

SUPERIOR COURT
(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N° : 500-06-001133-210

DATE : June 2, 2021

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

JEAN-JACQUES BINOUX
VERSION PAYSAGE INC.

Plaintiffs

v.

VOLKSWAGEN AG
DR. ING. H.C.F. PORSCHE AG
PORSCHE CARS CANADA LTD.

Defendants

JUDGMENT
(Temporary Stay of Class Action)

[1] **CONSIDERING** that, by way of their *Application for authorization to institute a class action* filed on March 8, 2021 (the “**Québec Action**”), the Plaintiffs allege that the Defendants have breached their legal and statutory obligations towards the proposed class, including, *inter alia*, by fraudulently manipulating regulatory testing results for certain Porsche-branded vehicles sold in Canada, causing those vehicles to emit more pollution and obtain worse fuel economy on the road than in regulatory testing (the “**Cause of Action**”);

[2] **CONSIDERING** that, on February 1st, 2021, Plaintiff Trevor Stone filed before the Supreme Court of British Columbia a Notice of Civil Claim brought under the *Class Proceedings Act*, RSBC 1996, C. 50 in the Court File No. S-210991 against the same Defendants, based on the same alleged facts and alleging the same Cause of Action (the “**BC Action**”);

[3] **CONSIDERING** that the Plaintiffs in the BC Action and the Québec Action are collaborating in a coordinated fashion for the prosecution of the litigation in Canada;

[4] **CONSIDERING** the application by the parties to temporary stay the Québec Action and the consent of all parties to a temporary stay of the Québec Action for a period of 10 months following the filing of the Plaintiff's certification record in the BC Action, or a further order of this Court;;

[5] **CONSIDERING** the undertaking by the Defendants to periodically inform the Court of the status of the BC Action and of the procedural steps that will be taken to move the litigation forward in British Columbia;

[6] **CONSIDERING** that, shortly before the foregoing period of 10 months has elapsed, the parties will reassess the progress of the BC Action and determine whether it is appropriate to request that the stay of the Québec Action be renewed;

[7] **CONSIDERING** Articles 18, 49 and 577 of the *Code of Civil Procedure* and the interests of justice;

FOR THESE REASONS, THE COURT:

[8] **STAYS** the Québec Action for a period of 10 months following the filing of the Plaintiff's certification record in the BC Action (*Trevor Stone v. Dr. Ing. H.C.F. Porsche AG & al.*, Court File No. S-210991), or a further order of this Court;

[9] **ORDERS** the Defendants' to provide the Court with periodic status reports, no more than four months apart, regarding the BC Action and to advise this Court within 30 days of any significant development in the BC Action that may affect the course of the Québec Action;

[10] **RESERVES** the jurisdiction of the Court to lift or renew this stay on request, or on its own initiative, if the circumstances so warrant;

[11] **WITHOUT LEGAL COSTS.**

CHANTAL CHATELAIN, J.S.C.

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Hearing on file: June 1, 2021