

SUPERIOR COURT
(Class Action Division)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No: 500-06-000796-165

DATE : October 26, 2022

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

ALBERT HADIDA
Representative Plaintiff

v.

NISSAN CANADA INC.
-and-
NISSAN NORTH AMERICA INC.
-and-
NISSAN MOTOR CO., LTD.
Defendants

JUDGMENT

(Approval of the Disposal of the Remaining Balance and Closing Judgment)

- [1] **WHEREAS** on April 6, 2021, the Court approved the class action settlement in the present matter.
- [2] **WHEREAS** the Representative Plaintiff brings before this Court an "*Application to Approve the Disposal of the Remaining Balance and for a Closing Judgment.*"
- [3] **CONSIDERING** said Application.
- [4] **CONSIDERING** the "Final Closing Report: Settlement Payout Distribution Results" dated September 7, 2022.
- [5] **CONSIDERING** the percentage of total confirmed paid-out claims of 98.27%.

- [6] **CONSIDERING** that according to the Final Closing Report, the Claims Administrator withheld the Fonds d'aide aux actions collectives levy of 2% per claim according to art. 1(3)(a) of the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives*¹, and must remit to the Fond d'aide aux actions collectives the amount of \$4,982.70.
- [7] **CONSIDERING** that there remains a balance of \$5,505.93 comprised of the e-transfers that were not deposited and the uncashed cheques that are now stale dated.
- [8] **CONSIDERING** that the parties have agreed to pay the remaining balance of \$5,505.93 to the *Fonds d'aide aux actions collectives*.
- [9] **CONSIDERING** that the Court approved the payment of LPC Avocat Inc.'s class counsel fees and ordered that one third be held in trust by LCM Avocats Inc. until an ulterior judgment of the Court.
- [10] **CONSIDERING** that the fees claimed by Class counsel are fair and reasonable.
- [11] **CONSIDERING** the Defendants, Nissan Canada Inc., Nissan North America Inc. and Nissan Motor Co., LTD consent to said Application.
- [12] **CONSIDERING** article 596 al. 3 of the *Code of Civil Procedure*, article 60 of the *Regulation of the Superior Court of Québec in civil matters*², article 42 of the *Act Respecting the Fonds d'aide aux actions collectives*³ and article 1(1)(a) of the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives*⁴;

PAR CES MOTIFS, LE TRIBUNAL :

FOR THESE REASONS, THE COURT:

- [13] **ACCUEILLE** la demande intitulée « *Application to Approve the Disposal of the Remaining Balance and for a Closing Judgment* ».
- [14] **ORDONNE** à Paiements Velvet inc., l'administrateur des réclamations, de verser au Fonds d'aide aux actions collectives la somme de **4 982,70 \$**, qui représente le

GRANTS the "*Application to Approve the Disposal of the Remaining Balance and for a Closing Judgment*."

ORDERS Velvet Payments Inc., the Claims Administrator, to pay the Fonds d'aide aux actions collectives **\$4,982.70**, consisting of the levy of 2% per claim according to art. 1(3)(a) of the

¹ *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives*, c. F-3.2.0.1.1, r. 2.

² *Regulation of the Superior Court of Québec in civil matters*, c. C-25.01, r 0.2.1.

³ *Act Respecting the Fonds d'aide aux actions collectives*, c. F-3.2.0.1.1.

⁴ *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives*, chapter, supra, note 1.

pourcentage de 2 % par réclamation prélevé en vertu de l'art. 1 (3) (a) du *Règlement sur le pourcentage prélevé par le Fonds d'aide aux actions collectives*, et ce, dans les dix jours du présent jugement.

- [15] **APPROUVE** le paiement du reliquat de **5 505,93 \$** au Fonds d'aide aux actions collectives.
- [16] **ORDONNE** à Paiements Velvet inc., l'administrateur des réclamations, de verser au Fonds d'aide aux actions collectives la somme de **5 505,93 \$**, et ce, dans les dix jours du présent jugement.
- [17] **AUTORISE** LCM avocats inc. à remettre à LPC Avocat inc. la portion restante (1/3) des honoraires actuellement détenue dans son compte en fidéicomis, et ce, dans les dix jours du présent jugement.
- [18] **DÉCLARE** que les défenderesses Nissan Canada inc., Nissan North America inc. et Nissan Motor Co., LTD, ont satisfait toutes leurs obligations en vertu de l'entente de règlement approuvée par le Tribunal le 6 avril 2021.
- [19] **DÉCLARE** la fin de l'action collective.
- [20] **LE TOUT**, sans frais de justice.

Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives within ten days of the present judgment.

APPROVES the payment of the remaining balance of **\$5,505.93** to the Fonds d'aide aux actions collectives.

ORDERS Velvet Payments Inc., the Claims Administrator, to pay the Fonds d'aide aux actions collectives **\$5,505.93** within ten days of the present judgment.

AUTHORIZES LCM Avocats Inc. to release the remaining portion of class counsel fees (1/3) currently held in its trust account to LPC Avocat Inc. within ten days of the present judgment.

DECLARES that the Defendants, Nissan Canada Inc., Nissan North America Inc. and Nissan Motor Co., LTD, have satisfied their obligations under the Settlement Agreement approved by the Court on April 6, 2021.

DECLARES the closure of the present class action.

THE WHOLE, without legal costs.



FRÉDÉRIC PÉRODEAU, J.S.C.

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