

# SUPERIOR COURT

(Class Action Division)

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL

No : 500-06-001105-200

DATE : March 25, 2022

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

(JB4644)

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**ANIS SALHI**  
Plaintiff

v.

**FCA CANADA**  
**FCA US LLC**  
Defendants

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## JUDGMENT

(Joint Application to Stay the Class Action)

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[1] **CONSIDERING** the Plaintiff's *Application to Authorize the Bringing of a Class Action* filed on November 20, 2020.

[2] **CONSIDERING** the Plaintiff's *Amended Application to Authorize the Bringing of a Class Action* filed on January 29, 2021.

[3] **CONSIDERING** the Parties' *Joint Application to Stay the Class Action* filed on March 23, 2022 (the "Application"), whereby the Parties request that the class action filed against the Defendants (the "Quebec Action") be stayed until a final judgment is rendered in the case *Andrew Keith Jacquard vs. FCA Canada Inc. and FCA US LLC*, filed on October 20, 2020, before the Supreme Court of British Columbia, in the court file number S2010558 (the "BC Action"), as amended.

[4] **CONSIDERING** the existence of a third parallel class action proceeding filed on December 7, 2020, before the Ontario Superior Court of Justice in the file *Mark Sharpe*

vs *FCA Canada Inc. and FCA US LLC*, in the court file number CV-20-00001916-00CP, on (the “Ontario Action”).

[5] **CONSIDERING** that the BC Action was filed before the Quebec Action.

[6] **CONSIDERING** that the Ontario Action will be kept in abeyance.

[7] **CONSIDERING** that the three parallel actions raise overlapping legal and factual issues and that the members of the Quebec Action are included in the class definition of the BC Action.

[8] **CONSIDERING** that class counsel for the Quebec Action is part of a consortium with class counsels for the BC Action (Garcha & Company) and the Ontario Action (McKenzie Lake Lawyers LLP) and that the three class counsels are cooperating to prosecute this case as a national class action before the Supreme Court of British Columbia.

[9] **CONSIDERING** that Plaintiff and Quebec class counsel agree with the stay and recognize the jurisdiction of the British Columbia Court, and, as of a result, that the Court is satisfied that the rights and interests of the Quebec class members will be protected in the BC Action and that Quebec class counsel will keep the Quebec class members and the Court informed of all important developments in the BC Action.

[10] **CONSIDERING** Articles 18, 49, 158 and 577 C.C.P. and Article 3137 C.C.Q.

[11] **CONSIDERING** that a stay of the Quebec Action is consistent with the principles of proportionality and judicial economy.

[12] **CONSIDERING** that this stay will avoid the risk of contradictory judgments and multiple proceedings.

[13] **CONSIDERING** that the Parties have undertaken to provide this Court with an update on the status of the BC Action on a semi-annual basis and to advise this Court within thirty (45) days of any significant development in the BC Action that may affect the course of the Quebec Action or the rights of Quebec class members.

**FOR THESE REASONS, THE COURT:      PAR CES MOTIFS, LE TRIBUNAL :**

[14] **AUTHORIZES** the Plaintiff to amend his *Application for Authorization to Institute a Class Action* as set forth in the *Amended Application for Authorization to Institute a Class Action* dated January 29, 2021

[14] **AUTORISE** le Demandeur a modifier son *Application for Authorization to Institute a Class Action* tel que décrit par l'*Amended Application for Authorization to Institute a Class Action* datée le 29 janvier 2021;

[15] **GRANTS** the stay sought by the parties;

[15] **ACCUEILLE** la suspension demandée par les parties;

[16] **STAYS** the present action until a final judgment is rendered in the action filed by Andrew Keith Jacquard before the Supreme Court of British Columbia in the court file number S2010558, or earlier as may be subsequently requested by the Applicant or ordered by the Court;

[16] **SUSPENDS** la présente action jusqu'à ce qu'un jugement final soit rendu dans l'action collective déposée par Andrew Keith Jacquard devant la Cour suprême de la Colombie-Britannique, dans le dossier numéro S2010558, ou plus tôt, tel qu'il pourra être demandé ultérieurement par la demanderesse ou ordonné par le Tribunal;

[17] **TAKES ACT** that the class action filed by Mark Sharpe before the Ontario Superior Court of Justice, in the court file number CV-20-00001916-00CP will be held in abeyance while the class action proceeds to certification in British Columbia;

[17] **PREND ACTE** que l'action collective déposée dans par Mark Sharpe devant la Cour supérieure de justice de l'Ontario dans le dossier numéro CV-20-00001916-00CP sera maintenue en suspend pendant que l'action collective procédera à la l'étape de la certification en Colombie-Britannique;

[18] **TAKES ACT** of Parties' undertaking to provide this Court with an update on the status of the BC Action on a semi-annual basis, and to advise this Court within 45 days of any significant development in this action that may affect the course of the Quebec Action;

[18] **PREND ACTE** de l'engagement des parties de fournir au Tribunal une mise à jour sur une base biannuelle de l'état de l'action procédant en Colombie-Britannique et d'aviser le Tribunal dans les 45 jours de tout développement important dans cette action qui pourrait affecter l'action québécoise;

[19] **THE WHOLE**, without legal costs.

[19] **LE TOUT**, sans frais de justice.

  
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DONALD BISSON, J.S.C.

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Hearing date: March 24, 2022 (on file)