

CANADA
PROVINCE OF QUEBEC
DISTRICT OF QUEBEC
No.: 200-06-000238-199

SUPERIOR COURT
(Class Action Chambers)

DANIELLE DALLAIRE

Applicant

v.

SANOH INDUSTRIAL CO., LTD.

and

SANOH AMERICA, INC.

Defendants

**APPLICATION TO DISCONTINUE THE PUTATIVE CLASS ACTION AS
AGAINST SANOH INDUSTRIAL CO., LTD. AND SANOH AMERICA, INC.
(ART. 49, 575, 585 C.C.P.)**

**TO THE HONOURABLE JUSTICE CLÉMENT SAMSON, J.S.C., SITTING IN AND
FOR THE DISTRICT OF QUEBEC, YOUR APPLICANT STATES AS FOLLOWS:**

1. The Applicant filed an *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* (the "**Application**") on March 11, 2019 (the "**Québec Action**"), on behalf of the Class hereinafter described, of which she herself is a member, namely:

"All direct and indirect purchasers in Quebec who purchased or leased motor vehicles containing Automotive Steel Tubes or who purchased Automotive Steel Tubes, between December 2003 and July 9, 2011 (the "Class Period")."*

**Motor vehicle is defined as: cars, sport utility vehicles (SUVs), vans, light trucks (weighing up to 10,000 lbs).*

as appears from the Court record.

2. The putative class action alleges that the Defendants conspired to 1) fix, maintain, increase or control the price for the supply of Steel Tubes, 2) to allocate sales, territories, customers or markets for the production or supply of Steel Tubes, 3) to fix, maintain, control, prevent, lessen or eliminate the production or supply of Steel Tubes, and/or 4) to rig bids for Steel Tubes.

3. Parallel class actions have been filed in British Columbia by Klein Lawyers LLP and by Camp Fiorante Matthews Mogerma LLP and in Ontario by Siskinds LLP and Sotos LLP in *Sheridan Chevrolet Cadillac Ltd. et al. v. Maruyasu et al*, CV-17-582447 (the “**Ontario Action**”).
4. The Defendants Sanoh Industrial Co., Ltd. and Sanoh America, Inc. (hereinafter collectively referred to as the “**Sanoh Defendants**”) have each been duly served with a copy of the Application.
5. An agreement was reached between Klein Avocats Plaideurs Inc. and Klein Lawyers LLP and Siskinds LLP, Sotos LLP and Camp Fiorante Matthews Mogerma LLP; plaintiffs’ counsel in all the proposed parallel class actions pertaining to automotive parts filed in Québec, Ontario and British-Columbia (the “**Klein/Consortium Agreement**”).
6. By way of the Klein/Consortium Agreement, Applicant’s counsel shall bring applications to stay their automotive parts class actions in Québec and seek such other orders as are required to facilitate settlements reached in the automotive parts class actions filed in Ontario.
7. More particularly, in the event of a settlement agreement reached between plaintiffs’ counsel and any defendants in the Ontario Action, Applicant’s counsel shall bring an application to discontinue without costs as against any settling defendants.
8. As such, a settlement agreement, which is national in scope and which provides for the discontinuance of the Québec action, was reached on August 24, 2023 in the Ontario Action between the plaintiffs and the Sanoh Defendants, as appears from a copy of the Settlement Agreement, communicated hereto as **Exhibit P- 1**. An unofficial translation of the Sanoh agreement is communicated hereto as **Exhibit P-2**.
9. The Ontario Superior Court of Justice approved the Settlement Agreement by way of an issued and entered Order dated November 6, 2023, communicated hereto as **Exhibit P-3**.
10. The settlement agreement includes the Québec class members and thus, their rights are protected.
11. A discontinuance will not affect the substantive rights of the other Defendants and will not affect the rights of either of the parties.
12. Further, notices in relation to the present putative class action have not been published such that publication of a notice relating to the discontinuance is not necessary. However, Applicant’s attorneys will post a copy of the discontinuance judgment to be rendered on their website and said judgment will also be posted on the Quebec Class Action Register.

13. In light of the above, the Applicant and her counsel believe that a discontinuance is appropriate in the circumstances and in the best interests of the class and of justice.

14. The present application is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present application;

AUTHORIZE the Applicant, through her counsel, to discontinue without notice and without costs its action as against Sanoh Industrial Co., Ltd. and Sanoh America, Inc.;

DECLARE that the discontinuance does not affect the rights of the parties;

AUTHORIZE the Applicant to file a Notice of Discontinuance in favor of the defendants Sanoh Industrial Co., Ltd. and Sanoh America, Inc. within fifteen (15) days of the judgement to follow on the present application;

THE WHOLE without costs.

Montreal, December 15, 2023

(sgd) Klein Avocats Plaideurs Inc.

Klein Avocats Plaideurs Inc.
500, Place d'Armes, suite 1800
Montréal, Québec
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Counsel for the Applicant

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Defendants

NOTICE OF PRESENTATION
(ART. 146 and 574 al. 2 C.C.P.)

TO: Me Karine Chênevert
BORDEN LADNER GERVAIS LLP
1000 De La Gauchetière Street West, suite 900
Montréal, Québec, H3B 5H4

Counsel for Sanoh Industrial Co., Ltd. and Sanoh America Inc.

TAKE NOTICE that the *Application to Discontinue the Putative Class Action* will be presented before the honourable Justice Clément Samson of the Superior Court of Québec by videoconference on a date and time to be determined by this honourable judge.

GOVERN YOURSELF ACCORDINGLY.

Montreal, December 15, 2023

(sgd) *Klein Avocats Plaideurs Inc.*

Klein Avocats Plaideurs Inc.

Counsel for the Applicant

LIST OF EXHIBITS

- EXHIBIT P-1:** Canadian Automotive Steel Tubes Class Actions National Settlement Agreement;
- EXHIBIT P-2:** Unofficial Translation of the Canadian Automotive Steel Tubes Class Actions National Settlement Agreement;
- EXHIBIT P-3:** Ontario Superior Court of Justice Order dated November 6, 2023.

Montreal, December 15, 2023

(sgd) Klein Avocats Plaideurs Inc.

Klein Avocats Plaideurs Inc.

Counsel for the Applicant

N° 200-06-000238-199

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DISTRICT OF QUÉBEC**

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CO., LTD. AND SANOH AMERICA, INC.**

**LIST OF EXHIBITS AND EXHIBITS
P-1, P-2, P-3 (ART. 49, 575, 585 C.C.P.)**

COPY FOR THE COURT

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