

SUPERIOR COURT
(Class Action Chamber)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° : 500-06-000947-180

DATE : March 24, 2021

PRESIDING: THE HONOURABLE GARY D.D. MORRISON, J.S.C.

PANAGIOTIS LEVENTAKIS

Applicant

c.

AUDIBLE INC.
and
APPLE, INC.
and
APPLE CANADA INC.
and
AMAZON.COM, INC.
and
AMAZON.COM.CA, INC.

Defendants

JUDGMENT
(Application for renewal of a temporary stay)

1- CONTEXT

[1] The parties have sought once again the renewal of a temporary stay of the class action authorization application, and this while awaiting the results of the certification process in British Columbia pertaining to a parallel class action.

[2] The Court, by way of judgment rendered July 5, 2019, granted a temporary stay in the present file until December 17, 2019.

[3] The stay was renewed, most recently due to a planned mediation that was national in scope and thus included those involved in the present proceedings on behalf of putative Quebec class members, with a former Chief Justice of the Superior Court of Quebec as mediator.

[4] The mediation did not give rise to a settlement. As a result, a five-day certification hearing is scheduled in the British Columbia proceedings, starting July 5, 2021.

[5] Accordingly, the requested renewal of stay in the Quebec proceedings is sought for the period ending July 16, 2021.

[6] Given the cumulative length of the stay to date in the present matter, the Court directed counsel to provide their arguments in writing.

2- ANALYSIS

[7] The parties argue that not only is the proposed renewal respectful of the principles of proportionality and judicial economy, but the conditions justifying the granting of the initial stay continue to prevail.

[8] In other words, they contend that the *lis pendens* criteria remains satisfied and that the rights and interests of Quebec resident putative class members will continue to be protected.

[9] Having reviewed their written arguments in this regard, the Court is satisfied that a renewal of the stay of proceedings until July 16, 2021, is appropriate and well-founded.

FOR THESE REASONS, THE COURT:

GRANTS the application for renewal of the temporary stay of the class action application proceedings;

STAYS, until July 16, 2021, the *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative*, dated September 28, 2018;

ORDERS the parties to continue to periodically keep the Court advised of developments in the British Columbia action;

THE WHOLE without judicial costs.

Gary D.D. Morrison, J.S.C.

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