

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Class Action)

NO: 500-06-000824-165

ANTONIO BRAMANTE

Representative Plaintiff

-VS-

LES RESTAURANTS MCDONALD DU
CANADA LIMITÉE

Defendant

APPLICATION TO MODIFY THE CLASS DEFINITION
(Articles 25, 49 and 588 al. 2 C.C.P.)

TO THE HONOURABLE THOMAS M. DAVIS OF THE SUPERIOR COURT OF QUEBEC, ACTING AS THE DESIGNATED JUDGE IN THE PRESENT CASE, THE REPRESENTATIVE PLAINTIFF SUBMITS THE FOLLOWING:

1. The purpose of this application is to modify the class definition pursuant to article 588 al. 2. C.C.P., so that it has an April 15, 2020 “end date” that is consistent with the Class Period as defined in the settlement agreement signed by the parties (see clause 1(f) of the agreement previously filed as Exhibit M-1);
2. The inclusion of the April 15, 2020 end date is also consistent with the notices approved by the Court on January 27, 2020;
3. Article 588 al. 2 CCP allows the Court to modify the Class at any time “*if circumstances so require*”;
4. Given that pursuant to the executed settlement agreement the Class definition now has a defined start and end date, it is appropriate that these dates be reflected in the Class definition as follows:

English:

Every consumer pursuant to the Québec *Consumer Protection Act* who, from November 15th, 2013 to April 15th, 2020 purchased in Québec for a child under 13 years of age then present inside a

McDonald's restaurant, a toy or Happy Meal, during an advertising campaign directed at children taking place inside the restaurant.

French:

Tout consommateur au sens de *la Loi sur la protection du consommateur* du Québec qui, entre le 15 novembre 2013 et le 15 avril 2020, a acheté au Québec pour un enfant de moins de 13 ans alors présent dans un restaurant McDonald, un jouet ou un Joyeux festin, durant une campagne publicitaire destinée aux enfants à l'intérieur de tel magasin.

5. The start date of November 15, 2013 is three years prior to the institution of proceedings on November 15, 2016; the end date of April 15, 2020 was agreed to by the parties because it coincides with the date by which McDonald's must publish the notices on the front entrances of their restaurants in Quebec and close to the deadline for the practice change date provided for at section 10 of the agreement.
6. The present application is in the interests of justice and of the Class Members, and respects the principle of proportionality.

PAR CES MOTIFS, PLAISE AU TRIBUNAL :	FOR THESE REASONS, MAY IT PLEASE THE COURT TO:
[1] MODIFIER la définition du groupe pour lire comme suit: « Tout consommateur au sens de la Loi sur la protection du consommateur du Québec qui, entre le 15 novembre 2013 et le 15 avril 2020, a acheté au Québec pour un enfant de moins de 13 ans alors présent dans un restaurant McDonald, un jouet ou un Joyeux festin, durant une campagne publicitaire destinée aux enfants à l'intérieur de tel magasin. »	[1] MODIFY the Class definition to read as follows: “Every consumer pursuant to the Québec <i>Consumer Protection Act</i> who, from November 15 th , 2013 to April 15 th , 2020 purchased in Québec for a child under 13 years of age then present inside a McDonald's restaurant, a toy or Happy Meal, during an advertising campaign directed at children taking place inside the restaurant.”
[2] LE TOUT , sans frais de justice.	[2] THE WHOLE , without legal costs.

Montreal, February 19, 2020

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Per: Mtre. Joey Zukran

Attorney for Representative Plaintiff

NOTICE OF PRESENTATION

TO: Mes Catherine McKenzie and Doug Mitchell
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Attorneys for McDonald's Restaurants of Canada Limited

TAKE NOTICE that the present *Application to Modify the Class Description* shall be presented for adjudication before the Honourable Thomas M. Davis, J.S.C., on **a date and time to be determined**, at the Montreal Courthouse, situated at 1 Notre-Dame Street East, Montréal (Quebec), H2Y 1B6, in a room to be determined by the Court.

Montreal, February 19, 2020

(s) LPC Avocat Inc.

LPC AVOCAT INC.

Per: Mtre. Joey Zukran

Attorney for Representative Plaintiff

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ORIGINAL

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