

SUPERIOR COURT
(Class Actions)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N°: 500-06-001016-191

DATE : October 6th, 2020

PRESIDING THE HONOURABLE CHANTAL TREMBLAY, J.S.C.

OPTION CONSOMMATEURS

Plaintiff

and

GUILLAUME ROUSSEAU

Designated Person

v.

2642-0398 QUÉBEC INC. faisant affaires sous le nom Autoplateau Location
and

9007-3529 QUÉBEC INC. faisant affaires sous le nom autorentacanada.com
and

BUDGETAUTO INC.

and

AVISCAR INC.

and

**2313-7292 QUÉBEC INC. faisant affaires sous les noms Discount Location
d'Autos et Camions et Via Route**

and

**L'ÉQUIPE DANY SÉVIGNY INC. faisant affaires sous les noms de Discount
Location d'Autos et Camions et Via Route Sherbrooke**

and

ALAMO RENTAL (CN) INC.

and

**LA COMPAGNIE DE LOCATION D'AUTOS ENTERPRISE CANADA faisant affaires
sous les noms de National Location d'Autos et Alamo Locations d'Autos**

and

NATIONAL RENTAL (CN) INC.
and
HERTZ CANADA VEHICLES PARTNERSHIP
and
HERTZ CANADA LIMITED
and
9093-4233 QUÉBEC INC. faisant affaires sous le nom Globe Car
and
GLOBE LOCATION D'AUTOS ET CAMIONS INC.
and
DOLLAR THRIFTY AUTOMOTIVE GROUP CANADA INC.
Defendants

**JUDGMENT ON DEFENDANTS HERTZ CANADA LIMITED AND DOLLAR THRIFTY
AUTOMOTIVE GROUP CANADA INC.'S APPLICATION FOR A STAY OF
PROCEEDINGS**

[1] **CONSIDERING** that on August 16, 2019, the Plaintiff Option Consommateurs filed an Application to Authorize the Bringing of a Class Action, which was later amended on December 30, 2019, and August 28, 2020;

[2] **CONSIDERING** that on May 22, 2020, The Hertz Corporation and certain of its U.S. and Canadian subsidiaries including, inter alia, Hertz Canada Limited ("**Hertz Canada**") and Dollar Thrifty Automotive Group Canada Inc. ("**Thrifty**") which are defendants in the present instance, filed voluntary petitions for reorganization under Chapter 11 of the title 11 of the United States Code in the United States Bankruptcy Court for the District of Delaware;

[3] **CONSIDERING** that pursuant to section 362(a) of this Code, the commencement of proceedings under the Chapter 11 operates as an automatic worldwide stay of, among other things, "the commencement or continuation, including the issuance or employment of process, of a judicial, administrative or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title";

[4] **CONSIDERING** that such stay has also been confirmed by the United States Bankruptcy Court for the District of Delaware which entered an *Order Confirming, Restating, and Enforcing the Worldwide Automatic Stay, Anti-Discrimination Provisions, and Ipso Facto Protections of the Bankruptcy Code*, on May 27, 2020, which provides the following:

2. Pursuant to and to the extent set forth in section 362 of the Bankruptcy Code, the commencement of these Chapter 11 Cases shall operate as a stay, applicable to all persons (including individuals, partnerships, corporations, and other entities and all those acting on their behalf) and all foreign and domestic governmental units (and all those acting on their behalf) of:

a) The commencement or continuation (including the issuance or employment of process) of a judicial, administrative, or other action or proceeding against the Debtors that was or could have been commenced before the commencement of the Debtors' Chapter 11 Cases or to recover a claim against the Debtors that arose before the commencement of the Debtors' Chapter 11 Cases; [...]

[5] **CONSIDERING** that for the above-mentioned reasons, Defendants Hertz Canada and Dollar filed on August 31, 2020, an Application to stay the present proceedings in accordance with the Order of the United States Bankruptcy Court for the District of Delaware and the United States Code;

[6] **CONSIDERING** that such Application is not contested by Plaintiff;

[7] **CONSIDERING** the representations of the parties;

[8] **CONSIDERING** Article 49 of the Code of civil procedure.

FOR THESE REASONS, THE COURT:

[9] **GRANTS** the Application by Defendants Hertz Canada Limited and Dollar Thrifty Automotive Group Canada Inc. for a stay of proceedings;

[10] **STAYS** the Application to Authorize the Bringing of a Class Action (modified as of December 30, 2019) against Hertz Canada Limited and Dollar Thrifty Automotive Group Canada Inc. until the lifting of the stay ordered by the United States Bankruptcy Court for the District of Delaware in case number 20-11218 (MFW);

[11] **THE WHOLE** without legal costs.


CHANTAL TREMBLAY, J.S.C.

Mtre. Marie-Anaïs Sauvé
Mtre. Charlotte Servant-L'Heureux
SYLVESTRE PINCHAUD ET ASSOCIÉS, S.E.N.C.R.L.
Plaintiff and Designated Person's Attorney

Mtre. Érika Chadeed
DENTONS CANADA S.E.N.C.R.L.
Aviscar Inc. and Budgetauto Inc.'s Attorney
Mtre. Julien Hynes-Gagné
OSLER, HOSKIN & HARCOURT S.E.N.C.R.L./S.R.L.
Alamo Rental (CN) Inc., Compagnie de location d'autos Entreprises Canada
doing business also under the names National location d'autos and
Alamo location d'autos et National Rental (CN) Inc.'s Attorney

Mtre. Yves Martineau
STIKEMAN ELLIOTT S.E.N.C.R.L.
Hertz Canada Vehicles Partnership, Hertz Canada Limited
and Dollar Thrifty Automobile Groupe Canada's Attorney

Hearing date : September 17, 2020