

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000940-185

DATE: January 16, 2019

BY: THE HONOURABLE THOMAS M. DAVIS, J.S.C.

SERGIO LIMA
Applicant
v.
GOOGLE LLC
Defendant

JUDGMENT OF TEMPORARY STAY

[1] **CONSIDERING** the *Joint Application to Temporarily Stay the Class Action*, whereby both parties are requesting that the class action filed by the Applicant, Sergio Lima, against the Defendant, Google LLC, (the “**Quebec Action**”) be temporarily stayed for a period ending sixty (60) days after the final certification judgment to be rendered in the BC Action;

[2] **CONSIDERING** the parallel class action commenced in British Columbia in *Warner and Kett v. Google LLC*, court docket number VLC-S-S-188927 (the “**BC Action**”) which raises the same issues and whose class definition includes the members of the Quebec Action;

[3] **CONSIDERING** that a case management conference took place on December 5, 2018 before Justice Peter Voith, who has been assigned to case manage the BC

Action, whereby the parties agreed that the next step would be delivery by the Plaintiffs of certification materials and the objective is to do so in February 2019;

[4] **CONSIDERING** that no procedural steps have been taken in the Quebec Action to date;

[5] **CONSIDERING** that the rights and interests of the Quebec class members will be protected;

[6] **CONSIDERING** that both parties and the Applicant agree that the Quebec Action should be stayed in favour of the BC Action;

[7] **CONSIDERING** that Counsel for the parties have undertaken to provide this Court with an update on the status of the BC Action on a semiannual basis, and to advise this Court within thirty (30) days of any significant development in the BC Action that may affect the course of the Quebec Action;

[8] **CONSIDERING** that a stay is consistent with the principles of proportionality and judicial economy and will avoid the risk of contradictory judgments and multiple proceedings;

FOR THESE REASONS, THE COURT:

[9] **GRANTS** the *Joint Application to Temporarily Stay the Class Action*;

[10] **STAYS** any and all proceedings related to the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* for a period ending 60 days after the final certification judgment to be rendered in the BC Action (court docket number VLC-S-S-188927), or such later date as may be further ordered by the Court or as requested by the parties;

[11] **PRAYS ACT** of the parties' undertaking to provide this Court with an update on the status of the BC Action on a semiannual basis, and to advise this Court within thirty (30) days of any significant development in the BC Action that may affect the course of the Quebec Action, and **ORDERS** the parties to comply with said undertaking;

[12] **WITHOUT COSTS.**



THOMAS M. DAVIS, J.S.C.

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