

CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

(Class Action Division)
SUPERIOR COURT

NO: 500-06-000870-176

SHAY ABICIDAN

Applicant

-vs-

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

ET ALS.

Defendants

**APPLICATION FOR PERMISSION TO DISCONTINUE THE PUTATIVE CLASS
ACTION AGAINST JP MORGAN CHASE BANK, NATIONAL ASSOCIATION
(ARTICLES 206, 213 AND 585 C.C.P.)**

**TO THE HONOURABLE PIERRE-C. GAGNON, J.S.C., DESIGNATED JUDGE IN THE
PRESENT CASE, YOUR APPLICANTS STATE AS FOLLOWS:**

1. On July 15, 2020, Defendant JPMorgan Chase Bank, National Association ("JPMC") provided the undersigned counsel with the affidavit signed by Melanie E. Hill, Executive Director at JPMC, communicated herewith as **Exhibit R-1**;
2. Melanie E. Hill made the following notable allegations in her affidavit:
 4. While JPMC's Canadian Marriott Rewards Premier Visa Credit Card is no longer offered by JPMC, it was not possible since July 4th, 2013 to "downgrade" from this credit card contract with annual fees to the same credit card contract with no annual fees.
 - ...
 6. The Amazon.ca Rewards Visa Card and the Sears MasterCard are completely different and distinct from the Marriott Rewards Premier Visa Credit Card and do not provide the cardholder with the same benefits and options.
3. In light of the above, the Applicant's theory of the case with respect to the NOBR does not apply to JPMC and he concedes that the criterion of article 575 (2) C.C.P. cannot be satisfied as against JPMC and that a discontinuance is appropriate;

4. The Applicant therefore requests that the Court allow him to discontinue the action against JPMC, which accept such a discontinuance without costs;
5. The Applicant has not signed and will not sign any release, discharge or transaction agreement in favour of JPMC in relation to the discontinuance;
6. Class counsel agrees to publish the judgment to be rendered on this application as follows:
 - a) by filing it to the Class Action Registry; and
 - b) by posting it on Class Counsel's website www.lpclex.com, in the section titled "Action collective contre les frais annuels des cartes de crédit" / « Credit Card Annual Fees Class Action », for 6 months from the date of judgment;
7. The discontinuance for which authorization is being requested is more fully set out in the "Discontinuance", enclosed herewith as **Exhibit R-2**.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present application;

AUTHORIZE the Applicant to discontinue the action against JPMorgan Chase Bank, National Association without costs and to file the discontinuance enclosed herewith as Exhibit R-2 in the Court record within 10 days of the judgment to be rendered herein;

ORDER the Applicant to ensure that a copy of the discontinuance be published within 10 days of the judgment to be rendered herein as follows:

(a) on the Class Action Registry; and

(b) by posting it on Class Counsel's website www.lpclex.com, in the section titled "Action collective contre les frais annuels des cartes de credit" / "Credit Card Annual Fees Class Action", for 6 months from the date of judgment;

THE WHOLE without legal costs.

Montreal, July 17, 2020

(s) LPC Avocat inc.

LPC AVOCAT INC.

MTRE JOEY ZUKRAN

Attorney for Applicant

Exhibit R-2

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DISCONTINUANCE
(AS AGAINST JPMORGAN CHASE BANK, NATIONAL ASSOCIATION ONLY)
(art. 213 C.C.P.)

The Applicant, through his counsel, discontinues the current judicial application against JPMorgan Chase Bank, National Association only, which accepts the discontinuance without costs.

Montreal, July ●, 2020

LPC AVOCAT INC.
MTRE JOEY ZUKRAN
Attorney for Applicant

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ORIGINAL

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