

CANADA

PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL

(Class Action)  
SUPERIOR COURT

N° : 500-06-000885-174

---

DANIEL LI

Applicant

v.

EQUIFAX INC.

-and-

EQUIFAX CANADA CO.

Defendants

---

**APPLICATION BY THE DEFENDANTS TO STAY THE CLASS ACTION  
(Articles 18 and 577 CCP and Article 3137 CCQ)**

---

TO THE HONOURABLE PIERRE-C. GAGNON, J.S.C., THE DEFENDANTS  
RESPECTFULLY SUBMIT THE FOLLOWING:

1. The Defendants Equifax Inc. and Equifax Canada Co (collectively hereinafter referred to as the "**Defendants**") seek a stay of the *Application for Authorization to Institute a Class Action and to Appoint a Representative Plaintiff* (the "**Québec Action**");
2. This *Application by the Defendants to Stay the Class Action* ("**Application for a stay**") is intended to achieve judicial economy, cost-efficiency and the avoidance of foreseeably problematic legal issues posed by a multiplicity of proceedings due to the existence of the following overlapping class action proceedings:
  - a) Two national class actions filed in Ontario : *Bethany Agnew-Americanano v. Equifax Canada Co. and Equifax Inc.*, court file number CV-17-00582551-OOCP, (the "**Agnew-Americanano Action**"), **Exhibit D-1A** (Statement of Claim) and **Exhibit D-1B** (Amended Statement of Claim); and *Laura Ballantine v. Equifax Inc., and Equifax Canada Co.* court file number CV-17-582506, (the "**Ballantine Action**"), **Exhibit D-2A** (Statement of Claim) and **Exhibit D-2B** (Amended Statement of Claim) (collectively hereinafter referred to as the "**Ontario Actions**"), the latter of which was stayed by the Ontario Superior Court of Justice;



- b) A national class action filed in Saskatchewan : *Robert Dwight Johnson v. Equifax Inc. and Equifax Canada Co.*, court file number QBG 2290 of 2017 (the “**Saskatchewan Action**”), **Exhibit D-3A** (*Statement of Claim*) and **Exhibit D-3B** (*Amended Statement of Claim*);
  - c) One national class action and one provincial class action filed in British Columbia: the national class action *Yaseen Azam and Khyati Sujal Patel v. Equifax Inc. and Equifax Canada Co.*, court file number NEW-S-S-194558, (the “**Azam/Patel Action**” or the “**British Columbia National Action**”) **Exhibit D-4**, and the provincial class action *Joshua Elliott Temple v. Equifax Inc. and Equifax Canada Co.*, court file number VLC-S-S-180347, (the “**Temple Action**”), **Exhibit D-5**, (collectively hereinafter referred to as the “**British Columbia Actions**”);
- 3. All of the actions pursue the same objectives and raise the same or substantially similar issues stemming from an incident involving unauthorized access to personal information held by the Defendant Equifax Inc. that occurred in 2017 (the “**Incident**”);
  - 4. The Defendants submits that it is in the interests of proportionality, judicial economy, cost-efficiency and the good administration of justice that the Québec Action be stayed;

#### A. THE QUÉBEC ACTION

- 5. On or about on September 11, 2017, Applicant Daniel Li (the “**Applicant**”), through his lawyers at the Merchant Law Group (“**MLG**”), filed the Québec Action on behalf of the following class:

“All persons in Québec who had, at any time prior to September 7, 2017, personal or credit data collected and stored by Equifax and who were subject to risk of data loss as a result of the breach which occurred between May and July 2017 (hereinafter the “**Data Breach**”) or any other Class(es) or Sub-Class(es) to be determined by the Court;”

- 6. It is to be noted that, despite the vague and general class description, paragraph 46 of the Québec Action specifies :

“Members of the Class consist of individuals whose personal and/or financial information was lost by and/or stolen from the Defendants as a result of a data breach that occurred around May 2017;”

- 7. The Applicant alleges as follows: his private information, and the private information of the Class Members, was compromised by said Incident as a result of the Defendants’ failures to maintain said private information in a reasonably secure manner, causing damages to the Applicant and to the Class Members;

8. More specifically, the Applicant claims, *inter alia*, that the Defendants were negligent through the following acts and/or omissions:

“a) lost and/or allowed unauthorized access to personal and or financial information of the Class Members;

b) failed to protect the Class Members’ Private Information by allowing for unlawful access or use of the confidential Private Information for purposes other than for which it was supplied to them, without consent;

c) breached the Class Member’s privacy;

d) intruded upon the Class Members’ seclusion;

e) failed to warn and/or inform Class Members of the Data Breach in a timely manner;

f) caused Class Members harm, inconveniences, economic losses, mental distress or other losses resulting from the unauthorized access to their confidential personal and information records;”

9. Thus, the *Civil Code of Québec*<sup>1</sup>, the *Québec Charter of Human Rights and Freedoms*<sup>2</sup>, and the *Act respecting the protection of personal information in the private sector*<sup>3</sup> are relevant to the litigation;

10. On February 23, 2018, the Defendants filed their preliminary applications with the Superior Court of Québec;

## **B. THE CLASS ACTIONS**

11. This section provides the Court with an overview of the history and status of the five proposed class proceedings which have been brought against Equifax in Canada, in provinces other than Quebec, in relation to the Incident as described in the Sworn Statement of Pavel Sergejev, an associate with the law firm of Fasken Martineau DuMoulin LLP and counsel for Equifax, communicated as **Exhibit D-6**;

### ***i. The National Class Actions***

#### ***Ontario Actions***

12. On or about on September 12, 2017 the Agnew-Americanano Action was commenced in the Ontario Superior Court of Justice by Sotos LLP (“**Sotos**”), the *Statement of Claim* being communicated as **Exhibit D-1A**;

---

<sup>1</sup> *Civil Code of Québec*, CQLR c CCQ-1991.

<sup>2</sup> *Charter of Human Rights and Freedoms*, CQLR c C-12.

<sup>3</sup> *Act respecting the protection of personal information in the private sector*, CQLR c P-39.1.



13. The Agnew-Americanano Action seeks compensation on behalf of the proposed class of:
  - a) “all persons in Canada whose personal information was stored on Equifax databases and which was accessed without authorization between May 1, 2017 and August 1, 2017 (or such further or different period that is specified as investigation of this case progresses)”; and
  - b) “all persons in Canada who purchased from the defendants, their subsidiaries or related companies the following products:
    - (i) Equifax Complete Advantage;
    - (ii) Equifax Complete Premier;
    - (iii) Equifax Complete Friends and Family;
    - (iv) or any other Equifax products offering credit monitoring and identity theft protection,and whose personal information stored on Equifax databases was accessed without authorization between May 1, 2017 and August 1, 2017 (or such further or different period that is specified as investigation of this case progresses)”;
14. The claim alleges negligence, breach of contract, intrusion upon seclusion and breach of provincial privacy legislation in connection with the Incident and seeks aggregate damages in the amount of \$ 500 million and punitive damages in the amount of \$ 50 million;
15. The Amended Statement of Claim in the Agnew-Americanano Action is being communicated as **Exhibit D-1B**;
16. On or about on September 12, 2017, the Ballantine Action was commenced in the Ontario Superior Court of Justice by MLG, the *Statement of Claim* being communicated as **Exhibit D-2A**;
17. The Ballantine Action was commenced on behalf of the proposed class:

“All persons in Canada (including but not limited to an individual, corporations, and estates) who had, at any time prior to September 7, 2017, personal or credit data collected, and stored by Equifax and who were subject to risk of data loss as a result of the breach which occurred between May and July 2017 (hereinafter the “Data Breach”) or any other Class(es) or Sub-Class(es) to be determined by the Court”



18. On or about on October 24, 2017, the Ballantine Action was amended for the sole purpose of changing the Plaintiff to Adele Perisiol, the *Amended Statement of Claim* being communicated as **Exhibit D-2B**;
19. On January 24, 2018, the Ontario Superior Court of Justice stayed the Ballantine Action after awarding carriage over the Ontario proceedings to the plaintiff in the Agnew-Americanano Action;
20. The plaintiffs in the Agnew-Americanano Action served their Certification Motion Record on Equifax on February 22, 2018;
21. The Ontario Actions both rely on common law and the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”), communicated as **Exhibit D-7**;

### ***Saskatchewan Action***

22. On or about on September 8, 2017, the Saskatchewan Action was commenced in the Court of the Queen’s Bench by the MLG, the *Statement of Claim* being communicated as **Exhibit D-3A**;
23. On or about on September 19, 2017, the Saskatchewan Action was amended, the *Amended Statement of Claim* being communicated as **Exhibit D-3B**;
24. The Saskatchewan Action was commenced on behalf of the proposed class:

“All individuals resident in Canada who had, at any time prior to September 7, 2017, personal or credit data collected and stored by Equifax and who were subject to risk of data loss as a result of the data breach that occurred between May and July 2017.”
25. The claim alleges negligence, breach of confidence, breach of fiduciary duty, intrusion upon seclusion, breach of contract and warranty, unjust enrichment, breach of privacy legislation and, on behalf of all class members who are domiciled in Québec, breach of the *Civil Code of Québec* and interference with rights under the *Québec Charter of Human Rights and Freedoms* in connection with the Incident (see para 66 ss of the *Amended Statement of Claim*, **Exhibit D-3B**);
26. The claim seeks general, special and pecuniary damages and disgorgement of revenues in an unspecified amount;
27. The Saskatchewan Action relies on common law and the PIPEDA, communicated as **Exhibit D-7**;
28. At a case conference held on February 15, 2018, Justice Keene directed that Equifax advise the plaintiff, by March 26, 2017, of whether it intends to bring any motions, including a Motion to Stay, prior to certification and to respond to the timetable for certification proposed by the plaintiff.



29. A further case conference is scheduled to take place April 13, 2018;

***British Columbia National Action***

30. On or about on September 18, 2017, the Azam/Patel Action was commenced by MLG in the Supreme Court of British Columbia, the *Notice of Civil Claim* being communicated as **Exhibit D-4**;

31. The Azam/Patel Action was commenced on behalf of the proposed class :

“All persons in Canada (including but not limited to an individual, corporations, and estates) who had, at any time prior to September 7, 2017, personal or credit data collected, and stored by Equifax and who were subject to risk of data loss as a result of the breach which occurred between May and July 2017 ("Data Breach") or any other Class(es) or Sub—Class(es) to be determined by the Court”

32. The claim alleges negligence in connection with the Incident and seeks declaratory relief, general and special damages in the amount of \$ 750 million and punitive damages in a sum to be determined at trial;

33. The British Columbia National Action relies on common law and the *Personal Information Protection Act* (“**BC PIPA**”) communicated as **Exhibit D-8**;

34. As of February 22, the Azam/Patel Action has remained inactive;

***ii. The British Columbia Provincial Action***

35. On or about on January 10, 2018, the Temple Action was commenced in the Supreme Court of British Columbia by Branch MacMaster LLP and Camp Fiorante Matthews Mogerman LLP, the *Notice of Civil Claim* being communicated as **Exhibit D-5**;

36. The Temple Action was commenced:

a) On behalf of “all persons residing in British Columbia whose Personal Information was contained on electronic databases in the control of Equifax and which was compromised and/or accessed by others between March 8, 2017 and July 31, 2017”; and

b) On behalf of a subclass defined as “all Class Members who at any time between March 8, 2017 and July 31, 2017 were subscribers to one of Equifax's Credit Monitoring Services" (the "Credit Monitoring Subclass") and whose Personal Information was compromised and/or access by others”;

37. The claim alleges negligence, negligent misrepresentation, breach of contract, intrusion upon seclusion, breach of privacy legislation, and restitution for unjust enrichment and waiver of tort and seeks general damages, special damages,



pecuniary damages, punitive damages and restitution and related relief in an unspecified amount;

38. The British Columbia National Action relies on common law and the *Personal Information Protection Act* ("BC PIPA") communicated as **Exhibit D-8**;
39. Given the very early stage of the litigation, the Temple Action has remained inactive for now;

**C. THE LIS PENDENS AND STAY OF PROCEEDINGS (3137 CCQ)**

40. The plaintiff alleges he is a customer of Equifax;
41. It is to be noted that Canadian consumers who purchased any consumer product offered by Equifax agreed to Equifax's Terms of Use (the "Terms");
42. The Terms state that the agreement is made and will be interpreted under Ontario law, and that the consumer submits to the exclusive jurisdiction of Ontario courts located in Toronto, as described in the Sworn Statement of Marise Eilen Emerson, Supervisor, Consumer Relations and Legal Affairs at Equifax Canada, communicated as **Exhibit D-9**:

In English : "This Agreement is made and will be interpreted under Ontario law, and you submit to the exclusive jurisdiction of Ontario courts located in Toronto."

In French : "La présente convention est conclue et interprétée selon les lois de l'Ontario et vous vous soumettez à la compétence exclusive des tribunaux de l'Ontario situés à Toronto."

43. To the extent the Plaintiff alleges to have extracontractual claims against Equifax, this Honourable Court has jurisdiction over the Québec Action;
44. If all the conditions mentioned at 3137 CCQ are met, like in the present case, this Honourable Court has the discretion to stay the domestic proceeding if it concludes that the staying of the Québec proceeding comports with the interests of justice and the protection of Québec residents rights and interests;
45. The Québec Action along with the Saskatchewan Action, the Agnew-Americano Action and the British Columbia National Action create a situation of *lis pendens*, as the actions are based on the same facts, have the same object and oppose, by representation, the same parties;
46. Moreover, the plaintiff in the national class actions filed in Saskatchewan on September 8, 2017, and in British Columbia on September 18, 2017, is represented by MLG, which also filed the Québec Action on September 11, 2017;

47. The facts in support of all the above mentioned national proceedings are the same, stemming from the Incident that occurred in 2017 involving criminal unauthorized access to information held by the Defendant Equifax Inc.;
48. The object of these proceedings is also similar, namely the payment of damages to class members for the alleged losses and damages suffered as a result of the alleged negligence of the Defendants;
49. Notwithstanding the procedural differences between the motion to authorize the bringing of a class action in Québec and the Statements of Claim/Notice of Civil Claim seeking a series of conclusions including the certification of the action in the Saskatchewan Action, the Agnew-Americanano Action and the British Columbia National Action, the conclusions and ultimate purpose of the proposed class actions are similar;
50. There is also juridical identity of the parties by representation:
  - a) the class membership of the Saskatchewan Action, the class membership of the Ballantine Action (Ontario - stayed), and the class membership of the British Columbia National Action (Azam/Patel Action) includes all the class members of the proposed group in the Québec Action, whereas the Québec Action proposes a provincial class composed of Québec residents only;
  - b) the class membership of the Agnew-Americanano Action (Ontario - Carriage over Ontario proceedings) includes all the class members referred at paragraph 46 of the Québec Action, whereas the Québec Action proposes a provincial class composed of Québec residents only;
51. The Defendants, Equifax Canada Co. and Equifax Inc., are the same in all the class proposed, throughout Canada;
52. In *Chasles c. Bell Canada inc.* (2017 QCCS 5200), this Honourable Court decided that, when dealing with overlapping multi-jurisdictional class actions, it would be better not to apply a strict "first to file" rule where other important considerations are at stakes;
53. The Agnew-Americanano Action, the Saskatchewan Action and the British Columbia National Action, whichever is awarded carriage over a national class action, can result in a decision which may be recognized in Québec, whereas it is not foreseeable that it would fall under the exceptions mentioned at article 3155 CCQ;
54. It is in the interests of justice and of the parties to avoid a multiplicity of Court proceedings and the possibility of contradictory judgments;
55. Such multiplicity of class proceedings would also run contrary to the "spirit of mutual comity that is required between the courts of different provinces in the



Canadian legal space” (cf. *Canada Post Corp. v. Lépine*, [2009] 1 SCR 549, at par. 57).

56. Requiring the Defendants to conduct multiple duplicative or overlapping legal proceedings in various jurisdictions would unfairly impose a substantial additional cost burden upon the Defendants for no reasonable, or proportionate, counter-balancing gain to any party;
57. It is in the interests of justice to proceed in an orderly fashion, and the Defendants submit that the present case should be stayed pending final judgment in the action that is to be awarded carriage over a national class action;

**D. THE RIGHTS AND INTERESTS OF THE QUÉBEC CLASS MEMBERS IN THE CONTEXT OF A STAY (577 CCP)**

58. The Superior Court of Québec has adopted a liberal interpretation of article 577 CCP to ensure the rights and interests of the Québec residents are protected;
59. As stated, a multi-jurisdictional class action was already under way outside Québec and pending before the Court of the Queen’s Bench in Saskatchewan when the Québec Action was filed;
60. Two of the national class actions, filed in Saskatchewan and in British Columbia, are represented by MLG, which also filed the Québec Action;
61. In the same spirit of mutual comity that is required between the courts of different provinces, this Honourable Court has to assume that any superior court in Canada will protect the rights and interests of Québec residents in the same fashion as would a Québec Court;
62. Furthermore, the laws and legislations applicable to the class actions filed in other jurisdictions are not different from the Québec laws and legislation applicable to the Québec Action to the point where the stay of the Québec Action to the benefit of a national class action would present a serious risk for an adequate representation of the interests of the Québec class members;
63. In fact, it is to be noted that the specific legislation with respect to personal information protection are “substantially similar” in Québec, Ontario, Saskatchewan and British Columbia, by Order of the Governor in Council;
64. Indeed, where a province enacts legislation that has, by Order of the Governor in Council, been deemed to be “substantially similar” to PIPEDA, organizations covered by the provincial legislation may be exempted from the application of the federal Act;
65. The Québec and the British Columbia provincial legislations have been accorded the status of “substantially similar” to PIPEDA applicable in Ontario and



Saskatchewan, by Orders of the Governor in Council, communicated respectively as **Exhibit D-10** and **Exhibit D-11**;

66. As stated, and according to the statements of claim and notices of civil claims submitted to the courts, the facts and the object of the Québec Action, the Agnew-Americano Action, the Saskatchewan Action, and the British Columbia National Action are similar to the point where the class members have experienced the same circumstances and allegedly suffered the same damages: thus, a class representative from Saskatchewan can allegedly represent adequately the Québec Action class members;
67. Moreover, it is in the interest of all parties to ensure that a favourable judgment in a national class action will be enforced in Québec;
68. Further, the causes of action asserted in the Agnew-Americano Action, the Saskatchewan Action, and the British Columbia National Action duplicate the causes of action asserted in the Québec Action, such that the rights of class members resident in Québec will be addressed by a determination of the rights of the proposed national class;
69. It is also to be noted that the Defendants ask that the Québec Action be stayed, not discontinued nor dismissed, and the Québec action could therefore be resumed at any time if necessary;
70. For instance, in the event that certification is not successful in the national class actions above mentioned, the Applicant in the Québec Action will be able to defend the rights and interests of Québec residents by seeking a lift of the stay of the proceedings in the Québec Action and ensuring that it proceeds diligently;
71. By prosecuting the class actions in a single proceeding, Québec residents will also benefit from judicial economy and their counsel will not invest time and costs simultaneously in two or more jurisdictions;
72. Thus, the stay of the Québec Action will save time, energy and financial resources and avoid the possibility of contradictory decisions;
73. The Defendants also refers this Honourable Court to the Canadian Bar Association's new *Canadian Judicial Protocol for the Management of MultiJurisdictional Class Actions and the Provision of Class Action Notice* (the "Protocol"), communicated as **Exhibit D-12**, to assist in avoiding the problems caused by multiple class action filings, especially in a case such as this where carriage of a proposed national class action has already been determined by the court with no leave to appeal sought by the unsuccessful party;
74. Paragraphs 7, 10, and 14 of the Protocol provide for multijurisdictional case management hearings and communications between Judges of the various jurisdictions;



75. Thus, the safeguards in place would further ensure that there is adequate coordination amongst the courts of different jurisdictions;

76. In light of the above, Québec residents will not suffer any prejudice if the Québec Action is stayed;

**E. CONCLUSION**

77. The Defendants therefore seek a stay of the Québec Action;

78. During the stay ordered by this Honourable Court, the Defendants undertakes to advise the Court of the status of the national class actions described in this application and of the procedural steps that have been take to move the litigation forward;

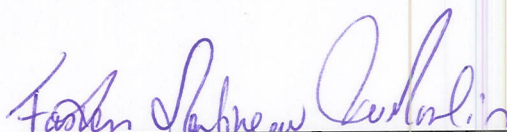
**FOR THESE REASONS, MAY IT PLEASE THIS COURT TO:**

**GRANT** the Application to Stay the Québec Action;

**STAY** the present file until a final judgment is rendered in the action awarded carriage over a national class action;

**THE WHOLE** without legal costs, unless the present application is contested.

Montréal, this February 23, 2018



---

**Fasken Martineau DuMoulin LLP**  
Attorneys for the Defendants Equifax Inc. and  
Equifax Canada Co

800 Victoria Square, Suite 3700  
P.O. Box 242  
Montréal, Québec H4Z 1E9  
Fax number: +1 514 397 7600

**Mtre Philippe Charest-Beaudry**  
Phone number: +1 514 397 5298  
Email: pcbeaudry@fasken.com



**NOTICE OF PRESENTATION**

**ADDRESSEE(S):**

---

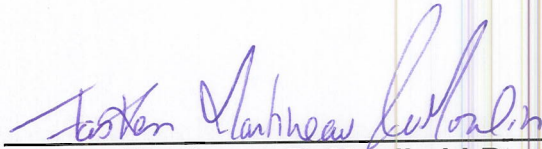
Mtre Erik Lowe  
**Merchant Law Group LLP**  
Attorneys for the Applicant Daniel Li  
10, rue Notre-Dame Est, Suite 200  
Montreal (Québec) H2Y 1B7  
Phone: 514 842-7778  
Fax: 514 875-6687  
elowe@merchantlaw.com

---

**TAKE NOTICE** that the present Application for Permission to Examine the Applicant Daniel Li and to Submit Relevant Evidence will be presented for adjudication before one of the honourable judges of the Superior Court, sitting in civil practice division for the district of Montréal on a date to be determined by the Court at the time to be determined by the Court, in a Room of the Montréal courthouse to be determined by the Court, located at 1 Notre-Dame Street East, Montréal, Québec, H2Y 1B6.

**DO GOVERN YOURSELVES ACCORDINGLY.**

Montréal, this February 23, 2018



---

**Fasken Martineau DuMoulin LLP**  
Attorneys for

800 Victoria Square, Suite 3700  
P.O. Box 242  
Montréal, Québec H4Z 1E9  
Fax number: +1 514 397 7600

**Mtre Philippe Charest-Beaudry**  
Phone number: +1 514 397 5298  
Email: pcbeaudry@fasken.com



C A N A D A

PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL

(Class Action)  
SUPERIOR COURT

N° : 500-06-000885-174

---

**DANIEL LI**

Applicant

v

**EQUIFAX INC.**

-and-

**EQUIFAX CANADA CO.**

Defendants

---

**LIST OF EXHIBITS  
(IN SUPPORT OF THE APPLICATION BY THE DEFENDANTS TO STAY THE  
CLASS ACTION)**

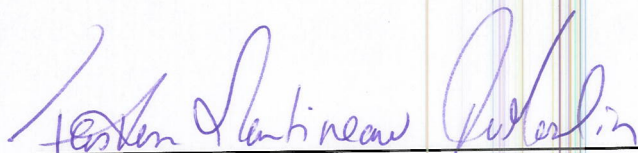
---

- Exhibit D-1A:** Statement of Claim, *Bethany Agnew-Americano v. Equifax Canada Co. and Equifax Inc.*, court file number CV-17-00582551-OOCP.
- Exhibit D-1B:** Amended Statement of Claim, *Bethany Agnew-Americano v. Equifax Canada Co. and Equifax Inc.*, court file number CV-17-00582551-OOCP.
- Exhibit D-2A:** Statement of Claim, *Laura Ballantine v. Equifax Inc., and Equifax Canada Co.* court file number CV-17-582506.
- Exhibit D-2B:** Amended Statement of Claim, *Adele Perisiol v. Equifax Inc., and Equifax Canada Co.* court file number CV-17-582506.
- Exhibit D-3A:** Statement of Claim, *Robert Dwight Johnson v. Equifax Inc. and Equifax Canada Co.*, court file number QBG 2290 of 2017.
- Exhibit D-3B:** Amended Statement of Claim, *Robert Dwight Johnson v. Equifax Inc. and Equifax Canada Co.*, court file number QBG 2290 of 2017.
- Exhibit D-4:** Notice of Civil Claim, *Yaseen Azam and Khyati Sujal Patel v. Equifax Inc. and Equifax Canada Co.*, court file number NEW-S-S-194558.



- Exhibit D-5:** Notice of Civil Claim, *Joshua Elliott Temple v. Equifax Inc. and Equifax Canada Co.*, court file number VLC-S-S-180347.
- Exhibit D-6:** Sworn Statement of Pavel Sergeyeve, signed on February 22, 2018.
- Exhibit D-7:** *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5.
- Exhibit D-8:** *Personal Information Protection Act*, SBC 2003, c 63.
- Exhibit D-9:** Sworn Statement of Marise Eilen Emerson, signed on February 22, 2018.
- Exhibit D-10:** *Province of Québec Exemption Order*, SOR/2003-374.
- Exhibit D-11:** British Columbia Exemption Order, SOR/2004-220.
- Exhibit D-12:** Canadian Bar Association's new *Canadian Judicial Protocol for the Management of MultiJurisdictional Class Actions and the Provision of Class Action Notice*.

Montréal, this February 23, 2018



**Fasken Martineau DuMoulin LLP**  
Attorneys for the Defendants Equifax Inc. and  
Equifax Canada Co

800 Victoria Square, Suite 3700  
P.O. Box 242  
Montréal, Québec H4Z 1E9  
Fax number: +1 514 397 7600

**Mtre Philippe Charest-Beaudry**  
Phone number: +1 514 397 5298  
Email: pcbeaudry@fasken.com



N° : 500-06-000885-174

PROVINCE OF QUEBEC  
SUPERIOR COURT  
DISTRICT OF MONTREAL  
LOCALITY OF MONTREAL

**DANIEL LI**

Applicant

v.

**EQUIFAX INC.**

-and-

**EQUIFAX CANADA CO**

Defendants

17203/312190.00001

BF1339

**APPLICATION BY THE DEFENDANTS TO  
STAY THE CLASS ACTION**  
(Articles 18 and 577 CCP  
and Article 3137 CCG)  
(Class Action)  
**AND EXHIBITS D-1 TO D-12**

**ORIGINAL**

**Fasken Martineau DuMoulin LLP**  
800 Victoria Square, Suite 3700  
P.O. Box 242  
Montréal, Quebec H4Z 1E9

**Me Philippe Charest-  
Beaudry**  
pcheaudry@fasken.com

Tél. +1 514 397 5298  
Fax: +1 514 397 7600