

**SUPERIOR COURT**  
(Class Action)

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTREAL

N° : 500-06-001014-196

DATE : March 10, 2021

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**BY THE HONOURABLE CHANTAL CHATELAIN, J.S.C.**

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**JOSIANE FRÉCHETTE**  
Plaintiff

v.

**NHK SPRING CO., LTD.**  
**NHK INTERNATIONAL CORPORATION**  
**NAT PERIPHERAL (HONG KONG) CO., LTD.**  
**TDK CORPORATION**  
**TDK U.S.A. CORPORATION**  
**TDK CORPORATION OF AMERICA**  
**SAE MAGNETICS (HK) LTD.**  
**MAGNECOMP PRECISION TECHNOLOGY PUBLIC CO. LTD.**  
**HUTCHISON TECHNOLOGY INC.**  
Defendants

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**JUDGMENT**  
(Temporary stay of proceedings)

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[1] **CONSIDERING** the Application by the Defendants for a stay of the *Application for authorization to institute a class action*;

[2] **CONSIDERING** that, by way of her *Application for authorization to institute a class action* filed on July 31, 2019, the Plaintiff is contending that the Defendants have engaged in anticompetitive conduct and purportedly infringed competition laws in relation to suspension assemblies for hard disk drives ("**Suspension Assemblies**");

[3] **CONSIDERING** that, on July 30, 2019, the Plaintiffs Emily Copeland and Andrija Majstorovic filed before the Ontario Superior Court of Justice a Statement of Claim brought under the *Class Proceedings Act, 1992*, in the Court File No. 1517/19 against, *inter alia*, the Defendants named in this case, alleging anticompetitive conduct in relation to Suspension Assemblies on behalf of a national class ("**Ontario Action**");

[4] **CONSIDERING** that, on September 23, 2019, the Plaintiff Tony Cheung filed before the Supreme Court of British Columbia a Statement of Claim brought under the *Class Proceedings Act, 1996*, in the Court File No. S-1910612 against, *inter alia*, the Defendants named in this case, alleging anticompetitive conduct in relation to Suspension Assemblies currently on behalf of all persons and entities in British Columbia who purchased Suspension Assemblies, or product which contained Suspension Assemblies during the Class Period ("**BC Action**");

[5] **CONSIDERING** that the Ontario Action and the BC Action include as Defendants, *inter alia*, the same entities as those named in this case, are based on the same facts and raise the same causes and objects as this case;

[6] **CONSIDERING** that the Plaintiffs in the Ontario Action, the BC Action and this case are collaborating in a coordinated fashion for the prosecution of the Suspension Assemblies litigation in Canada;

[7] **CONSIDERING** that it is the intention of the Plaintiff in the BC Action to amend the BC Action to make claims on behalf of a national class, so as to move the matter forward in that jurisdiction;

[8] **CONSIDERING** the undertaking by the Defendants to periodically inform the Court of the status of the BC Action and of the procedural steps that have been taken to move the litigation forward;

[9] **CONSIDERING** the consent of all parties to a temporary stay of the present proceedings until a period of 10 months after the filing of the Plaintiff's certification record in the BC Action or a further order of this Court;

[10] **CONSIDERING** that after that period of 10 months, the parties will reassess the progress of the BC Action and determine whether it is appropriate to request that the stay of the proceedings be renewed;

[11] **CONSIDERING** that even if the present proceedings were filed before the BC Action, a temporary stay is consistent with the interests of the proposed class members, the principles of proportionality and judicial economy and will avoid multiple proceedings;

[12] **CONSIDERING** Articles 18, 49 and 577 of the *Code of Civil Procedure* and the interests of justice;

**FOR THESE REASONS, THE COURT:**

[13] **GRANTS** in part the Application by the Defendants to Stay the Quebec Action;

[14] **STAYS** the present proceedings until a period of 10 months after the filing of the Plaintiff's certification record in the BC Action (*Tony Cheung v. NHK Spring Co., LTD. & al.*, Court File No. S-1910612), or a further order of the Court;

[15] **ORDERS** the Defendants to provide the Court with periodic status reports no more than four months apart regarding the BC Action and to advise this Court within 30 days of any significant development in the BC Action that may affect the course of the Québec Action;

[16] **RESERVES** the jurisdiction of the Court to lift this suspension on request or on its own initiative if the circumstances so warrant;

[17] **WITHOUT LEGAL COSTS.**

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CHANTAL CHATELAIN, J.S.C.

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Hearing on file: March 10, 2021