

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N° : 500-06-001014-196

DATE : March 11, 2022

BY THE HONOURABLE DONALD BISSON, J.S.C.

(JB4644)

JOSIANE FRÉCHETTE

Plaintiff

v.

NHK SPRING CO., LTD.

NHK INTERNATIONAL CORPORATION

NAT PERIPHERAL (HONG KONG) CO., LTD.

TDK CORPORATION

TDK U.S.A. CORPORATION

TDK CORPORATION OF AMERICA

SAE MAGNETICS (HK) LTD.

MAGNECOMP PRECISION TECHNOLOGY PUBLIC CO. LTD.

HUTCHISON TECHNOLOGY INC.

Defendants

JUDGMENT

(Application for stay of the Application for authorization to institute a Class Action)

[1] **CONSIDERING** the Application by the Defendants for a stay of the *Application for authorization to institute a Class Action*;

[2] **CONSIDERING** the judgment rendered on March 10, 2021, by Justice Chantal Chatelain, s.c.j. in this instance,¹ which recitals remain applicable;

¹ Capitalized terms not otherwise defined herein have the meaning ascribed to them in the judgment dated March 10, 2021.

- [3] **CONSIDERING** that the stay of this class action is set to expire on March 11, 2022;
- [4] **CONSIDERING** that the certification application in the BC Action is scheduled to be heard by the Supreme Court for British Columbia from May 30 to June 3, 2022;
- [5] **CONSIDERING** the consent of all parties to renew the stay of any and all proceedings related to the *Application for Authorization to Institute a Class Action* until the earliest of the date that is 30 days after the decision of the Supreme Court of British Columbia on the certification application in the BC Action, or 8 months from this judgment;
- [6] **CONSIDERING** the undertaking by the Defendants to periodically inform the Court of the status of the BC Action and of the procedural steps that have been taken to move the litigation forward;
- [7] **CONSIDERING** Articles 18 and 577 of the *Code of Civil Procedure* and the interests of justice;

FOR THESE REASONS, THE COURT:

- [8] **RENEWS** the stay of any and all proceedings related to the *Application for Authorization to Institute a Class Action* until the earliest of 30 days after the decision of the Supreme Court of British Columbia in the matter of *Tony Cheung v. NHK Spring Co., LTD. & al.*, Court File No. S-1910612), or until November 11, 2022;
- [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 this stay on request or on its own initiative if the circumstances so warrant;
- [11] **THE WHOLE**, without judicial costs.



DONALD BISSON, J.S.C.

M^e Maxime Nasr, M^e Jean-Philippe Lincourt and M^e Rosalie Jetté
BELLEAU LAPOINTE LLP
Lawyers for the Plaintiff

M^e Vincent de l'Étoile, M^e Lana Rackovic
LANGLOIS LAWYERS, LLP
Lawyers for the Defendants NHK Spring Co. Ltd., NHK International Corporation and
NAT Peripheral (Hong Kong) Co., Ltd.

M^e Kristian Brabander

MCCARTHY TÉTRAULT, LLP

Lawyers for the Defendants TDK Corporation, TDK U.S.A. Corporation,
TDK Corporation of America, SAE Magnetics (HK) Ltd., Magnecomp Precision
Technologic Public Co. Ltd. and Hutchinson Technology Inc.

Hearing on file: March 11, 2022 (on file)