

**SUPERIOR COURT**  
**(Class Actions Division)**

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

N° : 500-06-000861-175

DATE : April 25 2019

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**PRESIDING: THE HONOURABLE DONALD BISSON, J.S.C.**

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**PATRICK BENOIT**

Applicant

v.

**LA BANQUE DE NOUVELLE-ÉCOSSE**  
**BARCLAYS PLC**  
**BARCLAYS BANK PLC**  
**BARCLAYS CAPITAL CANADA INC.**  
**BARCLAYS CAPITAL INC.**  
**BARCLAYS CAPITAL PLC**  
**DEUTSCHE BANK AG**  
**DEUTSCHE BANK SECURITIES LIMITED**  
**DEUTSCHE BANK SECURITIES, INC.**  
**HSBC BANK PLC**  
**HSBC HOLDINGS PLC**  
**BANQUE HSBC CANADA**  
**HSBC SECURITIES (CANADA) INC.**  
**HSBC USA, INC.**  
**HSBC SECURITIES (USA) INC.**  
**LONDON GOLD MARKET FIXING LTD.**  
**SOCIÉTÉ GÉNÉRALE S.A.**  
**SOCIÉTÉ GÉNÉRALE (CANADA)**  
**SOCIÉTÉ GÉNÉRALE**  
**SG AMERICAS SECURITIES, LLC**  
**UBS AG**  
**BANQUE UBS (CANADA)**  
**UBS SECURITIES LLC**

Defendants

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**JUDGMENT ON ADDITIONAL APPLICATION TO TEMPORARILY STAY  
THE CLASS ACTION**

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- [1] **CONSIDERING** that on September 24, 2018<sup>1</sup>, the Court has granted a temporary stay of the *Application for Authorization to Institute a Class Action and to Appoint the Status of Representative* filed on May 23, 2017, by Applicant Patrick Benoit (the "Québec Action");
- [2] **CONSIDERING** that the temporary stay expired on March 24, 2019;
- [3] **CONSIDERING** that the initial application to stay was brought under reserve of the rights of the parties to seek a further temporary stay;
- [4] **CONSIDERING** the *Additional Joint Application to Temporarily Stay The Class Action* dated March 27, 2019, Exhibit AS-1 and the sworn declaration of Me Diallo of March 27, 2019;
- [5] **CONSIDERING** the sworn statement of Tyler Planeta, counsel for the Applicants in Ontario, dated March 19, 2019 (Exhibit AS-2), and the Exhibits A, B and C in support thereof;
- [6] **CONSIDERING** the status of the national class action before the Ontario Superior Court of Justice in *Julius Di Filippo and David Caron vs. the Bank of Nova Scotia et al.*, in court docket number CV-15-543005 (the "Ontario Action");
- [7] **CONSIDERING** that the Parties seek an additional temporary stay of the Québec action for a period ending 60 days after the certification judgment to be rendered if the Ontario Action becomes final;
- [8] **CONSIDERING** that the conditions justifying a stay in September 2018 still prevail;
- [9] **CONSIDERING** that the Ontario Action was filed with the Ontario Superior Court of Justice before the Québec Action was filed in Québec;
- [10] **CONSIDERING** that, in the Ontario Action, the Ontario Applicants have already commenced the process of seeking class certification and have delivered a partial certification record, including numerous pleadings and affidavits of counsel, in support of their application for certification;
- [11] **CONSIDERING** that counsel for the parties have undertaken, prior to the termination date of the stay ordered, to advise the Court of the status of the Ontario Action and of the procedural steps that have been taken to move the litigation forward;

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<sup>1</sup> *Benoit c. Banque de Nouvelle-Écosse*, 2018 QCCS 4121.

[12] **CONSIDERING** that granting a temporary stay of the Québec Action is consistent with the principle of proportionality and avoids the possibility of contradictory judgments and multiple proceedings;

[13] **CONSIDERING** the agreement of all parties;

**FOR THESE REASONS, THE COURT:**

[14] **GRANTS** the *Additional Joint Application to Temporarily Stay The Class Action* dated March 27, 2019;

[15] **STAYS** the *Application for Authorization to Institute a Class Action and to Appoint the Status of Representative* filed by Applicant Patrick Benoit for a period ending 60 days after the certification judgment to be rendered in the Ontario class action *Julius Di Filippo and David Caron vs. the Bank of Nova Scotia et al.* (court docket number CV-15-543005) becomes final;

[16] **RESERVES** the Defendants' right to contest jurisdiction;

[17] **THE WHOLE**, without judicial costs.



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**DONALD BISSON, J.S.C.**

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