

SUPERIOR COURT
(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N° : 500-06-001036-199

DATE : May 12, 2021

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

DOMENICO LEOPARDI

Petitioner

v.

MERCEDES-BENZ CANADA INC.

Respondent

JUDGMENT
(Suspension)

[1] **CONSIDERING** that on December 23, 2019, the Petitioner filed an *Application to Authorize the Bringing of a Class Action* claiming damages arising from the alleged malfunction or design defect in the heating, ventilation, and air-conditioning systems (HVAC) in certain Mercedes vehicles that were leased and sold by the Respondent;

[2] **CONSIDERING** that on May 29, 2020, a parallel class action was filed in Ontario in *Goering v. Mercedes-Benz Canada Inc.*, Court No. CV-20-00083647-00CP on essentially the same subject matter (the “Ontario Action”);

[3] **CONSIDERING** that on October 16, 2020, the Petitioner filed an Application for a Temporary Suspension of the present action, so as to first advance the Ontario Action;

[4] **CONSIDERING** that on November 11, 2020, this Court granted the suspension for 6 months, with the possibility for the parties to file for a renewal of the suspension within 5 months of judgment being rendered;

[5] **CONSIDERING** that a schedule has been set in the Ontario Action whereby the certification record is to be served by the plaintiff by June 1, 2021 and that a management conference has been set to take place on June 9, 2021;

[6] **CONSIDERING** that this Court considers that the Ontario Action is being moved along satisfactorily by the parties and that an additional 6-month suspension of the present action is appropriate;

[7] **CONSIDERING** the interests of class members and the interests of justice;

[8] **CONSIDERING** that the Respondent consents to the renewal of the suspension;

FOR THESE REASONS, THE COURT:

[9] **GRANTS** the present Application by the Petitioner to extend the stay of a class action;

[10] **SUSPENDS** the present class action for an additional 6 months and, in the interim, **ORDERS** the Petitioner to provide a detailed written report to the undersigned regarding the status of the action in the matter of *Goering v. Mercedes-Benz Canada inc.*, bearing court file number CV-20-00083647-00CP, no later than June 11, 2021 and September 13, 2021 and upon any significant development as soon as it occurs;

[11] If the parties intend to request an extension of the suspension, **ORDERS** either parties to file its application for an extension no later than five months from this judgment;

[12] **MAINTAINS** the order of the Court as stated at paragraph 41 of the judgment dated November 11, 2020;

[13] **WITHOUT LEGAL COSTS.**

CHANTAL CHATELAIN, J.S.C.

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500-06-001036-199

PAGE : 3

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