

C A N A D A

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

S U P E R I O R C O U R T  
(Class Action)

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NO: 500-06-000754-156

STEVE ABIHSIRA

Representative Plaintiff

-vs-

RAZORGATOR INC.  
ET ALS.

Defendants

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APPLICATION FOR PERMISSION TO DISCONTINUE THE PUTATIVE CLASS  
ACTION AGAINST RAZORGATOR, INC.  
(ARTICLES 213 AND 585 C.C.P.)

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TO THE HONOURABLE PIERRE-C. GAGNON, J.S.C., DESIGNATED JUDGE FOR  
THIS CLASS ACTION, THE REPRESENTATIVE PLAINTIFF STATES AS FOLLOWS:

I. INTRODUCTION

1. On August 25<sup>th</sup>, 2015, the Representative Plaintiff filed his *Motion to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative* against several Defendants, including Razorgator, Inc. (the “**Application**”);
2. On October 5<sup>th</sup>, 2015, Razorgator filed its Appearance, as it appears from the Court record;
3. Since the filing of its Appearance, Razorgator has not filed any proceedings in the present class action;
4. On August 31<sup>st</sup>, 2018, counsel for Razorgator informed the Court of Appeal that Razorgator was “*faillie*”, as it appears from **Annex D-1**;
5. The Representative Plaintiff has not signed and will not sign any release, discharge or transaction agreement in favour of Razorgator;
6. In light of the foregoing, it is not in the best interest of the putative class members or in the interest of justice to continue the Application against Razorgator and a discontinuance is appropriate;

7. The discontinuance for which authorization is being requested is more fully set out in the "Discontinuance", enclosed herewith as **Annex D-2**;
8. The Representative Plaintiff agrees to file a public notice of discontinuance by filing it to the Class Action Registry, which is proportionate and reasonable given the circumstances.

**FOR THESE REASONS, MAY IT PLEASE THE COURT:**

**GRANT** the present application;

**AUTHORIZE** the Representative Plaintiff to discontinue the action against Defendant Razorgator, Inc., without costs;

**ORDER** the Representative Plaintiff to ensure that a copy of the discontinuance be published on the Class Action Registry;

**ORDER** the Representative Plaintiff to file said discontinuance within ten (10) days following the date of the judgment to be rendered on the present application;

**THE WHOLE** without legal costs.

Montreal, January 24, 2020

*(s) LPC Avocat Inc.*

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**LPC AVOCAT INC.**

**PER: ME JOEY ZUKRAN**

Attorney for Representative Plaintiff

## **ANNEX D-1**

## Joey Zukran

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**Subject:** RE: C.A. 500-09-027634-187 (Abihisira c. Johnston)  
**Date:** Friday, August 31, 2018 at 4:13:35 PM GMT-04:00  
**From:** Karim Renno <krenno@renvath.com>  
**To:** Julie Devroede <julie.devroede@judex.qc.ca>, Frédéric Houle <frederic.houle@justice.gouv.qc.ca>, Frikia Belogbi <frikia.belogbi@justice.gouv.qc.ca>  
**CC:** pablo.guzman@dlapiper.com <pablo.guzman@dlapiper.com>, tania.dasilva@dlapiper.com <tania.dasilva@dlapiper.com>, bamyot@lcm.ca <bamyot@lcm.ca>, jzukran@lpclex.com <jzukran@lpclex.com>, lbambara@millerthomson.com <lbambara@millerthomson.com>, charles-antoine.peladeau@nortonrosefulbright.com <charles-antoine.peladeau@nortonrosefulbright.com>, eric.dunberry@nortonrosefulbright.com <eric.dunberry@nortonrosefulbright.com>, francois-david.pare@nortonrosefulbright.com <francois-david.pare@nortonrosefulbright.com>, jfforget@stikeman.com <jfforget@stikeman.com>, ymartineau@stikeman.com <ymartineau@stikeman.com>, bruce@tjl.quebec <bruce@tjl.quebec>, crichter@torys.com <crichter@torys.com>, jcrowe@woods.qc.ca <jcrowe@woods.qc.ca>, mldelisle@woods.qc.ca <mldelisle@woods.qc.ca>

**Attachments:** image001.jpg

Chère Me Devroede,

Notre cliente est faillie, de sorte que nous ne participerons pas aux procédures devant la Cour d'appel.

Salutations distinguées,

**Karim Renno**



**RENNO & VATHILAKIS**  
AVOCATS - LAWYERS

**RENNO VATHILAKIS INC.**

145 St-Pierre, bureau 201

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[krenno@renvath.com](mailto:krenno@renvath.com)

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**De :** Julie Devroede <julie.devroede@judex.qc.ca>

**Envoyé :** Monday, August 20, 2018 9:00 AM

**À :** Frédéric Houle <frederic.houle@justice.gouv.qc.ca>; Frikia Belogbi <frikia.belogbi@justice.gouv.qc.ca>; Karim Renno <krenno@renvath.com>

**Cc :** pablo.guzman@dlapiper.com; tania.dasilva@dlapiper.com; bamyot@lcm.ca; jzukran@lpclex.com; lbambara@millerthomson.com; charles-antoine.peladeau@nortonrosefulbright.com; eric.dunberry@nortonrosefulbright.com; francois-david.pare@nortonrosefulbright.com; jfforget@stikeman.com; ymartineau@stikeman.com; bruce@tjl.quebec; crichter@torys.com;

jcrowe@woods.qc.ca; mldelisle@woods.qc.ca

**Objet** : C.A. 500-09-027634-187 (Abihisira c. Johnston)

Maître Renno,  
Maître Belogbi,  
Maître Houle,

Nous constatons que vous n'avez pas déposé d'acte de représentation dans le dossier en objet. À titre d'information et afin d'éviter tout problème lors du dépôt de vos exposés, je vous invite à prendre connaissance de l'article 30 du *Règlement de procédure civile* de la Cour d'appel:

**30.** *Défaut de déposer un acte de représentation (art. 358).* Si une partie est en défaut de déposer un acte de représentation par avocat (*ou de non-représentation*), elle ne peut déposer aucun autre acte de procédure au dossier.

L'appel procède en son absence.

Le greffier n'est tenu de lui notifier aucun avis.

Si l'acte est déposé en retard, le greffier l'accepte aux conditions qu'il détermine.

Meilleures salutations,

**Julie Devroede, avocate**

**LL.B., LL.M., D.E.S.S.ci.**

Coordonnatrice juridique adjointe

Cour d'appel du Québec

100 rue Notre-Dame Est, bureau RC.28

Montréal (Québec) H2Y 4B6

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## **ANNEX D-2**

**C A N A D A**

**PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL**

**NO: 500-06-000754-156**

**S U P E R I O R C O U R T  
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**STEVE ABIHSIRA**

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-vs-

**RAZORGATOR INC.  
ET ALS.**

Defendants

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**DISCONTINUANCE**  
(art. 213 C.C.P.)

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The Representative Plaintiff, Steve Abihisira, through his counsel, discontinues the whole of the judicial application against Defendant Razorgator, Inc., without costs.

Montreal, \_\_\_\_\_, 2020

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**LPC AVOCAT INC.**  
**PER: ME JOEY ZUKRAN**  
Attorney for Representative Plaintiff

500-06-000754-156

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(Class Action)  
SUPERIOR COURT  
DISTRICT OF MONTREAL

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**STEVE ABIHSIRA**

Representative Plaintiff

v.

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Defendants

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**APPLICATION FOR PERMISSION TO DISCONTINUE THE PUTATIVE  
CLASS ACTION AGAINST RAZORGATOR, INC.**  
(ARTICLES 213 AND 585 C.C.P.)

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**ORIGINAL**

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**BL 6059**

N/D : JZ-103

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