

SUPERIOR COURT

(Class action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No.: 500-06-001036-199

DATE: April 19, 2022

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

(JB4644)

DOMENICO LEOPARDI

Petitioner

v.

MERCEDES-BENZ CANADA INC.

Respondent

JUDGMENT

(Suspension)

[1] **CONSIDERING** that on December 23, 2019, the Petitioner filed an Application to Authorize the Bringing of a Class Action claiming damages arising from the alleged malfunction or design defect in the heating, ventilation, and air-conditioning systems (HVAC) in certain Mercedes vehicles that were leased and sold by the Respondent;

[2] **CONSIDERING** that on May 29, 2020, a parallel class action was filed in Ontario in Goering v. Mercedes-Benz Canada Inc., Court No. CV-20-00083647-00CP on essentially the same subject matter (the "Ontario Action");

[3] **CONSIDERING** that on October 16, 2020, the Petitioner filed an Application for a Temporary Suspension of the present action, so as to first advance the Ontario Action;

[4] **CONSIDERING** that on November 11, 2020, this Court granted the suspension for 6 months, with a possibility of renewal within 5 months of judgment being rendered (Leopardi c. Mercedes-Benz Canada inc., 2020 QCCS 3713);

[5] **CONSIDERING** that on April 12, 2021, the Petitioner filed a second Application for a Temporary Suspension of the present action, to continue advancing the Ontario Action;

[6] **CONSIDERING** that on May 12, 2021, this Court granted the suspension for an additional 6 months, with a possibility of renewal within 5 months of judgment being rendered (*Leopardi c. Mercedes-Benz Canada inc.*, 2021 QCCS 1975);

[7] **CONSIDERING** that on October 13, 2021, this Court granted the suspension for an additional 7 months, with a possibility of renewal within 6 months of judgment being rendered (*Leopardi c. Mercedes-Benz Canada inc.*, 2021 QCCS 4226);

[8] **CONSIDERING** that the Plaintiffs delivered their certification record to the Defendant in the Ontario Action on June 4, 2021;

[9] **CONSIDERING** that the Defendant delivered its response record including its affidavits on December 6, 2021;

[10] **CONSIDERING** that the Plaintiffs intend on producing a reply record and **CONSIDERING** the delay involved in the production of same;

[11] **CONSIDERING** that this Court considers that the Ontario Action is being moved along expeditiously and that an additional 7-month suspension of the present action is appropriate;

[12] **CONSIDERING** the interests of class members and the interests of justice;

[13] **CONSIDERING** that the Respondent consents to this judgment;

POUR CES MOTIFS, LE TRIBUNAL:

FOR THESE REASONS, THE COURT:

[14] **ACCORDE** la présente demande de suspension temporaire;

[14] **GRANTS** the present Application for a temporary suspension;

[15] **SUSPEND** la présente action collective pour une période additionnelle de sept mois, soit jusqu'au 13 novembre 2022;

[15] **SUSPENDS** the present class action for an additional seven months, until November 13, 2022;

[16] Si les parties entendent demander la prolongation de la suspension, **ORDONNE** au demandeur de produire une demande de prolongation au plus tard dans les six mois du présent jugement;

[16] If the parties intend to request an extension of the suspension, **ORDERS** the Petitioner to file an application for an extension no later than six months from this judgment;

[17] **MAINTIENT** toutes les autres conclusions telles qu'énoncées dans le jugement de cette Cour en date du 11 novembre 2020;

[17] **MAINTAINS** all other conclusions as stated in this Court's judgment dated November 11, 2020;

[18] **LE TOUT** sans frais de justice.

[18] **THE WHOLE** without legal costs.


DONALD BISSON, J.S.C.

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Hearing date: April 13, 2022 (On file)