

SUPERIOR COURT
(Class Action Division)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No: 500-06-001227-236

DATE: June 28, 2024

PRESENT: THE HONORABLE FLORENCE LUCAS, J.S.C.

EDEN OHAYON
Applicant

v.

FIRMENICH INTERNATIONAL SA (GENEVA)
and
FIRMENICH OF CANADA, LIMITED
and
GIVAUDAN SA (GENEVA)
and
GIVAUDAN CANADA CO.
and
INTERNATIONAL FLAVORS & FRAGRANCES INC. (USA)
and
INTERNATIONAL FLAVORS & FRAGRANCES INC. (CANADA) LTD
and
SYMRISE AG (GERMANY)
and
SYMRISE PET FOOD CANADA (SPF)
Defendants

JUDGMENT
(ON AN APPLICATION TO MODIFY THE AUTHORIZATION APPLICATION AND TO
TEMPORARILY STAY THE CLASS ACTION)

- [1] **CONSIDERING** the Applicant's *Application for Permission to Amend and to Temporarily Stay the Class Action* (the "**Application**"), whereby the Applicant requests to notably limit the class description to Quebec residents only and that the class action against the Defendants be temporarily stayed until COMCO releases the findings of its investigation;
- [2] **CONSIDERING** that the Defendants do not oppose and take no position on the Applicant's Application, it being agreed and understood that the requested stay is without prejudice to any of the rights of the Defendants, including the right to contest jurisdiction, and that the Defendants do not thereby waive any procedural or substantive rights when the Plaintiff asks for the stay to be lifted or when the stay is lifted;
- [3] **CONSIDERING** that the Court is satisfied that the Applicant's Application has regard for the protection of the rights and interests of Quebec residents;
- [4] **CONSIDERING** that the requested stay is consistent with the principles of proportionality and judicial economy;
- [5] **CONSIDERING** articles 18, 49, 157, 577 and 585 C.C.P.;
- [6] **CONSIDERING** that Class Counsel has undertaken to provide this Court with any major update on the status of COMCO's investigation, and to advise this Court within 30 days of any significant development in the investigation that may affect the course of this class action;
- [7] **CONSIDERING** the submissions of counsel for the Applicant and counsel for the Defendants and the representations made on all sides;

PAR CES MOTIFS, LE TRIBUNAL :	FOR THESE REASONS, THE COURT:
[8] ACCUEILLE la demande;	[8] GRANTS the present Application;
[9] AUTORISE la demanderesse à modifier la demande d'autorisation et DÉCLARE la demande d'autorisation modifiée datée du 27 juin 2024 dûment déposée;	[9] AUTHORIZES the Applicants to amend authorization application and DECLARE the Amended Authorization Application dated June 27, 2024, duly filed:
[10] SUSPENDS la présente action jusqu'à ce qu'une décision finale soit rendue par COMCO, ou plus tôt, tel qui pourra être demandé ultérieurement par la demanderesse ou ordonné par le Tribunal ;	[10] STAYS the present action until a final decision is rendered by COMCO, or earlier as may be subsequently requested by the Applicant or ordered by the Court;

<p>[11] ORDONNE à la demanderesse de s'assurer qu'une copie du présent jugement soit publiée comme suit jusqu'à la levée de la suspension :</p> <p>(a) sur le Registre des actions collectives; et (b) sur le site Web des procureurs du groupe www.lpclex.com/fr;</p>	<p>[11] ORDERS the Applicant to ensure that a copy of this judgment be published as follows until the stay is lifted:</p> <p>(a) on the Class Action Registry; and (b) on Class Counsel's website (www.lpclex.com).</p>
<p>[12] PREND ACTE de l'engagement des avocats du groupe de fournir à la Cour toute mise à jour importante sur l'état de l'enquête de la COMCO, et d'informer la Cour dans les 30 jours de tout développement important dans l'enquête qui pourrait affecter le cours de cette action collective ;</p>	<p>[12] TAKES ACT of Class Counsel's undertaking to provide this Court with any major update on the status of COMCO's investigation, and to advise this Court within 30 days of any significant development in the investigation that may affect the course of this class action;</p>
<p>[13] LE TOUT, sans frais de justice.</p>	<p>[13] THE WHOLE, without legal costs.</p>

FLORENCE LUCAS, J.S.C.

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