

C A N A D A  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

Superior Court  
(Class Action)

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N°: 500-06-001041-207

CHAFIK MIHOUBI

Plaintiff

vs.

PRICELINE.COM, L.L.C  
HOTWIRE, INC.  
HOMEAWAY.COM, INC.  
ACCOR, S.A.  
BEDANDBREAKFAST.COM, INC.  
CANADASTAYS (1760335 ONTARIO INC.)  
HILTON WORLDWIDE HOLDINGS, INC.  
SIX CONTINENTS HOTELS, INC.  
ORBITZ WORLDWIDE, L.L.C  
HYATT HOTELS CORPORATION  
WYNDHAM HOTEL GROUP, L.L.C.  
KAYAK SOFTWARE CORPORATION  
BENJAMIN & BROTHERS, LL.C.  
(RESERVATIONS.COM

Defendants

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**MOTION OF THE DEFENDANTS ORBITZ WORLDWIDE, L.L.C., HOMEAWAY.COM, INC.,  
BEDANDBREAKFAST.COM, INC. AND CANADASTAYS (1760335 ONTARIO INC.) FOR  
PERMISSION TO ADDUCE EVIDENCE AT THE AUTHORIZATION HEARING  
(Art. 574 C.C.P.)**

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TO THE HONOURABLE JUSTICE MARTIN F. SHEEHAN, J.C.S., OF THE SUPERIOR COURT OF QUEBEC, SITTING IN AND FOR THE DISTRICT OF MONTREAL, AS DESIGNATED JUDGE FOR THIS INSTANCE, THE DEFENDANTS ORBITZ WORLDWIDE, L.L.C., HOMEAWAY.COM, INC., BEDANDBREAKFAST.COM, INC. AND CANADASTAYS (1760335 ONTARIO INC.) RESPECTFULLY SUBMIT THE FOLLOWING:

**I. THE PROPOSED CLASS PROCEEDINGS**

1. On January 27, 2020, Plaintiff filed an application for authorization to institute a class action and to appoint the representative plaintiff (the **Application**).
2. On January 8, 2021, the Court granted an amendment to the Application to substitute Kayak Software Corporation for Kayak Europe GmbH (the **Amended Application**).

3. Pursuant to the Amended Application, Plaintiff seeks the authorization of a class action against the Defendants on behalf of the following group:

*Tous les consommateurs qui ont réservé, à partir du Québec, un hébergement par internet auprès des défendresses et qui ont payé un prix supérieur au prix initialement annoncé, à l'exception des droits exigibles en vertu d'une loi fédérale ou provinciale lorsque, en vertu de cette loi, ces droits doivent être perçus directement du consommateur pour être remis à une autorité publique.*

**(Class Members)**

4. The Amended Application alleges, *inter alia*, that Orbitz Worldwide, L.L.C. (**Orbitz**), HomeAway.com, Inc. (**HomeAway**), BedandBreakfast.com, Inc. (**BedandBreakfast**), and CanadaStays (1760335 Ontario Inc.) (**CanadaStays**) (collectively, the **Moving Defendants**) provided stays via their online platforms. The Amended Application also alleges that the price of stays appearing on the first page of Moving Defendants' online platforms, which lists the stays corresponding to user search terms (**Results Page**), is lower than the stay prices on the last page (**Checkout Page**) due to fees undisclosed at earlier stages in the user journey.

**II. IT IS APPROPRIATE FOR MOVING DEFENDANTS TO FILE EVIDENCE**

5. The Amended Application is predicated on, *inter alia*, an incomplete description of the Moving Defendants' current online price display practice, which expose fees and taxes.
6. It would be contrary to the interest of justice for the Court to analyze the Amended Application without having a basic understanding of the price display measures adopted by the Moving Defendants.
7. The Moving Defendants request permission to adduce evidence that will provide the Court with:
  - a) a proper description of the their online transaction processes for users; and
  - b) the chronology of the change in price display practices.
8. The Moving Defendants' evidence will assist the Court in considering whether the Plaintiff fulfills the conditions of Article 575 of the Civil Code of Québec and may also be helpful in determining the appropriate group(s) description(s) and identifying the questions to be dealt with collectively pursuant to Article 576 of the Civil Code of Procedures.
9. To this end, the Moving Defendants are asking the Court to grant leave to adduce the affidavits of Christopher Jehle, communicated in support hereof as **Exhibit P-1**, and Kelly Lynn, communicated in support hereof as **Exhibit P-2**.

**WHEREFORE THE MOVING DEFENDANTS PRAY THAT THIS COURT:**

**GRANT** the present Motion for Permission to Adduce Evidence at the Authorization Hearing;

**AUTHORIZE** the Moving Defendants to adduce into evidence the affidavits and document identified at paragraph 10 hereof;

**THE WHOLE** with costs to follow.

MONTRÉAL, May 25, 2021

*Norton Rose Fulbright Canada LLP*

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**NORTON ROSE FULBRIGHT CANADA LLP**  
(Mtres. Eric C. Lefebvre and Saam Pousht-Mashhad)  
Attorneys for the Defendants **ORBITZ WORLDWIDE,**  
**L.L.C., HOMEAWAY.COM, INC.,**  
**BEDANDBREAKFAST.COM, INC. AND**  
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Our reference: 1001130750

**NOTICE OF PRESENTATION**

**TO:** Mtre Lex Gill  
Mtre Bruce W. Johnston  
Mtre Mathieu Charest-Beaudry  
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**Attorneys for Wyndham hotel group**

**TAKE NOTICE** that the attached Motion will be presented for adjudication before the Honourable Justice Martin F. Sheehan of the Superior Court of Québec at the Montreal Courthouse, located at 1, Notre-Dame Street East, Montréal, Quebec, H2Y 1B6, at a time and in a room to be designated by the Honourable Justice Sheehan.

**DO GOVERN YOURSELF ACCORDINGLY.**

MONTREAL, May 25, 2021

*Norton Rose Fulbright Canada LLP*

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**NORTON ROSE FULBRIGHT CANADA LLP**  
(Mtres. Eric C. Lefebvre and Saam Pousht-Mashhad)  
Attorneys for the Defendants  
**ORBITZ WORLDWIDE, L.L.C., HOMEAWAY.COM,  
INC., BEDANDBREAKFAST.COM, INC. AND  
CANADASTAYS (1760335 ONTARIO INC.)**

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WYNDHAM HOTEL GROUP, L.L.C.  
KAYAK SOFTWARE CORPORATION  
BENJAMIN & BROTHERS, LL.C.  
(RESERVATIONS.COM**

Defendants

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**LIST OF EXHIBITS**

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**Exhibit P-1:** Sworn Declaration of Christopher Jehle dated May 24, 2021;

**Exhibit P-2:** Sworn Declaration of Kelly Lynn dated May 25, 2021.

MONTREAL, May 25, 2021

*Norton Rose Fulbright Canada LLP*

---

**NORTON ROSE FULBRIGHT CANADA LLP**  
(Mtres. Eric C. Lefebvre and Saam Pousht-Mashhad)  
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**SWORN DECLARATION OF CHRISTOPHER  
JEHLE**

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I, the undersigned, Christopher Jehle, Senior Product Manager, performing my employment duties at Expedia Group Inc., in the City of Chicago, State of Illinois, solemnly declare the following:

1. I am the Senior Product Manager at Expedia Group Inc. (**Expedia Group**). As part of my function at Expedia Group, I have knowledge of changes to the display practices effected by Orbitz Worldwide, L.L.C. (**Orbitz**), a subsidiary of Expedia Group.
2. Orbitz owns and operates Orbitz.com, a travel fare aggregator and travel metasearch engine.
3. Users access Orbitz.com to book travel fares, including stays, flights, cars, vacation packages and cruises.
4. As of June 4, 2020, Orbitz effected a price display change on the Results Page (defined below) whereby the Total Price (also defined below) was displayed under the nightly price for each proposed stay.
5. Orbitz's price display as of June 4, 2020 is illustrated in the snapshots of Orbitz.com shown in the captions below:

- (a) **Search Page:** To search for stays, users are prompted to enter the desired destination, check-in date, check-out date, number of travelers, with an option to include a flight or car (**Search Page**). The Search Page shows no prices.

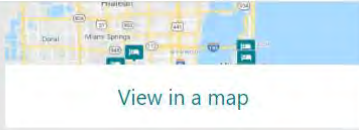
*Example: Entering Miami June 1 to June 10*

The screenshot shows the Orbitz website's search interface. At the top, the Orbitz logo is on the left, and navigation links for 'Español', 'List your property', 'Support', 'Trips', and 'Sign in' are on the right. Below the navigation is a horizontal menu with icons and labels for 'Hotels', 'Flights', 'Cars', 'Packages', 'Things to do', and 'Cruises'. The 'Hotels' tab is selected. The search form contains the following fields: 'Going to Miami', 'Check-in Jun 1', 'Check-out Jun 10', and 'Travelers 1 room, 2 travelers'. There are checkboxes for 'Add a flight' and 'Add a car'. A red 'Search' button is centered below the form. Below the search form is a banner image of palm trees. Underneath the banner are three promotional cards: 'TRAVEL AS YOU ARE' (LGBTQIA+ friendly), 'BOOK MORE, GET MORE' (Orbucks rewards), and 'MAKING A DIFFERENCE' (partner with the International LGBTQ+ Travel Association). The 'What's new' section features a large image of a beach path with the text 'Beach destination deals' and a smaller card for 'Flights under \$199'. An advertisement for 'Every room is a suite' at The Venetian Resort is also visible.



- (b) **Results Page:** Once a user enters the search queries, a first page displays the available stays that match the criteria entered by the user (**Results Page**). The Results Page shows (1) a price per night and (2) a total price for the queried trip, inclusive of all taxes and fees (**Total Price**). For clarity, all taxes and fees also includes mandatory fees (including resort fees), if applicable.

*Example: Selecting Loews Miami Beach Hotel – South Beach*



Search by property name

🔍 e.g. Best Western

Filter by

Popular filters

- Private vacation home
- Ocean view
- Breakfast included
- Hotel
- Kitchen

Star rating



**Icon Residences By Sunnyside Hotel and Resorts**

Brickell

Brickell's Iconic Waterfront Apartments

Superb over-sized apartments with full kitchens, private balconies and stunning views, located in the heart of downtown Miami.

**3.9/5** Good (499 reviews)

lower price available

~~\$893~~ **\$339**  
per night  
**\$4,027 for 9 nights**  
Includes taxes & fees



**Loews Miami Beach Hotel – South Beach**

Miami Beach

LOEWS <https://www.loewshotels.com/miami-beach>

Free Cancellation  
Reserve now, pay later

**4.4/5** Excellent (2,798 reviews)

25% off

~~\$447~~ **\$337**  
per night  
**\$3,786 for 9 nights**  
Includes taxes & fees



**JW Marriott Turnberry Resort & Spa**

Aventura

New Experiences At Every Turn

36 holes of championship golf, award-winning dining, a wellness spa and fitness center, our elegant enclave is an endless escape.

**4.3/5** Excellent (1,004 reviews)

We have 5 left at

~~\$322~~ **\$313**  
per night  
**\$3,543 for 9 nights**  
Includes taxes & fees

- (c) **Property Details Page:** When the user selects a specific property displayed on the Results Page, the user is directed to a third page which lists different rooms with accompanying specifications and amenities (**Property Details Page**). The price display on the Property Details Page is the same as the Results Page, meaning that it exposes a nightly rate as well as the Total Price, with the option of clicking on the “Price Details” popover under each room, which provides an itemization of all expenses.

*Example: Selecting Room, 1 King Bed (Skyline View, Hearing Accessible)*

Overview Rooms Location Amenities Policies Reviews

## Choose your room

Check-in Jun 1 Check-out Jun 10 Travelers 1 room, 2 travelers [Check rates](#)

**Room, 1 King Bed, Accessible (Skyline View, Hearing Accessible)**

4.6/5 guest room rating

- 351 sq ft
- Sleeps 3
- 1 King Bed
- Free WiFi
- Reserve now, pay deposit
- Fully refundable <sup>ⓘ</sup> Before Mon, May 31
- [More details >](#)

**Extras**

- No extras + \$0
- Breakfast for 2 + \$130

**25% off**

~~\$447~~

**\$337** per night

\$3,786 for 9 nights

Includes taxes & fees

[Price details v](#)

[Reserve](#)

**Room, 1 King Bed (Skyline View)**

4.6/5 guest room rating

- 351 sq ft
- City view
- Sleeps 3
- 1 King Bed
- Free WiFi
- Reserve now, pay deposit
- Fully refundable <sup>ⓘ</sup> Before Mon, May 31
- [More details >](#)

**Extras**

- No extras + \$0
- Breakfast for 2 + \$130

**25% off**

~~\$447~~

**\$337** per night

\$3,786 for 9 nights

Includes taxes & fees

[Price details v](#)

[Reserve](#)

**Room, 1 King Bed, Partial Ocean View**

4.3/5 guest room rating

- 351 sq ft
- Partial ocean view
- Sleeps 3
- 1 King Bed
- Free WiFi
- Reserve now, pay deposit
- Fully refundable <sup>ⓘ</sup> Before Mon, May 31
- [More details >](#)

**Extras**

- No extras + \$0
- Breakfast for 2 + \$130

**25% off**

~~\$450~~

**\$339** per night

\$3,809 for 9 nights

Includes taxes & fees

[Price details v](#)

[Reserve](#)

Room, 2 Double Beds (Skyline View, Hearing Accessible)

Room, 2 Double Beds (Skyline View)

Room, 2 Double Beds (Partial Ocean View)

- (d) **Checkout Page:** Once a specific room type is selected, the user is directed to the checkout page wherein the user may review the itemized charges for the stay, confirm the booking and pay (**Checkout Page**). The Checkout Page itemizes (1) the total booking fees (including the average rate per night), (2) the taxes and fees and (3), if applicable, any mandatory fees (including resort fees).

*Example: Checking out with Loews Miami – South Beach for 9 nights for 1 Room, 1 King Bed*

The screenshot shows the Orbitz checkout page for a stay at the Loews Miami Beach Hotel. The page features the Orbitz logo, a 'Join Rewards' button, and a 'Sign in' link. A prominent banner states 'Secure booking — only takes 2 minutes!'. A yellow alert box provides a COVID-19 alert regarding travel requirements. Below this, there is a section for 'Free cancellation before Mon, May 31, 4:00pm (Eastern Standard Time (US & Canada))'. A 'Sign in to earn \$90.99 in Orbucks' offer is displayed. The main booking details include 'Room 1: 2 Adults, 1 King Bed, Non-smoking' with 'Free WiFi'. There are input fields for 'Contact name' and 'Mobile phone number', along with a checkbox for receiving text alerts and a 'Special Requests' field. A 'Protect your hotel' section is highlighted as 'Recommended' and includes an important note about travel insurance. Below this, a 'Cover your stay against the unexpected' section lists four benefits of Hotel Booking Protection, with a 'View insurance details and disclosures' link. At the bottom of this section, there are two radio button options: 'Yes, I want Hotel Booking Protection for my trip to Miami Beach' for \$77.80 per person, and 'No, I'm willing to risk my \$3457.62 trip.' The right-hand side of the page features a 'VIP Access' badge, a photo of the hotel, a 4.4/5 rating from 2,610 reviews, and details for the room (1 King Bed, Accessible, Skyline View), check-in/out dates (Tue, Jun 1 to Thu, Jun 10), and a 9-night stay. A 'Price details' table shows the total cost of \$3,785.94, broken down into room charges (\$3,033.00), taxes and fees (\$424.62), and a resort fee (\$328.32). The total is split into 'Pay now' (\$3,457.62) and 'Pay at property' (\$328.32). A link to use a coupon or promotion code is provided, and a note states that taxes and fees are based on current rates.



6. As illustrated above, the Total Price shown on the Results Page (\$3,786) is slightly higher than the price displayed on the Checkout Page (\$3,785.94). As a general practice, the Results Page will round the Total Price to the nearest integer whereas the Checkout Page will round the Total Price to two decimal places.
7. The Total Prices displayed on the Results Page, Property Details Page and Checkout Page are inclusive of (1) taxes and fees and (2) other mandatory fees (including resort fees).
8. To the best of my knowledge, the Total Price on the Results Page is the same as or rounded to the nearest integer as the price shown on the Checkout Page for all transactions on Orbitz.com since June 4, 2020.
9. I declare that all the facts contained herein are true.

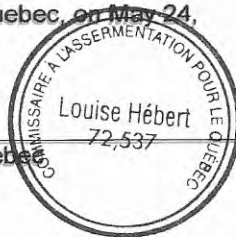
*Christopher Jehle*

Christopher Jehle

Solemnly declared before me  
in Sainte-Anne-de-Bellevue, Quebec, on May 24,  
2021

*Louise Hébert*

Commissioner of Oaths for Quebec



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PROVINCE OF QUEBEC  
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### SWORN DECLARATION OF KELLY LYNN

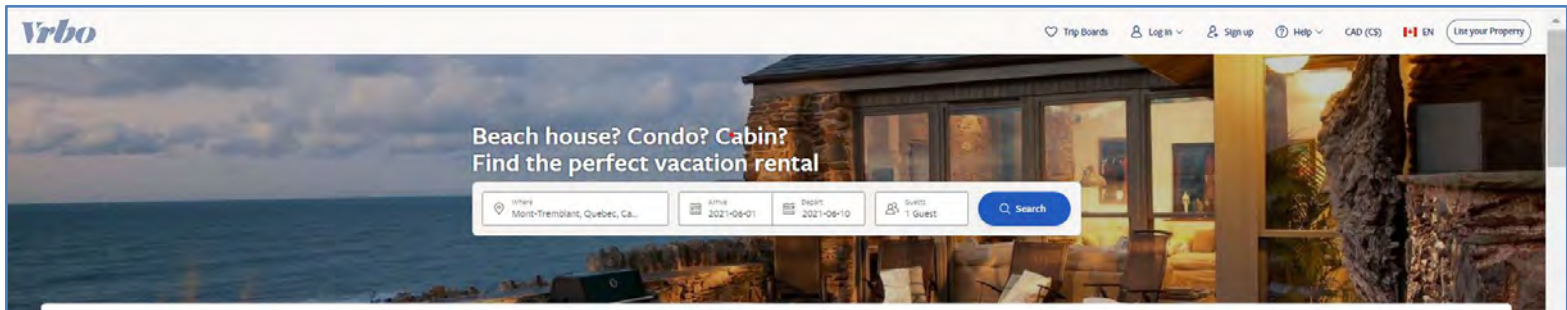
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I, the undersigned, Kelly Lynn, Principal Product Manager, performing my employment duties at Expedia, Inc., in the City of Austin in the State of Texas solemnly declare the following:

1. I am the Principal Product Manager, Traveler Pricing, for HomeAway Inc. (**HomeAway**), a subsidiary of Expedia Group. I have knowledge of the pricing practices of HomeAway, BedAndBreakFast.com, Inc. (**BedAndBreakFast**), Inc. and CanadaStays (1760335 Ontario Inc.) (**CanadaStays**).
2. HomeAway, BedAndBreakFast and CanadaStays are online vacation rental marketplaces and part of the Expedia Group.
3. Between November 2019 and July 2020, HomeAway, BedAndBreakFast.com and CanadaStays ceased operating their eponymous websites and diverted their respective user traffic to Vrbo.com.
4. On November 20, 2019, HomeAway migrated 100% of its web traffic to Vrbo.com.
5. On June 30, 2020, CanadaStays ceased new bookings on its CanadaStays web platform. On July 31, 2020, CanadaStays redirected its web traffic to Vrbo.com.
6. On July 28, 2020, BedAndBreakFast migrated 100% of its web traffic to Vrbo.com.
7. As of September 28, 2020, Vrbo implemented a dual-price display practice for users accessing the Canadian version of the Vrbo.com website. Since then, the price display on the Results Page (defined below) exposes the Total Price (also defined below) under the nightly price for each proposed stay.
8. Vrbo's price display as of September 28, 2020 is illustrated below:

- (a) **Search Page:** To search for stays, users are prompted to enter the desired destination, check-in date, check-out date, and number of travelers (**Search Page**). The Canadian version of the Vrbo.com website can be selected at the top right corner of the Search Page.

*Example: Enter “Mont-Tremblant, Quebec, Canada” with stay from 06/01/2021 to 06/10/2021 for one guest*



- (b) **Results Page:** Once a user enters the search queries, a first page displays a list of the available stays that match the criteria entered by the user (**Results Page**). The Results Page shows (1) a price per night and (2) a total price for the queried trip, inclusive of fees and taxes (**Total Price**). Some fees included in the Total Price are not necessarily collected online or at the time of booking, but are nevertheless disclosed to the traveler in the Total Price.

*Example: Select “Mont-Tremblant – Les Manoirs I110-9”*

The screenshot displays the Vrbo search results page for Mont-Tremblant, Quebec, Canada. The search parameters are: Location: Mont-Tremblant, Quebec, Canada; Check-in: 21-06-01; Check-out: 21-06-10; Guests: 1 Guest. The results are sorted by popularity and show three properties:

- Beautiful chalet in Tremblants Old Village:** Townhome, 2 BR, 1 BA, 1 HF BA, Sleeps 4, 2.7 km to the nearest ski lift. Price: C\$118/night, C\$1,337 total. Rating: 4.9 (13).
- Perfect location, close to the pedestrian village and lifts...:** Condo, 1 BR, 1 BA, Sleeps 4, 60 m<sup>2</sup>, 400 m to the nearest ski lift. Price: C\$139/night, C\$1,548 total. Rating: 4.9 (76).
- Mont-Tremblant - Les Manoirs | 110-9:** Condo, 2 BR, 2 BA, Sleeps 6, 102 m<sup>2</sup>, 300 m to the nearest ski lift. Price: C\$170/night, C\$1,972 total. Rating: 4.9 (76).

A map on the right side of the page shows the location of these properties in Mont-Tremblant, Quebec, Canada, near the Mont Tremblant Resort and La Cuvette Station.



- (c) **Property Details Page:** When the user selects a specific property listed on the Results Page, the user is then directed to a third page which lists the specifications and amenities related to the property (**Property Details Page**). The price display on the Property Details Page exposes a nightly rate as well as the Total Price, with the option of clicking on the “View details” popover under each room, which provides an itemization of all the fees.

**Example:** Click on “Book Now”

The screenshot shows the Vrbo website interface. At the top, there is a navigation bar with the Vrbo logo, a search bar, and links for Trip Boards, Log In, Sign up, Help, Feedback, CAD (CS), and EN. Below the navigation bar, the location is set to 'Mont-Tremblant, Quebec, Canada', and the search criteria are 'Check-in Jun. 1', 'Check-out Jun. 10', and '1 Guest'. The main content area features a large image of a living room with a stone fireplace and a sofa. To the right of the image, the price is displayed as 'C\$170 /night'. Below the price, there is a section for 'Your dates are available' with a calendar showing 'Check in Jun. 1' and 'Check out Jun. 10'. The total price is 'C\$1,971.93' and includes taxes and fees. A 'Book Now' button is prominently displayed. Below the button, there is a 'Contact host' link and the property number 'Property # 928107vb'. The 'About this rental' section provides details about the property, including '2 bedrooms', '2 bathrooms', and 'Spaces' like 'Kitchen' and 'Balcony'. A paragraph of text describes the location and amenities of the property.

This zoomed-in view focuses on the booking details section. It shows the price 'C\$170 /night' and a confirmation that 'Your dates are available'. The calendar shows 'Check in Jun. 1' and 'Check out Jun. 10'. The total price is 'C\$1,971.93' and includes taxes and fees. A 'Book Now' button is prominently displayed. Below the button, there is a 'Contact host' link and the property number 'Property # 928107vb'. The 'Contact host' link is accompanied by a small profile picture of the host, Renee with Tremblant Sunstar.



- (d) **Checkout Page:** Once a specific property type is selected, the user is directed to the checkout page wherein the user may review the itemized charges for the stay, confirm the booking and pay (**Checkout Page**). The Checkout Page in this example itemizes (1) the total price of the stay, (2) the service fee and (3) the taxes.

## Begin your booking Step 1 of 3

**Our Book with Confidence Guarantee™**  
When you book through Vrbo, you're covered with payment protection, emergency rebooking assistance, and [more](#).

- Act fast!** Price and availability may change.
- Non-refundable for your trip dates.

### Enter contact information

<input type="text" value="First Name"/>	<input type="text" value="Last Name"/>
<input type="text" value="Email"/>	+1 <input type="text" value="Mobile Phone"/>

Check the box if you do not want to receive emails from Vrbo with commercial offers and other information.

### Include a message for the host

Tell the host if you have any special requests to help you enjoy your stay.

<input type="text" value="(optional)"/>	<input checked="" type="checkbox"/> Tell the host a little about yourself
	<input checked="" type="checkbox"/> What brings you to this area?
	<input checked="" type="checkbox"/> Who are you traveling with?

### Mont-Tremblant - Les Manoirs | 110-9

Mont-Tremblant, QC, CA

Check in Jun. 1	Check out Jun. 10
Guests 1 guest	

C\$ 242.22 x 9 nights	C\$2,180.00
Discount	-C\$654.00
Service Fee ⓘ	C\$164.00
Tax	C\$281.93
<b>Total</b>	<b>C\$1,971.93</b>

### Payment Protection

Book & Pay on Vrbo and get:

- Comprehensive Payment Protection
- Emergency Booking Assistance
- 24hr Customer Service

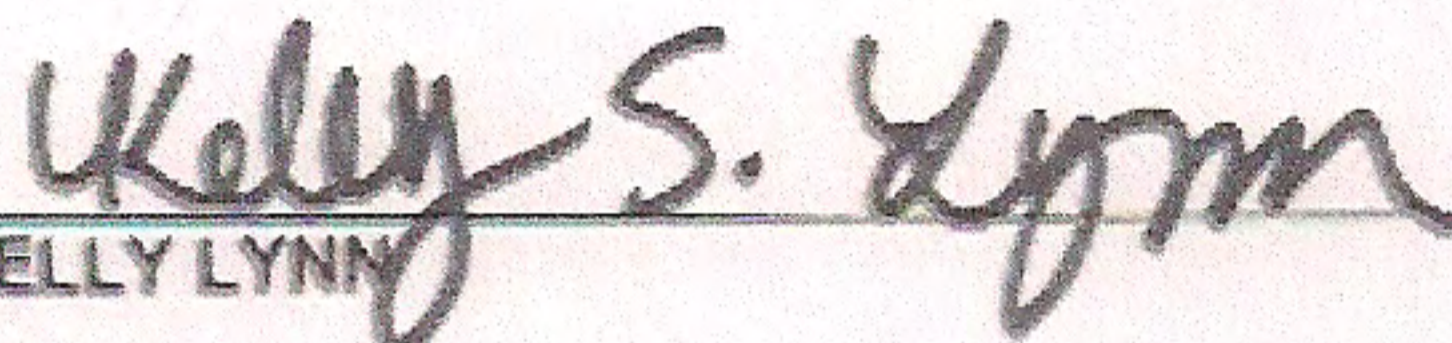
[Book with Confidence Guarantee](#)

By clicking 'Agree & continue' you are agreeing to our [Terms and Conditions](#) and [Privacy Policy](#).

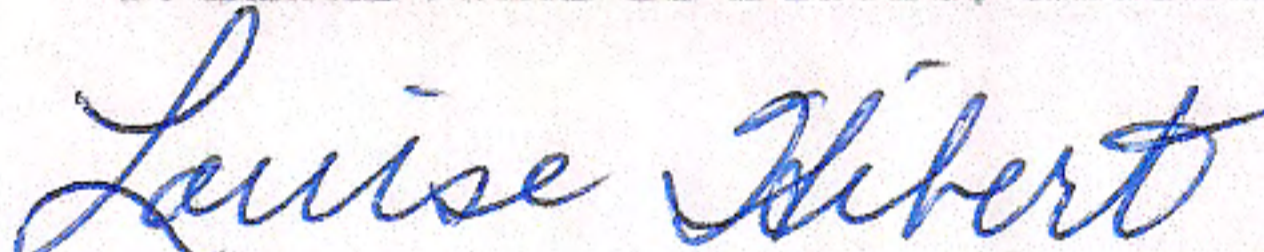
**Agree & continue**

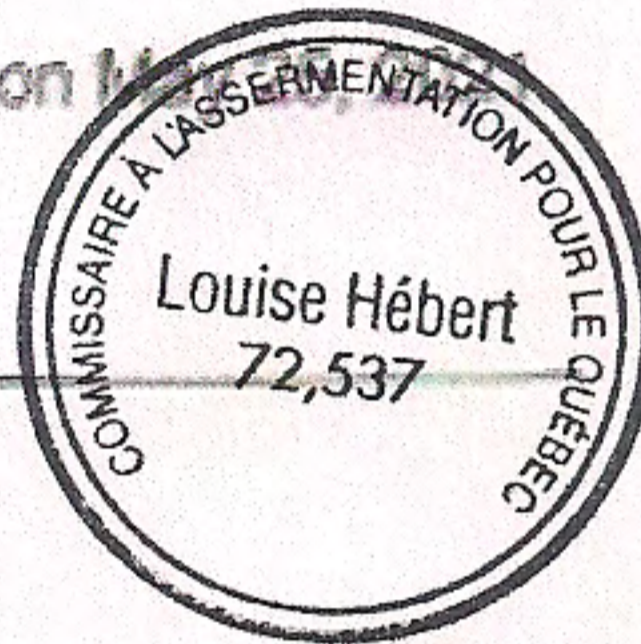


9. As illustrated above, the Total Price shown on the Results Page (\$1972) is slightly higher than the price displayed on the Property Details Page and Checkout Page (\$1,971.93).
10. The Total Prices displayed on the Results Page and Property Details Page are inclusive of all fees shown on the Checkout Page.
11. To the best of my knowledge, the Total Price displayed on the Results Page is the same as or rounded to the nearest integer of the price shown on the Property Details Page and Checkout Page for all transactions on Vrbo.com since September 28, 2020. In limited circumstances, some fees reflected in the Total Price are not collected via the online payment to the user, but collected by the property manager of the selected property at a later date. In these cases, the price paid by the user online for the selected property is inferior to the Total Price, with the remainder collected directly by the property manager.
12. I declare that all the facts contained herein are true.

  
KELLY LYNN

Solemnly declared before me  
in Sainte-Anne-de-Bellvue, Quebec, on M

  
Commissioner of Oaths for Quebec





## Lemire, Nathalie

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**De:** Lemire, Nathalie  
**Envoyé:** 25 mai 2021 15:04  
**À:** 'lex@tjl.quebec'; 'mathieu@tjl.quebec'; 'bruce@tjl.quebec';  
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'mbrixi@lavery.ca'; 'notifications-mtl@lavery.ca'; 'tpinos@cassels.com';  
'simon.seida@blakes.com'; 'anthony.cayer@blakes.com'  
**Cc:** Lefebvre, Eric; Pousht-Mashhad, Saam; Bernard, Sophie  
**Objet:** NOTIFICATION / Chafik Mihoubi vs. Priceline.com, L.L.C. et als. / S.C.M.:  
500-06-001041-207 - Motion for permission to adduce evidence at the authorization  
hearing [NRFC-EDRMS.FID12803464]  
**Pièces jointes:** Motion for permission to adduce evidence and Exhibits P-1 and P-2.pdf

**Suivi:**

**Destinataire**

**Réception**

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Remis: 2021-05-25 15:05

Pousht-Mashhad, Saam

Remis: 2021-05-25 15:05

Bernard, Sophie

Remis: 2021-05-25 15:05

'EXPEDIA INC\_ \_ Class Action \_ Chafik Mihoubi  
\_1001130750\_ Motion to Adduce Evidence'

**NOTIFICATION PAR COURRIEL / NOTIFICATION BY EMAIL  
(Articles 133 et/and 134 C.p.c. / C.C.P.)**

**EXPÉDITEUR / SENDER**

**NORTON ROSE FULBRIGHT CANADA S.E.N.C.R.L., s.r.l. / LLP**  
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<b>Date :</b>	Montréal, May 25, 2021
<b>Nature du document / Nature of the document :</b>	Motion of the Defendants Orbitz Worldwide, L.L.C., Homeaway.com, Inc., Bedandbreakfast.com, Inc. and Canadastays (1760335 Ontario Inc.) for permission to adduce evidence at the authorization hearing, Notice of presentation, List of exhibits and Exhibits P-1 and P-2 (Art. 574 C.c.P.)
<b>N° du dossier de Cour / Court File # :</b>	500-06-001041-207
<b>Nom des parties / Name of the parties :</b>	Chafik Mihoubi vs. Priceline.com, L.L.C. et als.
<b>Nombre de pages / Number of the pages :</b>	19
<b>Heure de transmission / Time of transmission :</b>	15 h 04
<b>Notre référence / Our reference :</b>	1001130750

**DESTINATAIRE(S) / RECIPIENT(S)**

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 Adjointe juridique | Legal Assistant  
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**NORTON ROSE FULBRIGHT**

Relayé : NOTIFICATION / Chafik Mihoubi vs. Priceline.com, L.L.C. et als. / S.C.M.: 500-  
Objet: 06-001041-207 - Motion for permission to adduce evidence at the authorization hearing  
[NRFC-EDRMS.FID12803464]  
Date : 2021-05-25 15:04  
De:De: "Microsoft Outlook"  
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@nrfonline.onmicrosoft.com>  
À: "nathalie.lemire@nortonrosefulbright.com" <nathalie.lemire@nortonrosefulbright.com>

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**La remise à ces destinataires ou groupes est terminée, mais aucune notification de remise n'a été envoyée par le serveur de destination :**

[lex@tjl.quebec](mailto:lex@tjl.quebec) ([lex@tjl.quebec](mailto:lex@tjl.quebec))

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[tpinos@cassels.com](mailto:tpinos@cassels.com) ([tpinos@cassels.com](mailto:tpinos@cassels.com))

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Objet : NOTIFICATION / Chafik Mihoubi vs. Priceline.com, L.L.C. et als. / S.C.M.: 500-06-001041-207 - Motion  
for permission to adduce evidence at the authorization hearing [NRFC-EDRMS.FID12803464]

**NO.: 500-06-001041-207**

**SUPERIOR COURT  
(Class Action)  
DISTRICT OF MONTRÉAL**

**CHAFIK MIHOUBI**

Plaintiff

vs.

**PRICELINE.COM, L.L.C  
HOTWIRE, INC.  
HOMEAWAY.COM, INC.  
ACCOR, S.A.  
BEDANDBREAKFAST.COM, INC.  
CANADASTAYS (1760335 ONTARIO INC.)  
HILTON WORLDWIDE HOLDINGS, INC.  
SIX CONTINENTS HOTELS, INC.  
ORBITZ WORLDWIDE, L.LC  
HYATT HOTELS CORPORATION  
WYNDHAM HOTEL GROUP, L.L.C.  
KAYAK SOFTWARE CORPORATION  
BENJAMIN & BROTHERS, LL.C. (RESERVATIONS.COM**

Defendants

**MOTION OF THE DEFENDANTS ORBITZ WORLDWIDE, L.L.C.,  
HOMEAWAY.COM, INC., BEDANDBREAKFAST.COM, INC.  
AND CANADASTAYS (1760335 ONTARIO INC.) FOR  
PERMISSION TO ADDUCE EVIDENCE AT THE  
AUTHORIZATION HEARING, NOTICE OF PRESENTATION,  
LIST OF EXHIBITS AND  
EXHIBITS P-1 AND P-2 (Art. 574 C.C.P.)**

**ORIGINAL**

BO-0042

# 1001130750

**Mtre. Eric C. Lefebvre and Saam Pousht-Mashhad  
NORTON ROSE FULBRIGHT CANADA LLP**

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