

**SUPERIOR COURT**

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

No: 500-06-000961-181

DATE: January 29, 2021

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**PRESIDING: THE HONOURABLE THOMAS M. DAVIS, J.S.C.**

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**STUART THIEL**

and

**BRIANNA THICKE**

Applicants

v.

**FACEBOOK, INC.**

and

**FACEBOOK CANADA, INC.**

Defendants

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**JUDGMENT ON AN APPLICATION FOR PERMISSION TO AMEND THE  
APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND TO  
DISCONTINUE THE APPLICATION AGAINST ONE OF THE DEFENDANTS**

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- [1] **CONSIDERING** the *Application for Permission to Amend the Application for Authorization to Institute a Class Action and to Discontinue the Application Against One of the Defendants* (the **Application to Amend**) as well as Exhibit R-1 in support of that application;
- [2] **CONSIDERING** that on December 19, 2018, the Applicants filed an application to authorize a class action against the Defendants, Facebook Inc. and Facebook Canada Ltd. on behalf of the following group:

all persons in Quebec whose Facebook account data commencing in 2010 and ongoing was sold to third parties by the defendants without Class Members' consent, or who

gained access to Class Members account data through exemptions from the defendants' privacy rules.

or such other class definition as may be approved by the Court.

- [3] **CONSIDERING** that after a review of the file by class counsel, the Applicants sought to amend the Application for Authorization to Institute a Class Action and to Obtain the Status of Representative in accordance with Exhibit R-1, and in order to:
- a. Provide additional factual context and exhibits in support of the application for authorization;
  - b. Modify the definition of the proposed class to better reflect the factual allegations;
  - c. Reduce, simplify and clarify the causes of action and common questions in relation to the civil law of Quebec;
  - d. Remove the claims for compensatory damages; and
  - e. Discontinue the claim against one of the two defendants;
- [4] **CONSIDERING** that the proposed modifications are in the best interests of potential class members;
- [5] **CONSIDERING** that the proposed modifications are in the best interests of justice and in accordance with the principle of proportionality under the governing principles of civil procedure;
- [6] **CONSIDERING** that the Application to Amend is not contested by the defendants;


**FOR THESE REASONS, THE COURT:**

- [7] **GRANTS** the Application for Permission to Amend the Application for Authorization to Institute a Class Action and to Discontinue the Action Against One of the Defendants;
- [8] **AUTHORIZES** the Applicants to discontinue their application for authorization of a class action with regard to the Defendant Facebook Canada Ltd.;
- [9] **AUTHORIZES** the said discontinuance to be filed with the Court in the 10 days following the date of the present judgment without any formality other than

publication of the discontinuance in the Registre des actions collectives, as established by the Superior Court in accordance with article 573 C.P.C.;

[10] **AUTHORIZES** the Applicants to amend their Application for Authorization to Institute a Class Action and to Obtain the Status of Representative as set forth in the amended application communicated as Exhibit R-1;

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



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**THOMAS M. DAVIS, J.S.C.**

Mtre Lex Gill  
Mtre André Lespérance  
Mtre Mathieu Charest-Beaudry  
TRUDEL JOHNSTON & LESPÉRANCE

Mr. Ted Charney  
CHARNEY LAWYERS

**Lawyers for the Applicants**

Mtre Éric Préfontaine  
Mtre Jessica Harding  
OSLER, HOSKIN & HARCOURT LLP

**Lawyers for the Defendants**

Judgment rendered without a hearing