

# SUPERIOR COURT

(Class Actions)

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

No: 500-06-000816-161

DATE: May 1, 2019

---

**BEFORE THE HONOURABLE GREGORY MOORE, J.S.C.**

---

**OPTION CONSOMMATEURS**

Plaintiff

and

**CHANTAL GAGNON**

Designated member

v.

**SAMSUNG ELECTRONICS CANADA INC.**

and

**SAMSUNG ELECTRONICS CO., LTD.**

Defendants

---

COMMUNICATION ORDER

---

- [1] **WHEREAS** counsel signed a case protocol on November 13, 2018;
- [2] **WHEREAS** Schedule A to the case protocol is a list of documents/real evidence that the plaintiff wishes to obtain from the defendants;

JM2711

500-00-006477-193

- [3] **WHEREAS** the defendants are prepared to communicate certain documents listed at Schedule A without waiving their rights to object to further document production;
- [4] **WHEREAS** the plaintiff is prepared to accept those documents without waiving its right to obtain all of the documents listed at Schedule A, or any other documents, at a later stage in the proceedings;
- [5] **CONSIDERING** the Confidentiality Order issued by this Court on May 1, 2019 that applies to the documents to be communicated pursuant to this Communication Order;
- [6] **CONSIDERING** that some documents requested by the plaintiff may contain personal information concerning consumers or third parties that may be subject to privacy laws;
- [7] **CONSIDERING** the representations by counsel for each party;

**FOR THESE REASONS, THE COURT:**

- [8] **ORDERS** the defendants to communicate to the plaintiff the following documents and/or Information, on or before June 14, 2019:
- A. A 3D CAD drawing for each recalled Washer model;
  - B. Advertising and promotional materials that the defendants have in their records and that they published or distributed to consumers in Quebec related to the Washers;
  - C. Marketing and promotional material that the defendants have in their records and that they distributed to their retailers for intended publication or distribution by the retailers in Quebec;
  - D. Communications related to the recall that were published or distributed by Samsung Electronics Canada Inc. in Quebec and intended for general distribution to class members, which include:
    - a. Letters for general distribution that were prepared and sent by Samsung Electronics Canada Inc. to customers who directly registered with Samsung Electronics Canada Inc.;
    - b. Letters for general distribution that were prepared and sent by Samsung Electronics Canada Inc. to customers for whom contact information was provided to Samsung Electronics Canada Inc. by retailers;

- c. Letters for general distribution that were prepared by Samsung Electronics Canada Inc. and sent to customers on Samsung Electronics Canada Inc.'s behalf by third party mailing agents, in instances where the retailers would not provide Samsung Electronics Canada Inc. with customer contact information;
  - d. Letters for general distribution for Sears customers.
  - e. A communication about the recall that was ultimately distributed by Costco to Costco members; and
  - f. Press releases, public-facing statements, and website content accessible to consumers;
  - E. Communication documents related to the recall that were published or distributed by the defendants and intended for general distribution to retailers doing business in Quebec.
  - F. Copies of the repair manuals that were provided to technicians to repair the Washers for each recalled Washer model, which includes diagrams of the repairs and components used in the repair;
  - G. Copy of a recall rebate chart that identifies the entitlement of individual consumers based upon the model and date of purchase;
  - H. A record identifying where Samsung Electronics Canada Inc. delivered the top load Washers that it sold in Canada; and
- [9] **ORDERS** that the disclosure of any document or Information communicated pursuant to this order shall respect the terms of the Confidentiality Order issued by this Court on May 1, 2019;

[10] **WITHOUT LEGAL COSTS.**

  
\_\_\_\_\_  
GREGORY MOORE, J.S.C.

Me Jean-Philippe Lincourt  
Me Daniel Belleau  
Me Mélissa Bazin  
BELLEAU LAPOINTE  
Attorneys for the plaintiff and for the designated member

500-06-000816-161

PAGE 4

Me Éric Vallières  
Me Sydney Elbaz  
Me Gabrielle Lachance-Touchette  
Me Joséane Chrétien  
MCMILLAN  
Attorneys for the defendants

Hearing dates: April 2 and 26, 2019