

**SUPERIOR COURT
(Class Action Division)**

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000876-173

DATE: November 23, 2020

BY THE HONOURABLE SUZANNE COURCHESNE, J.S.C.

NICK BOUNTOUNIS

and

IDAN ALON

Applicants

v.

VOLKSWAGEN GROUP CANADA INC.

and

VOLKSWAGEN GROUP OF AMERICA INC.

and

VOLKSWAGEN AG

and

DAIMLER AG

and

DAIMLER TRUCKS CANADA LTD.

and

DAIMLER TRUCKS NORTH AMERICA LLC

and

BMW CANADA INC.

and

BMW OF NORTH AMERICA, LLC

and

BMW MANUFACTURING CO., LLC

and

BAYERISCHE MOTOREN WERKE AG

Defendants

JUDGMENT
(ON AN APPLICATION TO MODIFY THE CLASS DESCRIPTION AND TO
TEMPORARILY STAY THE CLASS ACTION)

[1] **CONSIDERING** the Applicants' Application to Modify the Class Description and to Temporarily Stay the Class Action (the "Application"), whereby the Applicants request to limit the class description to Quebec residents only and that the class action they filed against the Defendants be temporarily stayed until the European Commission (Competition) releases its report in case no. 40178;

[2] **CONSIDERING** that the Defendants do not oppose the Applicants' Application, it being agreed and understood that the Defendants do not thereby waive any procedural or substantive rights when the stay is lifted;

[3] **CONSIDERING** that the Court is satisfied that the Applicants' Application has regard for the protection of the rights and interests of Quebec residents;

[4] **CONSIDERING** that the requested stay is consistent with the principles of proportionality and judicial economy;

[5] **CONSIDERING** articles 18, 49, 157, 577 and 585 C.C.P.;

[6] **CONSIDERING** that Class Counsel has undertaken to provide this Court with an update on the status of the European Commission's investigation on a semi-annual basis, and to advise this Court within 30 days of any significant development in the investigation that may affect the course of this class action;

[7] **CONSIDERING** the submissions of counsel for the Applicants and counsel for the Defendants and the representations made on all sides;

PAR CES MOTIFS, LE TRIBUNAL :	FOR THESE REASONS, THE COURT:
[8] ACCUEILLE la demande ;	[8] GRANTS the present Application;
[9] AUTORISE les demandeurs à modifier la description du groupe pour qu'elle se lise comme suit : « Toutes les personnes, entités, sociétés ou organisations résidant au Québec qui ont acheté et/ou loué un ou plusieurs des	[9] AUTHORIZES the Applicants to amend the class description to read as follows: "All persons, entities, partnerships or organizations resident in Quebec who purchased and/or leased one or more of the Defendants' Vehicles that were part of

véhicules des défenderesses qui faisaient partie du cartel automobile allemand, ou tout autre groupe à déterminer par le tribunal; ».	the German Car Cartel, or any other group to be determined by the Court;”
[10] SUSPENDS la présente action jusqu'à ce qu'une décision finale soit rendue par la Commission européenne (Concurrence) dans le dossier no. 40178, ou plus tôt, tel qui pourra être demandé ultérieurement par les demandeurs ou ordonné par le Tribunal ;	[10] STAYS the present action until a final decision is rendered in European Commission (Competition) case no. 40178, or earlier as may be subsequently requested by the Applicants or ordered by the Court;
[11] ORDONNE aux demandeurs de s'assurer qu'une copie du présent jugement soit publiée comme suit jusqu'à la levée de la suspension : (a) sur le Registre des actions collectives; et (b) sur le site Web des procureurs du groupe https://lpclex.com/fr/german-car-cartel-class-action/ .	[11] ORDERS the Applicants to ensure that a copy of this judgment be published as follows until the stay is lifted: (a) on the Class Action Registry; and (b) on Class Counsel's website https://lpclex.com/german-car-cartel-class-action/).
[12] PREND ACTE de l'engagement des avocats du groupe de fournir au Tribunal une mise à jour sur l'état de l'enquête de la Commission européenne dans le dossier no. 40178 sur une base biannuelle, et d'aviser le Tribunal dans les 30 jours de tout développement important dans l'enquête qui pourrait affecter le déroulement de cette action collective ;	[12] TAKES ACT of Class Counsel's undertaking to provide this Court with an update on the status of the European Commission's investigation in case no. 40178 on a semi-annual basis, and to advise this Court within 30 days of any significant development in the investigation that may affect the course of this class action;
[13] LE TOUT , sans frais de justice.	[13] THE WHOLE , without legal costs.



 SUZANNE COURCHESNE, S.C.J.

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