

**SUPERIOR COURT  
(CLASS ACTION)**

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

No.: 500-06-001027-198

DATE: July 13<sup>th</sup>, 2021

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**BY THE HONOURABLE SYLVAIN LUSSIER, J.S.C.**

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**DANIELLE DALLAIRE**

Applicant

c.

**KOBE STEEL, LTD.**

and

**NIPPON KOSHUHA STEEL CO. LTD.**

and

**SHINKO ALUMINUM WIRE CO. LTD.**

and

**SHINKO WIRE STAINLESS COMPANY, LTD.**

Defendants

And

**FONDS D'AIDE AUX ACTIONS COLLECTIVES**

Impleaded party

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CLOSING JUDGMENT

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[1] By way of its judgment dated February 9, 2021, this Court approved the Settlement Agreement reached by the parties as well as Class counsel's fees and disbursements. The Court in British Columbia in *Kett et al. v. Kobe Steel, Ltd. et al.*, S-1710805 and in the Court in Ontario in *Curran v. Kobe Steel, Ltd. et al.*, CV-17-586942-00CP also approved the Settlement Agreement and Class counsel's fees.

[2] The Courts in all three jurisdictions approved:

a) Class counsel's fees and disbursements;

- b) Honouraria to the representative plaintiffs in the BC Action;
- c) The percentage to be remitted to the Fonds d'aide aux actions collectives in conformity with the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives*, chapter F-3.2.0.1.1, r. 2; and
- d) The cy pres award to the Law Foundation of British Columbia and to Éducaloi.

[3] The distribution of the funds provided for by the Settlement Agreement was made by plaintiffs' counsel in the BC Action in accordance with this Court's judgment as well as in accordance with section 3.8 of the Settlement Agreement<sup>1</sup>.

[4] The settlement funds were received from the Defendants by plaintiffs' counsel in the BC Action on March 5, 2021.

[5] Distribution of the fees, taxes and disbursements of Class Counsel in the total amount of \$701,807.92, as well as the honouraria payment to the three representative plaintiffs in the BC Action in the amount of \$2,500.00 each was completed.<sup>2</sup>

[6] The amount remaining after these payments was \$1,286,140.44.

[7] In accordance with section 3.8 (c) of the Settlement Agreement and with section 1 (2) (c) of the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives*<sup>3</sup>, the Fonds d'aide aux actions collectives can withhold 55% of 22.6% of this remaining amount. This apportionment is based on the percentage of Québec's population in relation to the total population of Canada, which corresponds to \$159,867.26.

[8] Payment was made to the Fonds d'aide aux actions collectives on April 16, 2021<sup>4</sup>, and cashed on April 23, 2021.

[9] The Fonds d'aide confirmed on June 25<sup>th</sup>, 2021 having received "159 867,26 \$ à titre prélèvement sur le reliquat en vertu des articles 597 du Code de procédure civile et 1. 2o c) du Règlement sur le pourcentage prélevé par le Fonds d'aide aux actions collectives, le tout conformément au paragraphe 3.8c) de l'entente de règlement approuvée par le Tribunal le 9 février 2021 ».

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<sup>1</sup> Class Counsel's Report on the Distribution of Funds dated April 16, 2021, Exhibit P-1.

<sup>2</sup> Copies of letters sent to the representative plaintiffs on March 11, 2021, Exhibit P-2.

<sup>3</sup> RLRQ, c F- 3.2.0.1.1, r.2.

<sup>4</sup> Exhibit P-3.

[10] The balance remaining after the remittances of the levies owing to the Fonds d'aide aux actions collectives was \$1,126,273.18.

[11] In accordance with section 3.8 (d) of the Settlement Agreement, 77.4% of this balance was distributed to the Law Foundation of British Columbia, in the amount of \$871,735.44, and 22.6% to Édcaloi, in the amount of \$254,537.74<sup>5</sup>. The amount was cashed by the Law Foundation on April 21, 2021 and by Édcaloi on June 14, 2021.

[12] Consequently, the Court takes notice of the distribution of the settlement funds and pronounces the closing judgment of the present matter.

**FOR THESE REASONS, THE COURT:**

[13] **GRANTS** the *Application for the pronouncing of a closing judgment*;

[14] **PRONOUNCES** the closing judgment of the present class action;

[15] **DECLARES** that the Court is no longer seized of the file;

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

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**SYLVAIN LUSSIER, J.S.C.**

Mtre Careen Hannouche  
KLEIN AVOCATS PLAIDEURS INC.  
Counsel to the Applicant

Mtre Ariane Bisailon  
BLAKE, CASSELS & GRAYDON LLP  
Counsel to the Defendants

Mtre Kloé Sévigny  
FONDS D'AIDE AUX ACTIONS COLLECTIVES

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<sup>5</sup> Exhibit P-4.