

SUPERIOR COURT
(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N° : 500-06-001101-209

DATE : January 6, 2021

BY THE HONOURABLE CHANTAL CHATELAIN, J.S.C.

ALAIN HAYON
Applicant

v.

RECOCHEM INC.
Defendant

JUDGMENT
(Temporary Stay)

[1] **CONSIDERING** the Applicant's *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* filed on November 13, 2020, on behalf of the following class:

All legal and natural persons who, from or before 2000 until present, purchased Paint Thinners, Varsol or Mineral Spirits produced by Recochem.

[2] **CONSIDERING** the Applicant's *Application to Temporarily Stay the Class Action* (the "Application"), whereby the Applicant requests that the class action he filed against the Defendant Recochem Inc. (**the Québec Action**) be temporarily stayed until a final certification judgment is rendered in Court docket number VLC-S-S-2012015 of the Supreme Court of British Columbia (**the B.C. Action**);

[3] **CONSIDERING** that the B.C. Action was filed prior to the Québec Action, that both actions raise the same legal and factual issues and that the members of the Québec Action are included in the class definition of the B.C. Action;

[4] **CONSIDERING** that class counsel for the Québec Action alleges to be part of a consortium with class counsel for the B.C. Action and are cooperating to advance this case as a national class action before the Supreme Court of British Columbia;

[5] **CONSIDERING** that no procedural steps have been taken in the Québec Action to date;

[6] **CONSIDERING** that the Court is satisfied that the rights and interests of the Québec class members will be protected in the B.C. Action and that Québec class counsel will keep Québec class members and the Court informed of all important developments in the B.C. Action;

[7] **CONSIDERING** that class counsel has undertaken to provide this Court with an update on the status of the B.C. Action on a semi-annual basis and to advise this Court within thirty (30) days of any significant development in the B.C. Action that may affect the course of the Québec Action or the rights of Québec class members;

[8] **CONSIDERING** that a stay is consistent with the principles of proportionality and judicial economy and will avoid the risk of contradictory judgments and multiple proceedings;

[9] **CONSIDERING** the consent of the Defendant;

[10] **CONSIDERING** articles 18, 49, 158 and 577 C.C.P.¹

PAR CES MOTIFS, LE TRIBUNAL :	FOR THESE REASONS, THE COURT:
[1] ACCUEILLE la demande de suspension;	[1] GRANTS the Application to temporarily stay the class action;
[2] SUSPEND la présente action jusqu'à ce qu'un jugement définitif soit rendu dans l'action collective déposée par Maciej Siwocha devant la Cour suprême de la Colombie-Britannique, dossier numéro VLC-S-S-2012015, ou plus tôt, si requis par l'une ou l'autre des parties ou ordonné par le Tribunal;	[2] STAYS the present action until a final judgment is rendered in the putative class action filed by Maciej Siwocha before the Supreme Court of British Columbia in Court docket number VLC-S-S-2012015, or earlier as may be requested by any of the parties or ordered by the Court;
[3] ORDONNE à l'avocat du requérant de fournir au Tribunal une mise à jour tous les six mois de l'état de l'action en Colombie-Britannique et d'aviser le	[3] ORDERS counsel for the Applicant to provide this Court with an update on the status of the B.C. Action every six months, and to advise this Court within 30 days of

¹ *FCA Canada inc. c. Garage Poirier & Poirier inc.*, 2019 QCCA 2213.

Tribunal dans les 30 jours de tout développement important qui pourrait affecter l'action québécoise;	any significant development that may affect the course of the Québec Action;
[4] RÉSERVE la discrétion du Tribunal de lever cette suspension sur demande ou d'office si les circonstances le justifient;	[4] RESERVES the jurisdiction of the Court to lift this suspension on request or on its own initiative if the circumstances so warrant;
[5] SANS FRAIS DE JUSTICE.	[5] WITHOUT LEGAL COSTS.

CHANTAL CHATELAIN, J.S.C.

M^e Joey Zukran
LPC AVOCAT INC.
Attorneys for the Applicant

M^e Eric C. Lefebvre
NORTON ROSE FULBRIGHT CANADA S.E.N.C.R.L.,S.R.L.
Attorneys for Defendant

Date of hearing based on the record: January 5, 2021