

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-001180-229

DATE: November 1st, 2022

IN THE PRESENCE OF THE HONOURABLE DONALD BISSON, J.S.C. (JB4644)

SYLVIE DE BELLEFEUILLE
Plaintiff

c.
CARGILL, INCORPORATED
CARGILL MEAT SOLUTIONS CORPORATION
CARGILL LIMITED
JBS USA FOOD COMPANY
SWIFT BEEF COMPANY
JBS PACKERLAND INC.
JBS CANADA ULC
TYSON FOODS, INC.
TYSON FRESH MEATS, INC.
NATIONAL BEEF PACKING COMPANY, LLC
Defendants

JUDGMENT

(Application by the Plaintiff for a stay of the *Modified Application for authorization to institute a class action (October 20, 2022)*)

[1] **CONSIDERING** that, by way of her *Modified Application for authorization to institute a class action* initially filed on March 24, 2022 (the "**Québec Action**"), the Plaintiff is contending that the Defendants have engaged in anticompetitive conduct and purportedly infringed competition laws in relation to the production or supply of Beef;

[2] **CONSIDERING** that, on February 18, 2022, Plaintiff Giang Bui, represented by the British Columbia firm Camp Fiorante Matthews Mogerman LLP and the Ontario firm Strosberg Sasso Sutts LLP, filed before the Supreme Court of British Columbia a Notice of Civil Claim brought under the *Class Proceedings Act*, RSBC 1996, C. 50 in the Court File No. S-221365 for a national class, including the Quebec class members, against the same Defendants, based on the same alleged facts and alleging the same cause of Action (the “**BC Action**”);

[3] **CONSIDERING** the consent of all parties to a temporary stay of the Québec Action until a period of up to 60 days after a judgment to be rendered by the Supreme Court of British Columbia on the certification of the BC Action, upon condition that the BC Action progresses diligently;

[4] **CONSIDERING** that, at any time, the parties can reassess the progress of the BC Action and determine whether it is appropriate to request that the stay of the proceedings be lifted;

[5] **CONSIDERING** the undertaking by the Plaintiff 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;

[6] **CONSIDERING** the right of the Parties to file an application to the Court for a lift of the temporary stay of the Québec Action;

[7] **CONSIDERING** the absence of contestation;

[8] **CONSIDERING** Articles 18, 49 and 577 of the *Code of Civil Procedure*, article 3137 of the *Civil Code of Quebec* and the interests of justice;

FOR THESE REASONS, THE COURT:


[9] **STAYS** the present action for a period of up to 60 days after a judgment to be rendered by the Supreme Court of British Columbia on the certification application in the BC Action (*Giang Bui v. Cargill, Incorporated, Cargill Meat Solutions Corporation, Cargill Limited, JBS USA Food Company, Swift Beef Company, JBS Packerland Inc., JBS Canada ULC, Tyson Foods, Inc., Tyson Fresh Meats, Inc., and National Beef Packing Company, LLC*), B.C. Court File No. S-221365;

[10] **ACKNOWLEDGES** the Plaintiff’s undertaking to provide the Court with periodic status reports, no more than six (6) 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 present action;

[11] **CONVENES** the parties to a case management conference to be held within 60 days of the Supreme Court of British Columbia judgment to be rendered on the certification of the BC Action;

[12] **RESERVES** the jurisdiction of the Court to lift this stay on request, or on its own initiative;

[13] **THE WHOLE** without costs.



DONALD BISSON, J.S.C.

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Mtre Alexandrine Comtois
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Date of hearing: October 26, 2022 (on file)