

SUPERIOR COURT
(Class Action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000583-118

DATE: JANUARY 27, 2022

PRESIDED BY: THE HONOURABLE SILVANA CONTE, J.S.C.

MICHAEL BLACKETTE
Plaintiff/Class Representative

v.

BLACKBERRY LIMITED (FORMERLY, RESEARCH IN MOTION LIMITED)
Defendant

JUDGMENT

[1] **CONSIDERING** Plaintiff's application for a second temporary stay of these class action proceedings;

[2] **CONSIDERING** that on March 18, 2019, Defendant consented to the certification of a parallel class action filed in the Province of Ontario [*Snowball v. Blackberry Limited*, Court File No. 13-57203CP];

[3] **CONSIDERING** that a temporary stay was granted by the Court on August 11, 2020 for a period of one year, the whole in order to allow the parties to proceed with discoveries in the class action proceedings filed in the province of Ontario;

[4] **CONSIDERING** that on March 16, 2021, the Ontario Superior Court of Justice rendered its Amended Order certifying the following class :

All consumers in Canada (as defined in the Consumer Protection Act, or other similar/equivalent Consumer Protection Legislation), excluding Québec consumers (as defined in the Québec Consumer Protection Act), who had a BlackBerry Smartphone, paid for a monthly data plan, and had their e-mail, BlackBerry Messenger ("BBM"), and/or internet services interrupted during the period of October 11 to 14, 2011 (the "Service Disruption Period").

[5] **CONSIDERING** that the discovery process has not yet begun and that further delays are expected as Defendant intends on bringing a Motion for summary judgment;

[6] **CONSIDERING** that Plaintiff seeks a stay until such time as the discovery process in the Ontario class action proceedings are completed;

[7] **CONSIDERING** the Superior Court has the inherent jurisdiction under article 49 C.C.P. to suspend the Quebec class action proceedings, provided that the interests of the Quebec members and the proper administration of justice militate in favour of a suspension [*Micron Technology Inc. v. Hazan*, 2020 QCCA 1104 (CanLII) at para 35];

[8] **CONSIDERING** that, in the present case, issuing a temporary stay will prevent or limit the costly duplication of judicial and legal resources resulting from proceeding with the same discoveries in two jurisdictions and that the stay would benefit both the class members and Defendant. However, the Court considers that the stay should be for a determinate period of time;

[9] **CONSIDERING** that Defendant does not contest the application;

[10] **CONSIDERING** articles 18, 49, 577 CCP and article 137 CCQ;

FOR THESE REASONS, THE COURT:

[11] **GRANTS** Plaintiff's Application for a temporary stay of proceedings in part;

[12] **STAYS** the present proceedings until a final judgment is rendered on Defendant's Motion for Summary Judgment in the Ontario class action *Snowball v. Blackberry Limited*, Court File No. 13-57203CP;

[13] **THE WHOLE** without costs



SILVANA CONTE, J.S.C.

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