

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Class action)

No.: 500-06-001117-213

FRANÇOIS DÉCARY-GILARDEAU

Applicant

v.

GENERAL MOTORS OF CANADA
COMPANY

and

GENERAL MOTORS COMPANY

Respondents

**APPLICATION BY RESPONDENTS GENERAL MOTORS OF CANADA
COMPANY AND GENERAL MOTORS COMPANY
TO STAY THE PROCEEDINGS
(Art. 49, 158(5), 18 and 19 C.C.P.)**

**TO THE HONORABLE CHRISTIAN IMMER S.C.J., RESPONDENTS GENERAL
MOTORS OF CANADA COMPANY AND GENERAL MOTORS COMPANY
RESPECTFULLY SUBMIT AS FOLLOWS:**

1. On January 1, 2021, the Applicant filed his *Demande d'autorisation pour exercer une action collective et pour être représentant*, as appears from the Court record, which was amended on October 8, 2021 (the "**Application for authorization**");
2. The main object of the Application for authorization is to obtain a remedy for vehicle owners of Bolt EVs model years 2017 to 2021 and Bolt EUV, for an alleged battery defect. The defect allegedly creates a fire hazard for the targeted vehicles;
3. Since the inception of the battery fire hazard issue, the Respondents have deployed significant efforts to find a solution to resolve the alleged problem and provide a satisfactory solution to all vehicle owners;
4. As of October 2021, the Respondents have identified a remedy and are proceeding with a recall campaign that will provide a solution to resolve the issue;
5. The Respondents have already started to deploy the recall campaign and are contacting vehicle owners to notify them that their vehicle is eligible for repairs, as appears from Notices – Safety Recall N212343881 dated October 2021, Exhibit **GM-8** communicated in support of the *Amended Application by*

Respondents General Motors of Canada Company and General Motors Company for Leave to Adduce Relevant Evidence;

6. Given that the recall targets several model years, the recall – for both N212343881 and N212345941 – is proceeding by phase and will take several months to be completed;
7. Until the recall has been completely deployed, the Court will not be in a position to fully determine the relevant time period, available remedies, relevant evidence and class description;
8. Consequently, a stay of proceedings is hereby requested to allow the Respondents to complete the deployment of the recall and to allow the Court to rely on all the necessary elements needed to properly assess the authorization criteria, rule on the group description, the questions of law and facts and the conclusions to be authorized, as the case may be, if in fact the case is to be authorized, which is not admitted and in fact contested;
9. It is in fact in the interest of justice, of all parties, and the Court, to have a better understanding and knowledge of how the issue raised in the Application for authorization is resolved;
10. Ordering a stay is coherent with the proportionality principle, and will save judicial resources as well as costs for the parties;
11. Respondents ask this Honorable Court for a stay of proceedings until March 25, 2022 or until notice from the Respondents that the recall is completed, at the earliest of the after-mentioned dates;
12. The present Application is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

- A.** **GRANT** the present *Application by Respondents General Motors of Canada Company and General Motors Company to Stay the Proceedings;*
- B.** **STAY** the present proceedings until March 25, 2022 or until notice from the Respondents that the recall is completed, at the earliest of the after-mentioned dates;
- C.** **ALLOW** the parties to agree upon an updated case protocol within one month after the end of the requested stay;

D. THE WHOLE without legal costs.

Montréal, November 3, 2021

Borden Ladner Gervais

Borden Ladner Gervais LLP

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TAKE NOTICE that the foregoing *Application by Respondents General Motors of Canada Company and General Motors Company to Stay the Proceedings* will be presented for hearing and adjudication before the Honorable Justice Christian Immer of the Superior Court, at a date and time to be determined by the Court.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Montréal, November 3, 2021

Borden Ladner Gervais

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Lawyers for Respondents General Motors
of Canada Company and General Motors
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COMPANY TO STAY THE PROCEEDINGS
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