

SUPERIOR COURT
(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N° : 500-06-001108-204

DATE : June 16, 2021

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

LOGAN BUTTERS

Applicant

v.

KIMBERLY-CLARK CORPORATION
KIMBERLY-CLARK CANADA INC.

Defendants

JUDGMENT

(Temporarily Stay of Class Action)

[1] **CONSIDERING** the Applicant's *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative Plaintiff* filed on December 14, 2020, on behalf of the following class:

all residents in Quebec who purchased and/or used Cottonelle Flushable Wipes and Cottonelle Gentle Plus Flushable Wipes (collectively, the "Wipes") between February 7, 2020 and the date this action is authorized as a class proceeding (the "Class", "Class Members" and "Class Period").

[2] **CONSIDERING** the Applicant's *Demande de suspension temporaire de l'action collective* (the "Application"), whereby the Applicant requests that the class action he filed against the Defendants Kimberly-Clark Corporation and Kimberly-Clark Canada inc. (**the Québec Action**) be temporarily stayed until a final certification judgment is rendered in the matter instituted by Ms. Linda Bowman and bearing Court docket number S-2010566 of the Supreme Court of British Columbia (**the B.C. Action**);

[3] **CONSIDERING** that the B.C. Action was filed on October 20, 2020, prior to the Québec Action, that both actions raise the same legal and factual issues and that the members of the Québec Action are included in the class definition of the B.C. Action;

[4] **CONSIDERING** that class counsel for the Québec Action alleges to be collaborating with class counsel for the B.C. Action to advance this case as a national class action before the Supreme Court of British Columbia;

[5] **CONSIDERING** that no procedural steps have been taken in the Québec Action to date.

[6] **CONSIDERING** that the Court is satisfied that the rights and interests of the Québec class members will be protected in the B.C. Action and that Québec class counsel will keep Québec class members and the Court informed of all important developments in the B.C. Action;

[7] **CONSIDERING** that class counsel has undertaken to provide this Court with an update on the status of the B.C. Action on a semi-annual basis and to advise this Court within thirty (30) days of any significant development in the B.C. Action that may affect the course of the Québec Action or the rights of Québec class members;

[8] **CONSIDERING** that a stay is consistent with the principles of proportionality and judicial economy and will avoid the risk of contradictory judgments and multiple proceedings;

[9] **CONSIDERING** the consent of the Defendants;

[10] **CONSIDERING** articles 18, 49, 158 and 577 C.C.P.;

FOR THESE REASONS, THE COURT:

[11] **GRANTS** the Application to temporarily stay the class action;

[12] **STAYS** the present action until 60 days following a final judgment is rendered in the putative class action filed by Linda Bowman before the Supreme Court of British Columbia in Court file number S-2010566, or earlier as may be requested by any of the parties or ordered by the Court;

[13] **TAKES NOTE** of counsel for the Applicants' undertaking to provide this Court with an update on the status of the B.C. Action every six months, and to advise this Court within 30 days of any significant development that may affect the course of the Québec Action;

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

[14] **WITHOUT COSTS.**

CHANTAL CHATELAIN, J.S.C.

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Hearing on File: June 16, 2021