

SUPERIOR COURT
(Class Action Chamber)

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

NO.: 500-06-000968-194

DATE: October 25, 2022

PRESIDING: THE HONOURABLE FRÉDÉRIC PÉRODEAU, J.S.C.

DAVID ZOUZOUT
Representative Plaintiff

v.

CANADA DRY MOTT'S INC.
-and-
KEURIG DR PEPPER INC.
Defendants

CLOSING JUDGMENT

- [1] **CONSIDERING** that on January 14, 2019, the Representative Plaintiff filed an *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* against the Defendants, which was amended on November 24, 2019.
- [2] **CONSIDERING** that the parties entered into a Settlement Agreement, signed by the parties on November 12, 2020.
- [3] **CONSIDERING** that, on November 12, 2020, the Court:
- a) Authorized the present class action against the Defendants for settlement purposes only.

- b) Granted the status of Representative Plaintiff to David Zouzout for settlement purposes only.
- c) Approved the form, content and dissemination plan of the pre-approval notices to the Class Members.
- d) Appointed Velvet Payments Inc. as the Claims Administrator.

[4] **CONSIDERING** that, on May 7, 2021, the Court approved the Settlement Agreement and ordered the Claims Administrator to send an email to each of the 48,702 people who provided their email addresses within the deadline set by the Court, containing the Final Settlement Notice with a hyperlink to the online claim form, within fifteen (15) days of the effective date of the settlement, in order to inform them of the approval of the Settlement Agreement and the delay to complete and submit the online claim form (the "**Approval Judgment**").

[5] **CONSIDERING** the closing report of the Claims Administrator dated August 9, 2022 (the "**Final Report**").

[6] **CONSIDERING** that the settlement was duly executed by the parties, the whole in accordance with the Settlement Agreement and the Approval Judgment.

[7] **CONSIDERING** that, according to the Final Report, the 2% levy payable to the Fonds d'aide aux actions collectives pursuant to article 1(3)(a) of the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives* is \$1,944.90.

[8] **CONSIDERING** that, according to the Final Report, there remains a balance of \$3,744.50 held by the Claims Administrator.

[9] **CONSIDERING** that the Plaintiff and the Defendants agree, subject to approval by the Court, that such balance of \$3,744.50 be paid by the Claims Administrator in equal parts to the Fonds d'aide aux actions collectives and to Mada Community Center, a charitable organization, within thirty days of this judgment.

[10] **CONSIDERING** articles 590 and 596 of the *Code of Civil Procedure*.

FOR THESE REASONS, THE COURT:

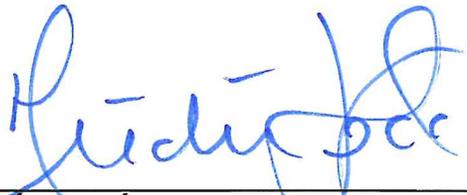
[11] **GRANTS** the joint application for a closing judgment;

[12] **DECLARES** that the Defendants have satisfied their obligations pursuant to the Settlement Agreement approved on May 7, 2021.

[13] **ORDERS** Velvet Payments Inc. to pay the levy owed to the Fonds d'aide

aux actions collectives of \$1,944.90 within thirty days of this judgment.

- [14] **ORDERS** Velvet Payments Inc. to pay the balance of \$3,744.50 in equal shares to the Fonds d'aide aux actions collectives and to Mada Community Center within thirty days of this judgment.
- [15] **DECLARES** the closure of the present class action.
- [16] **THE WHOLE**, without legal costs.



FRÉDÉRIC PÉRODEAU, J.S.C.

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