

CANADA

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

NO: 500-06-000888-178

(Class Action)  
SUPERIOR COURT

---

**JAMES GOVAN**, domiciled at 4943 Macdonald  
avenue, district of Montreal, Province of Quebec,  
H3X 2V2

Applicant

-vs-

**LOBLAW COMPANIES LIMITED**, legal person  
having its head office at 800-22 St. Clair avenue  
East, City of Toronto, Province of Ontario, M4T  
2S5

and

**LOBLAWS INC.**, legal person having its principal  
establishment at 400 Sainte-Croix avenue, Ville  
St-Laurent, district of Montreal, Province of  
Quebec, H4N 3L4

and

**GEORGE WESTON LIMITED**, legal person having  
its head office at 800-22 St. Clair avenue East, City  
of Toronto, Province of Ontario, M4T 2S5

and

**WESTON FOOD DISTRIBUTION INC.**, legal person  
having its head office at 800-22 St. Clair avenue  
East, City of Toronto, Province of Ontario, M4T  
2S5

and

**WESTON FOODS (CANADA) INC.**, legal person  
having its head office at 800-22 St. Clair avenue  
East, City of Toronto, Province of Ontario, M4T  
2S5

and

**METRO INC.**, legal person having its head office at 11011 Maurice Duplessis boulevard, district of Montreal, Province of Quebec, H1C 1V6

and

**SOBEYS QUEBEC INC.**, legal person having its head office at 11281 Albert-Hudon boulevard, district of Montreal, Province of Quebec, H1G3J5

and

**SOBEYS CAPITAL INCORPORATED**, legal person having its head office at 115 King Street, City of Stellarton, Province of Nova Scotia, B0K 1S0

and

**SOBEYS INC.**, legal person having its head office at 115 King Street, City of Stellarton, Province of Nova Scotia, B0K 1S0

and

**WAL-MART CANADA CORP.**, legal person having a principal establishment at 17000 Route Transcanada, Kirkland, district of Montreal, Province of Quebec, H9J 2M5

and

**CANADA BREAD COMPANY, LIMITED**, legal person having a principal establishment at 3455 Francis-Hughes avenue, district of Laval, Province of Quebec, H7L 5A5

and

**GIANT TIGER STORES LIMITED**, legal person having a principal establishment at 1001 boulevard Curé-Labelle, Unit 60A, district of

Laval, Province of Quebec, H7V 2V6

Defendants

---

**RE-AMENDED APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION AND TO  
APPOINT THE STATUS OF REPRESENTATIVE PLAINTIFF**  
(ARTICLES 571 AND FOLLOWING C.C.P.)

---

**TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT, SITTING IN AND FOR THE  
DISTRICT OF MONTREAL, YOUR APPLICANT STATES AS FOLLOWS:**

**I. GENERAL PRESENTATION**

1. On October 31<sup>st</sup>, 2017, the Competition Bureau launched an industry-wide criminal investigation concerning a price-fixing scheme involving certain packaged bread products sold by Defendants, Applicant disclosing the National Post article titled *“Watchdog raids offices of grocery retailers in price-fixing probe”* as **Exhibit P-1**;
2. That same day, the Competition Bureau investigators, accompanied by RCMP and local police forces, raided the Defendants’ offices, including those in Toronto, Montreal, and Stellarton, Nova Scotia, as part of its criminal investigation into a cartel composed of the largest grocery chains in Canada, Applicant disclosing a Financial Post article titled *“Competition Bureau investigates allegations of bread price fixing”* as **Exhibit P-9**;
3. The raids were conducting after the Ontario Superior Court in Ottawa granted search warrants based on reasonable grounds to believe that certain individuals and companies, including the Defendants, had taken part in activities that contravene the *Competition Act*, R.S.C., 1985, c. C-34, Applicant disclosing the Competition Bureau Court Records Brief as **Exhibit P-13**;
4. It appears that the Defendants and others colluded to fix the prices for the packaged bread that they sell in grocery stores in Quebec and throughout Canada, dating back to 2001;
5. The Defendants had and continue to have a significant impact on competition by artificially increasing the price of packaged bread in grocery stores across Canada;
6. It appears that the Defendants engaged in activities prohibited under the general rules of Quebec civil law, as well as under sections 45 and 46 of the *Competition Act*, which prohibits agreements between two or more persons to prevent or unduly lessen competition or to unreasonably enhance the price of a product;
7. Consequently, Applicant wishes to institute a class action on behalf of the following

class of which he is a member, namely:

**Class:**

All persons, entities, partnerships or organizations resident in Canada who purchased at least one package of bread from one of the Defendants;

Alternately (or as a subclass),

All persons, entities, partnerships or organizations resident in Quebec who purchased at least one package of bread from one of the Defendants;

(hereinafter referred to as the “**Class**”)

## **II. THE DEFENDANTS**

8. Defendant Loblaw Companies Limited (hereinafter “**Loblaw Ltd.**”) is a publicly traded company (TSE:L) and is a supermarket chain with over 2000 stores in Canada, including *Loblaws, Provigo, Maxi, Zehrs* and others;
9. Loblaw Ltd. is Canada’s largest food distributor and has its head office in Toronto, Ontario, Applicant disclosing a copy of an extract from the *Registraire des entreprises* as **Exhibit P-2**;
10. Defendant Loblaws Inc. (hereinafter “**Loblaws Inc.**”) is a division of Loblaw Ltd. with an elected domicile and principal establishments in the province of Quebec, Applicant disclosing a copy of an extract from the *Registraire des entreprises* as **Exhibit P-3**;
11. Defendant George Weston Limited (hereinafter “**George Weston**”) is a publicly traded company (TSE:WN) and is in the business of processing and distributing food (included packaged bread under different brand names), Applicant disclosing a copy of an extract from the *Registraire des entreprises* as **Exhibit P-4**;
- 11.1 George Weston is the parent company of Defendants Loblaw Ltd. and Weston Foods (Canada) Inc.;
- 11.2 Defendant Weston Foods (Canada) Inc. is an Ontario corporation with its head office in Toronto, Ontario, Applicant disclosing a copy of the extract from the *Registraire des entreprises* as **Exhibit P-14**. It is a subsidiary of George Weston. Weston Foods (Canada) Inc. is a producer of fresh and frozen baked products sold under the brands *Ben's Bread, Bon Matin Bread, Country Harvest Bread, Dempster's Bread, D'Italiano Bread, Gadoua Bread, McGavin's Bread, No Name Bread, Old Mill Bread, POM Bread, Weston Bread, Wonder Bread* and others;

12. During the Class Period, George Weston owned Defendant Weston Food Distribution Inc. (hereinafter "**Weston Food**"), Applicant disclosing *en liasse* copies of the extract from the *Registraire des entreprises* and of the Federal Corporation Information sheet as **Exhibit P-5**;
13. Weston Food appears to be a majority shareholder of Loblaw Ltd., Exhibit P-2;
- 13.1 George Weston and Weston Food own, distribute and/or sell several brands of packaged bread including *Weston, Ready Bake, D'Italiano, Gadou, Gadoua MultiGo, Country Harvest, All But Gluten* and *Ace*. These brands are sold at Loblaws (in which the Weston Defendants have an interest), but were also sold during the class period at the grocery stores owned and/or operated by their competitors (Defendants Metro, Sobeys, Giant Tiger and Wal-Mart);
14. Given the close ties between the Defendants Loblaws Ltd., Loblaws Inc., George Weston and Weston Foods, and considering the preceding, they are all solidarily liable for the acts and omissions of the other;
15. Defendant Metro Inc. (hereinafter "**Metro**"), based out of Montreal, is a publicly traded company (TSE:MRU) and is the third largest grocer in Canada, operating over 700 grocery stores in Canada across its banners including *Metro, Metro Plus, Super C, Food Basics, Adonis* and *Première Moisson*, Applicant disclosing a copy of an extract from the *Registraire des entreprises* as **Exhibit P-6**;
- 15.1 Defendants Sobeys Quebec Inc., Sobey's Inc. and Sobeys Capital Incorporated (hereinafter collectively referred to as "**Sobeys**") is Canada's second largest food retailer, operating over 1,500 grocery stores in Canada across several banners, including *IGA, IGA Extra, Sobeys, Marché Bonichoix, Les Marchés Tradition, Foodland, Safeway, Thrifty Food, Price Chopper* and others, Applicant disclosing *en liasse* copies of the extract from the *Registraire des entreprises* for Sobeys as **Exhibit P-10**. Sobeys' parent company is Empire Company Limited;
- 15.2 Defendant Wal-Mart Canada Corp. (hereinafter "**Wal-Mart**") owns and operates a chain of discount stores and supercenters in Quebec and across Canada, Applicant disclosing a copy of the extract from the *Registraire des entreprises* as **Exhibit P-11**. In the course of its business, Wal-Mart sells grocery items, including packaged bread;
- 15.3 Defendant Canada Bread Company, Limited (hereinafter "**Canada Bread**"), a subsidiary of Grupo Bimbo, S.A.B. de C.V., has been in business for more than 100 years and is a leading manufacturer and marketer of fresh and frozen bakery products across Quebec and Canada under different brands and trademarks, including *POM, Sun-Maid Raisin, Bon Matin* and *Villagio*, Applicant disclosing a copy of the extract from the *Registraire des entreprises* as **Exhibit P-12**;
- 15.4 Defendant Giant Tiger Stores Limited (hereinafter "**Giant Tiger**") is an Ontario

corporation with its head office in Ottawa, Ontario. Giant Tiger is a discount retailer with over 200 stores in Canada. It has a principal establishment at 1001 boulevard Curé-Labelle, Unit 60A, in Laval, Province of Québec, and also operates under the name “Les Magasins Tigre Géant”, Applicant disclosing a copy of the extract from the *Registraire des entreprises* as **Exhibit P-15**;

16. During the Class Period, all of the Defendants, either directly or through a wholly-owned subsidiary, agent or affiliate, participated in the sale of substantial quantities of packaged bread throughout Canada, including within the province of Quebec;

### **III. CONDITIONS REQUIRED TO AUTHORIZE THIS CLASS ACTION AND TO APPOINT THE STATUS OF REPRESENTATIVE PLAINTIFF (SECTION 575 C.C.P.):**

#### **A) THE FACTS ALLEGED APPEAR TO JUSTIFY THE CONCLUSIONS SOUGHT**

17. Applicant is member of the Class on behalf of which he wishes to exercise a class action in light of the fact that during the Class Period he has purchased packaged bread from Metro, Provigo and Loblaws (including Weston brands) in the Montreal region and has suffered damages as a result of the Defendants’ anti-competitive and unlawful activities;
- 17.1 On December 19<sup>th</sup>, 2017, the Loblaw, George Weston and Weston Food Defendants publicly admitted that they – as well as other major grocery retailers and another bread wholesaler – were involved in unlawfully fixing the prices of certain packaged bread products over a period extending from late 2001 to March 2015, Applicant disclosing the Loblaw Companies Limited press release published on its website as **Exhibit P-16**;
- 17.2 Galen G. Weston, Chairman and Chief Executive Officer of both George Weston Limited and Loblaw Companies Limited (both cooperating with the Competition Bureau as immunity applicants since March 2015) further admitted that “*This sort of behaviour is wrong and has no place in our business or Canada's grocery industry... This should never have happened*”, Exhibit P-16;
18. The Defendants’ cartel was kept a secret and their price-fixing was not known to Applicant at the time of his purchases, nor could it have been known, even through the exercise of reasonable diligence;
19. Due to the Defendants’ anti-competitive and illegal price-fixing activities, the Applicant was deprived of the benefit of a competitive market and therefore paid a higher price for the packages of bread he has purchased over the years;
20. Consequently, the Applicant suffered damages caused directly by the intentional fault of Defendants;
21. The damages suffered by Applicant are equal to the difference between the artificially

inflated price that he paid for packaged bread and the price that he should have paid in a competitive market system;

22. The Defendants' violations were intentional, calculated, malicious and vexatious;

23. In these circumstances, the Applicant's claim for damages is justified;

**B) THE CLAIMS OF THE MEMBERS OF THE CLASS RAISE IDENTICAL, SIMILAR OR RELATED ISSUES OF LAW OR FACT:**

24. All Class members, regardless of which of the Defendants they contracted with, have a common interest both in proving the commission of unlawful activities (the price fixing of bread in the present case) by all of the Defendants and in maximizing the aggregate of the amounts unlawfully charged to them by Defendants;

25. In this case, the legal and factual backgrounds at issue are common to all the members of the Class, namely whether the Defendants unlawfully engaged in price fixing and whether the Defendants created a bread cartel in Canada;

26. The claims of every member of the Class are founded on very similar facts to the Applicant's claims;

27. Every Class member purchased a package of bread from one of the Defendants during the class period;

28. By reason of Defendants' unlawful conduct, Applicant and members of the Class have suffered damages, which they may collectively claim against the Defendants;

29. Each Class member has paid an artificially inflated price for a package of bread as a result of the anti-competitive and collusive activities engaged in by the Defendants;

30. Each Class member has suffered damages equivalent to the difference between the artificially inflated price paid for a package of bread and the price that should have been paid in a competitive market system;

31. The damages suffered by the Class members are directly attributable to the Defendants' anti-competitive and illegal price-fixing activities and with respect to which each Class member is justified in claiming damages;

32. Individual questions, if any, pale by comparison to the numerous common questions that are significant to the outcome of the present Application;

33. **The recourses of the Class members raise identical, similar or related questions of fact or law, namely:**

- a) Did the Defendants conspire, coalesce, or enter into any agreement or arrangement that unduly restricts competition in the sale of packaged bread and, if so, during what period did this cartel have its effects on Class members?
- b) Does the participation of the Defendants in the cartel constitute a fault triggering their solidary liability to Class members?
- c) Has the effect of the cartel been an increase in the price paid in Canada (alternately in Quebec) for the purchase of the packaged bread sold by Defendants and, if so, does the increase constitute a damage for each Class member?
- d) What is the total amount of damages suffered by all Class members?
- e) Is the Defendants' solidary liability triggered with respect to the following costs incurred or to be incurred on behalf of Class members in present matter:
  - the costs of investigation;
  - the extrajudicial fees of counsel for the Applicant, Plaintiff and Class members; and
  - the extrajudicial disbursements by counsel for the Applicant, Plaintiff and Class members?

### **C) THE COMPOSITION OF THE CLASS**

- 34. The composition of the Class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings;
- 35. Combined, during the class period the Defendants undoubtedly have sold millions of packages of bread to Class members across the province of Quebec and Canada while the cartel existed;
- 36. In its 2016 Annual Report, Metro boasts that its annual sales totalled more than \$12 billion, Applicant disclosing **Exhibit P-7**. Loblaw Ltd. reported more than \$45.3 billion in sales in its 2016 Annual Report, Applicant disclosing **Exhibit P-8**. Combined, the Defendants have generated sales in the hundreds of billions of dollars during the class period;
- 37. The number of persons included in the Class is likely in the millions (many members may have claims against multiple Defendants);
- 38. The names and addresses of all persons included in the Class are not known to the



Applicant, however, some may be in the possession of the Defendants (through their various loyalty programs which would have stored purchase data);

39. Class members are very numerous and are dispersed across Canada and elsewhere;
40. These facts demonstrate that it would be impractical, if not impossible, to contact each and every Class member to obtain mandates and to join them in one action;
41. In these circumstances, a class action is the only appropriate procedure for all of the members of the Class to effectively pursue their respective rights and have access to justice without overburdening the court system;

**D) THE CLASS MEMBER REQUESTING TO BE APPOINTED AS REPRESENTATIVE PLAINTIFF IS IN A POSITION TO PROPERLY REPRESENT THE CLASS MEMBERS**

42. Applicant requests that he be appointed the status of representative plaintiff;
43. Applicant is a member of the Class;
44. Applicant learnt about the Competition Bureau's criminal investigation into the bread cartel when he came across a news article online;
45. Prior to initiating the present class action, it was obvious to Applicant that there are likely millions of other victims of the bread cartel;
46. Applicant mandated his attorneys to take the present action on his behalf and in the interest of the Class members, because he is aware that they have experience in class actions and are prosecuting other price-fixing class actions in Canada;
47. As for identifying other Class members, Applicant draws certain inferences from the situation, and this based on the number of the Defendants' grocery stores in Quebec and across Canada. Applicant realizes that by all accounts, there is a very important number of Class members that find themselves in an identical situation, and that it would not be useful for him to attempt to identify them given their sheer number;
48. Applicant wants to hold Defendants accountable for their misconduct and is taking this action so that he and the Class members can recover sums overpaid as a result of the Defendants' collusion and price-fixing;
49. Applicant is in the process of completing his studies in software engineering. He understands what his role would entail as representative plaintiff and is ready and available to manage and direct the present action in the interest of the members of the Class that he wishes to represent;
50. Applicant is determined to lead the present dossier until a final resolution of the matter,

the whole for the benefit of the Class, as well as to dedicate the time necessary for the present action and to collaborate with his attorneys;

51. Applicant has the capacity and interest to fairly and adequately protect and represent the interest of the Class members;
52. Applicants has given the mandate to his attorneys to obtain all relevant information with respect to the present action and intends to continue to keep informed of all developments;
53. With the assistance of his attorneys, Applicant will collaborate with other Class members and keep them informed;
54. Applicant is accessible to Class members, as are his attorneys who have user-friendly websites and are active on social media platforms such as LinkedIn, Twitter and Facebook;
- 54.1 Since the filing of the original Application to Authorize the Bringing of a Class Action, Counsel retained by Applicant have been contacted by thousands of Class Members across the province of Quebec with requests for information, updates and legal advice;
55. Applicant is in good faith and has instituted this action for the sole purpose of having his rights, as well as the rights of other Class members, recognized and protected so that they may be compensated for the damages that they have suffered as a consequence of Defendants' unlawful conduct;
56. Applicant has read this Application prior to its court filing and reviewed the exhibits in support thereof;
57. Applicant understands the nature of the action;
58. Applicant's interests are not antagonistic to those of other members of the Class;
59. Applicant's interest and competence are such that the present class action could proceed fairly;

#### **IV. DAMAGES**

60. During the Class Period, it is safe to assume that the Defendants have generated aggregate amounts in the millions of dollars (at least), while intentionally violating price-fixing laws;
61. All of the Defendants' misconduct is reprehensible and to the detriment of unsuspecting Class members;

62. All of the Defendants must be held accountable for the breach of obligations imposed on them by legislation in Canada and Quebec, including:
- a) The *Competition Act*, notably sections 45 and 46; and
  - b) *The Civil Code of Quebec*, notably articles 6, 7, and 1457.
63. In light of the foregoing, the following damages may be claimed against the Defendants:
- a) compensatory damages, in an amount to be determined, on account of the damages suffered.

**V. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT**

64. The action that the Applicant wishes to institute on behalf of the members of the Class is an action in damages and for a declaratory judgment of extracontractual civil liability;
65. The conclusions that the Applicant wishes to introduce by way of an originating application are:

**GRANT** the Representative Plaintiff's action against Defendants on behalf of all the Class members;

**DECLARE** the Defendants liable for the damages suffered by the Representative Plaintiff and each of the Class members;

**CONDEMN** the Defendants, solidarily, to pay the Representative Plaintiff and the Class members an amount equal to the sum of the Defendants' revenues generated by the artificially inflated portion of the sale price of the packaged bread they sell in Canada (alternately in Quebec), and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendants, solidarily, to pay the costs incurred for any investigation necessary to establish their liability in the present proceeding, including the extrajudicial class counsel fees and extrajudicial disbursements, including expert fees, and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendants, solidarily, to pay interest and the additional indemnity on the above sums according to law from the date of service of the Application to Authorize the Bringing of a Class Action;

**ORDER** the Defendants, solidarily, to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

**ORDER** that the claims of individual Class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

**CONDEMN** the Defendants to bear the costs of the present action including the cost of notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective recovery orders;

**RENDER** any other order that this Honourable Court shall determine;

66. The interests of justice favour that this Application be granted in accordance with its conclusions;

## **VI. JURISDICTION**

67. The Applicant suggests that this class action be exercised before the Superior Court of the province of Quebec, in the district of Montreal, for the following reasons:
- a) There exists a real and substantial connection between the province of Quebec and the damages suffered by Applicant and Class members;
  - b) A great number of the Class members, including the Applicant, reside in the district of Montreal;
  - c) The Defendants own and operate many grocery stores in the district of Montreal;

## **VII. NATIONAL CLASS**

68. The Applicant wishes to represent a national class before the Superior Court of the province of Quebec (subsidiarily a provincial class), for the following reasons:
- a) Metro and Sobeys Quebec Inc. have their head offices in the district of Montreal, in the province of Quebec, Exhibit P-6 and Exhibit P-10;
  - b) Loblaws Inc. has its principal establishment and elected domicile at 400 St-Croix avenue, in the district of Montreal, in the province of Quebec, Exhibit P-3. Wal-Mart has its principal establishment at 17000 Route Transcanada, in the district of Montreal, in the province of Quebec, Exhibit P-11. Canada Bread has its principal establishment at 3455 Francis-Hughes avenue, district of Laval, in the province of Quebec, Exhibit P-12;
  - c) Quebec's Court of Appeal has already authorized a multi-jurisdictional class action in similar circumstances;
  - d) Under section 36 of the *Competition Act*, private parties can commence legal action in the Federal Court or in a provincial court of superior jurisdiction to recover losses or damages incurred as a result of conduct contrary to section 45 of the *Competition Act*. Considering that the *Competition Act* is a federal legislation that is in force across Canada, any decision by the Superior Court of

Quebec concerning section 45 of the *Competition Act* could potentially apply and be enforced uniformly across Canada, should a national class be authorized;

**FOR THESE REASONS, MAY IT PLEASE THE COURT:**

**GRANT** the present application;

**AUTHORIZE** the bringing of a class action in the form of an originating application in damages and declaratory judgment;

**APPOINT** the Applicant the status of representative plaintiff of the persons included in the Class herein described as:

**Class:**

All persons, entities, partnerships or organizations resident in Canada who purchased at least one package of bread from one of the Defendants;

Alternately (or as a subclass),

All persons, entities, partnerships or organizations resident in Quebec who purchased at least one package of bread from one of the Defendants;

(hereinafter referred to as the “**Class**”)

**DECLARE** the nature of the action to be one of extracontractual civil liability;

**IDENTIFY** the principle questions of fact and law to be treated collectively as the following:

- a) Did the Defendants conspire, coalesce, or enter into any agreement or arrangement that unduly restricts competition in the sale of packaged bread and, if so, during what period did this cartel have its effects on Class members?
- b) Does the participation of the Defendants in the cartel constitute a fault triggering their solidary liability to Class members?
- c) Has the effect of the cartel been an increase in the price paid in Canada (alternately in Quebec) for the purchase of the packaged bread sold by Defendants and, if so, does the increase constitute a damage for each Class member?
- d) What is the total amount of damages suffered by all Class members?

e) Is the Defendants' solidary liability triggered with respect to the following costs incurred or to be incurred on behalf of Class members in present matter:

- the costs of investigation;

- the extrajudicial fees of counsel for the Applicant, Plaintiff and Class members; and

- the extrajudicial disbursements by counsel for the Applicant, Plaintiff and Class members?

**IDENTIFY** the conclusions sought by the class action to be instituted as being the following:

**GRANT** the Representative Plaintiff's action against Defendants on behalf of all the Class members;

**DECLARE** the Defendants liable for the damages suffered by the Representative Plaintiff and each of the Class members;

**CONDEMN** the Defendants, solidarily, to pay the Representative Plaintiff and the Class members an amount equal to the sum of the Defendants' revenues generated by the artificially inflated portion of the sale price of the packaged bread they sell in Canada (alternately in Quebec), and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendants, solidarily, to pay the costs incurred for any investigation necessary to establish their liability in the present proceeding, including the extrajudicial class counsel fees and extrajudicial disbursements, including expert fees, and **ORDER** collective recovery of these sums;

**CONDEMN** the Defendants, solidarily, to pay interest and the additional indemnity on the above sums according to law from the date of service of the Application to Authorize the Bringing of a Class Action;

**ORDER** the Defendants, solidarily, to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

**ORDER** that the claims of individual Class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

**CONDEMN** the Defendants to bear the costs of the present action including the cost of notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective

recovery orders;

**RENDER** any other order that this Honourable Court shall determine;

**DECLARE** that all members of the Class that have not requested their exclusion, be bound by any judgement to be rendered on the class action to be instituted in the manner provided for by the law;

**FIX** the delay of exclusion at thirty (30) days from the date of the publication of the notice to the members, date upon which the members of the Class that have not exercised their means of exclusion will be bound by any judgement to be rendered herein;

**ORDER** the publication of a notice to the members of the Class in accordance with article 579 C.C.P. within sixty (60) days from the judgement to be rendered herein in the "News" sections of the Saturday editions of the MONTREAL GAZETTE, Le Journal de Montréal, the National Post and the Globe and Mail;

**ORDER** that said notice be published on the Defendants' various websites, Facebook pages and Twitter accounts, in a conspicuous place, with a link stating "Notice Concerning the Bread Cartel Class Action";

**ORDER** that Defendants disseminate said notice via a paid Facebook Notice Campaign, for a period of twenty (20) days, with a minimum budget of \$20,000.00 before any applicable taxes, with parameters to be determined by the Court;

**ORDER** the Defendants to send an Abbreviated Notice by e-mail to each Class member, to their last known e-mail address, with the subject line "Notice of a Class Action";

**ORDER** the Defendants and their representatives to supply class counsel, within thirty (30) days of the judgment rendered herein, all lists in their possession or under their control permitting to identify Class members, including their names, addresses, phone numbers and email addresses;

**RENDER** any other order that this Honourable Court shall determine;

**THE WHOLE** with costs including publication fees.

Montréal, January 10<sup>th</sup>, 2018

*(s) LPC Avocat Inc.*

---

**LPC AVOCAT INC.**

Me Joey Zukran

Co-counsel for Applicant James Govan

Montréal, January 10<sup>th</sup>, 2018

*(s) Renno Vathilakis Inc.*

---

**RENNO VATHILAKIS INC.**

Me Michael Vathilakis

Co-counsel for Applicant James Govan



**SUMMONS**  
(ARTICLES 145 AND FOLLOWING C.C.P)

---

**Filing of a judicial application**

Take notice that the Applicant has filed this Application for Authorization to Institute a Class Action and to Appoint the Status of Representative Plaintiff in the office of the Superior Court in the judicial district of Montreal.

**Defendant's answer**

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montreal situated at 1 Rue Notre-Dame E, Montréal, Quebec, H2Y 1B6, within 15 days of service of the Application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the Applicant's lawyer or, if the Applicant is not represented, to the Applicant.

**Failure to answer**

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

**Content of answer**

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code, cooperate with the Applicant in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

**Change of judicial district**

You may ask the court to refer the originating Application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the plaintiff.

If the application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating application.

### **Transfer of application to Small Claims Division**

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

### **Calling to a case management conference**

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted.

### **Exhibits supporting the application**

In support of the Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff, the Applicant intends to use the following exhibits:

- Exhibit P-1:** Copy of National Post article titled "*Watchdog raids offices of grocery retailers in price-fixing probe*";
- Exhibit P-2:** Copy of an extract from the *Registraire des entreprises* for Loblaw Companies Ltd.;
- Exhibit P-3:** Copy of an extract from the *Registraire des entreprises* for Loblaws Inc.;
- Exhibit P-4:** Copy of an extract from the *Registraire des entreprises* for George Weston;
- Exhibit P-5:** *En liasse* copies of the extract from the *Registraire des entreprises* and of the Federal Corporation Information sheet for Weston Food Distribution Inc.;
- Exhibit P-6:** Copy of an extract from the *Registraire des entreprises* for Metro Inc.;
- Exhibit P-7:** Copy of Metro Inc.'s 2016 Annual Report;

- Exhibit P-8:** Copy of Loblaw Companies Ltd. 2016 Annual Report;
- Exhibit P-9:** Copy of Financial Post article titled “*Competition Bureau investigates allegations of bread price fixing*”;
- Exhibit P-10:** *En liasse*, copies of the extracts from the *Registraire des entreprises* for Sobeys Quebec Inc. and for Sobeys Capital Incorporated;
- Exhibit P-11:** Copy of the extract from the *Registraire des entreprises* for Wal-Mart Canada Corp.;
- Exhibit P-12:** Copy of the extract from the *Registraire des entreprises* for Canada Bread Company, Limited;
- Exhibit P-13:** Copy of the Competition Bureau Court Records Brief;
- Exhibit P-14:** Copy of the extract from the *Registraire des entreprises* for Weston Foods (Canada) Inc.;
- Exhibit P-15:** Copy of the extract from the *Registraire des entreprises* for Giant Tiger Stores Limited;
- Exhibit P-16:** Copy of Loblaw Companies Limited press release published on its website (<http://media.loblaw.ca/English/media-centre/press-releases/press-release-details/2017/George-Weston-and-Loblaw-take-action-to-address-industry-wide-anti-competitive-activity/default.aspx>);

These exhibits are available on request.

### **Notice of presentation of an application**

If the application is an application in the course of a proceeding or an application under Book III, V, excepting an application in family matters mentioned in article 409, or VI of the Code, the establishment of a case protocol is not required; however, the application must be accompanied by a notice stating the date and time it is to be presented.

Montréal, January 10<sup>th</sup>, 2018

*(s) LPC Avocat Inc.*

---

**LPC AVOCAT INC.**

Me Joey Zukran

Co-counsel for Applicant James Govan

Montréal, January 10<sup>th</sup>, 2018

*(s) Renno Vathilakis Inc.*

---

**RENNO VATHILAKIS INC.**

Me Michael Vathilakis

Co-counsel for Applicant James Govan

**NOTICE OF PRESENTATION**  
(articles 146 and 574 al. 2 C.P.C.)

---

**TO: LOBLAW COMPANIES LIMITED**

800-22 St. Clair avenue East  
Toronto, Ontario, M4T 2S5  
**Defendant**

**LOBLAWS INC.**

400 Sainte-Croix avenue  
Ville St-Laurent, Quebec, H4N 3L4  
**Defendant**

**GEORGE WESTON LIMITED**

800-22 St. Clair avenue East  
Toronto, Ontario, M4T 2S5  
**Defendant**

**WESTON FOOD DISTRIBUTION INC.**

800-22 St. Clair avenue East  
Toronto, Ontario, M4T 2S5  
**Defendant**

**WESTON FOODS (CANADA) INC.**

800-22 St. Clair avenue East  
Toronto, Ontario, M4T 2S5  
**Defendant**

**METRO INC.,**

11011 Maurice Duplessis boulevard  
Montreal, Quebec, H1C 1V6  
**Defendant**

**SOBEYS QUEBEC INC.**

11281 Albert-Hudon boulevard  
Montreal, Quebec, H1G 3J5  
**Defendant**

**SOBEYS CAPITAL INCORPORATED**

115 King Street  
Stellarton, Nova Scotia, B0K 1S0  
**Defendant**

**SOBEYS INC.**

115 King Street  
Stellarton, Nova Scotia, B0K 1S0  
**Defendant**

**WAL-MART CANADA CORP.**

17000 Route Transcanada  
Kirkland, Quebec, H9J 2M5  
**Defendant**

**CANADA BREAD COMPANY, LIMITED**

3455 Francis-Hughes avenue  
Laval, Quebec, H7L 5A5  
**Defendant**

**GIANT TIGER STORES LIMITED**

1001 boulevard Curé-Labelle, Unit 60A  
Laval, Quebec, H7V 2V6  
**Defendant**

**TAKE NOTICE** that Applicant's *Re-Amended Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff* will be presented before the Superior Court at **1 Rue Notre-Dame E, Montréal, Quebec, H2Y 1B6**, on the date set by the coordinator of the Class Action chamber.

**GOVERN YOURSELVES ACCORDINGLY.**

Montréal, January 10<sup>th</sup>, 2018

*(s) LPC Avocat Inc.*

---

**LPC AVOCAT INC.**

Me Joey Zukran

Co-counsel for Applicant James Govan

Montréal, January 10<sup>th</sup>, 2018

*(s) Renno Vathilakis Inc.*

---

**RENNO VATHILAKIS INC.**

Me Michael Vathilakis

Co-counsel for Applicant James Govan

**N°: 500-06-000888-178**

**(Class Action)  
SUPERIOR COURT  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL**

**JAMES GOVAN**

Applicant

-VS-

**LOBLAW COMPANIES LIMITED ET  
ALS.**

Defendants

**RE-AMENDED APPLICATION TO  
AUTHORIZE THE BRINGING OF A CLASS  
ACTION AND TO APPOINT THE STATUS  
OF REPRESENTATIVE PLAINTIFF  
(ARTICLES 571 AND FOLLOWING C.C.P.)**

**ORIGINAL**



5800, boulevard Cavendish, Suite 411  
Montréal (Québec) H4W 2T5  
T: (514) 379-1572 • F: (514) 221-4441  
E: [jzukran@lpclex.com](mailto:jzukran@lpclex.com)

**ME JOEY ZUKRAN**  
CODE: BL 6059

N/D: JZ-170