

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No: 500-06-001088-208

DATE: March 17, 2021

PRESENT: THE HONOURABLE PIERRE-C. GAGNON, J.S.C.

LESLIE HAND
Applicant

v.

DENSO INTERNATIONAL AMERICA, INC.
and
DENSO SALES CANADA, INC.
and
DENSO MANUFACTURING CANADA INC.
and
TOYOTA CANADA INC.
and
HONDA CANADA INC.
and
SUBARU CANADA, INC.
Defendants

JUDGMENT ON PARTIAL DISCONTINUANCE

[1] On July 24, 2020, the Applicant filed an Application to Authorize the Bringing of a Class Action and to Appoint the Applicant as Representative (the "AforA") on behalf of the following class:

“All persons, entities, or organizations resident in Quebec who purchased and/or leased a Subject Vehicle equipped with a fuel pump designed and manufactured by DENSO, or any other group to be determined by the Court.”

[2] On March 5, 2021, the proceeding was amended to inter alia bring the list of recalls up-to-date and to respond to the Defendants’ incidental applications relating to the introduction of evidence;

[3] The Class Applicant named the following three entities as Defendants in the AforA:

- I. DENSO International America, Inc.;
- II. DENSO Sales Canada, Inc.;
- III. DENSO Manufacturing Canada Inc.

[4] On March 5, 2021, the Applicant filed an application for a partial discontinuance seeking permission to discontinue the present legal proceedings as against Defendant DENSO Manufacturing Canada Inc.;

[5] The reason alleged in the above-mentioned Application to support the partial discontinuance is that DENSO Manufacturing Canada Inc. (“DMCN”) has no involvement in the defective fuel pumps, as affirmed in an affidavit by Andris Staltmanis, president of DMCN dated January 28, 2021;

[6] **SEEING** the above-mentioned Application and the affidavit identified above;

[7] **READING** the submissions by the Applicant’s attorneys;

[8] **GIVEN** the consent by the Defendant DENSO Manufacturing Canada Inc. to the partial discontinuance without legal costs;

[9] **GIVEN** that the Applicant’s attorneys undertake to place a notice on the Central Registry of Class Actions, on the website www.clg.org, and to email all persons who contacted Consumer Law Group to express interest in the present action;

[10] **CONSIDERING** that the Court finds the partial discontinuance to be in the interest of justice;

FOR THESE REASONS, THE COURT:

[11] **GRANTS** the present Application;

[12] **ORDERS** the Applicant to file his act of discontinuance no later than the 10th day after the date of this judgment;

[13] **APPROVES** the text of the public notice to putative members, as follows:

Version française :	English version:
<p style="text-align: center;"><u>AVIS DE DÉSISTEMENT PARTIEL D'UNE ACTION COLLECTIVE</u> (relativement aux pompes à carburant DENSO et envers DENSO Manufacturing Canada Inc. seulement)</p> <p>1. SOYEZ AVISÉ que par jugement du 17 mars 2021, la Cour supérieure a autorisé le Demandeur à se désister de la demande d'autorisation d'une action collective relativement aux pompes à carburant DENSO et à l'égard de la Défenderesse DENSO Manufacturing Canada Inc. seulement;</p> <p>2. La demande d'autorisation d'une action collective se poursuit relativement aux pompes à carburant DENSO et à l'égard des autres Défenderesses identifiées aux actes de procédure.</p>	<p style="text-align: center;"><u>NOTICE OF PARTIAL DISCONTINUANCE OF A CLASS ACTION</u> (with respect to DENSO fuel pumps and with regard to DENSO Manufacturing Canada Inc. only)</p> <p>1. BE AWARE that by judgment dated March 17, 2021, the Superior Court has authorized the Applicant to discontinue his application to authorize a class action, with respect to DENSO fuel pumps and with regard to Defendant DENSO Manufacturing Canada Inc. only;</p> <p>2. The application to authorize a class action continues with respect to DENSO fuel pumps and with regard to the other Defendants identified in the proceedings.</p>

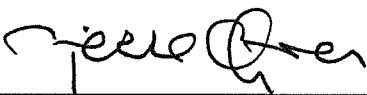
[14] **ORDERS** that said public notice be published in bilingual format:

- (a) on the Class Action Registry;
- (b) on the website www.clg.org for a duration of at least 120 consecutive days;

[15] **ORDERS** that copy of said public notice be sent by email to every person having expressed to Class Applicant's counsel their interest in the present action;

[16] **DECLARES** that the Application to Authorize ("AforA") is to continue diligently on the basis of the Amended Application dated March 5, 2021, as now filed in the record;

[17] **WITHOUT LEGAL COSTS.**



PIERRE-C. GAGNON, j.c.s.

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Date of hearing: None. By exchange of emails only.