

SUPERIOR COURT

(Class action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N° : 500-06-001090-204

DATE : August 29th, 2021

IN THE PRESENCE OF : THE HONOURABLE SYLVAIN LUSSIER, J.C.S.

ANDREA ASHLEY DUCHARME

Applicant

c.

THOMSON INTERNATIONAL, INC.

Defendant

JUDGEMENT

(Joint Application to Stay the Class Action)

[1] **CONSIDERING** the Application to Stay the Class Action presented jointly by the parties to stay the *Demande en autorisation pour exercer une action collective et obtenir le statut de représentante* (the “Quebec Action”) for which the authorization as not yet been granted or refused;

[2] **CONSIDERING** the parties ask this court to give precedence to the parallel class action commenced in *Sydonni Allridge v. Thomson International inc. and ABC Corporation*, bearing court file number 2003 14303 (the “Alberta Action”);

[3] **CONSIDERING** the Quebec Action and the Alberta Action relate essentially to the same cause of action and the same subject matter, namely, the alleged Defendant’s

negligence in the growth, production, quality control, monitoring, processing, storage, distribution and sale of the recalled onions contaminated with Salmonella;

[4] **CONSIDERING** the Alberta Action was certified as a national class action, including Quebec residents, on April 30, 2021;

[5] **CONSIDERING** that on June 29, 2021, the national class in the Alberta Action was amended to also include all legal persons in Canada as in the Quebec Action;

[6] **CONSIDERING** the parties submit that the Alberta Action will proceed diligently under the supervision of Justice Kevin S. Feth;

[7] **CONSIDERING** articles 18, 49, 158 and 577 C.C.P. and the relevant case law;¹

[8] **CONSIDERING** that the Court, by virtue of its inherent management jurisdiction, has the discretion to stay the Quebec Action for the proper administration of justice, if it is consistent with the guiding principles of procedure;

[9] **CONSIDERING** the Court is convinced that the rights and interests of Quebec residents are protected by the Alberta Action;

[10] **CONSIDERING** counsel in the Quebec Action undertake to report to the Court on the status of the proceedings in the Alberta Action and on any important development, at least every six months;

[11] **CONSIDERING** it is appropriate to grant the requested temporary stay, but with terms and conditions ensuring adequate supervision of future developments.

FOR THESE REASONS, THE COURT:

[12] **GRANTS** the Joint Application to Stay the Class Action;

[13] **STAYS** any and all proceedings related to the *Demande pour obtenir l'autorisation d'exercer une action collective et pour obtenir le statut de représentante* for a period ending thirty (30) days after the final outcome in the Alberta Action *Sydonni Allridge v. Thomson International inc. and ABC Corporation* bearing court file number 2003 14303, and all related proceedings are completed;

[14] **ORDERS** counsel for the parties to inform the Court promptly, and at least, every six (6) months of the progress and any significant development in *Sydonni Allridge v. Thomson International inc. and ABC Corporation* bearing court file number 2003 14303;

¹ *FCA Canada inc. c. Garage Poirier & Poirier inc.*, 2019 QCCA 2213; *Blackette c. Blackberry Limited*, 2020 QCCS 2447.

[15] **RETAINS** discretion to lift the stay on request or on its own initiative if the circumstances so warrant;

[16] **THE WHOLE**, without costs.

SYLVAIN LUSSIER, J.C.S.

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