application to Temporarily Stay the Class Action*;

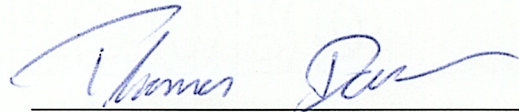
¹ 2015 QCCS 2355.

[16] **STAYS** the *Application to Authorize the Bringing of a Class Action & to Appoint the Petitioner as Representative Plaintiff* filed by 9085-4886 Québec Inc. for a period of 12 months from the date of this judgment;

[17] **TAKES ACT** of Respondents undertaking to advise the Court and Petitioner of any developments in the US Action within six months of the present judgment;

[18] **RESERVES** the rights of the parties to address this Court to raise any question in connection with this order for a temporary stay of the present file, including a lifting thereof;

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



THOMAS M. DAVIS, J.S.C.

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Hearing date: October 22, 2018