

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N°: 500-06-000431-086

DATE: APRIL 28, 2009

PRESIDING: THE HONOURABLE LOUIS LACOURSIÈRE J.S.C.

ANNA MAZZONNA

Petitioner

v.

**DAIMLERCHRYSLER FINANCIAL SERVICES CANADA INC./
SERVICES FINANCIERS DAIMLERCHRYSLER INC.**

and

UNITED PARCEL SERVICE DU CANADA LTÉE

Defendants

J U D G M E N T

[1] The Court is seized of Petitioner's "Motion for Leave to Desist from the Motion to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative as Against Defendant United Parcel Service du Canada Ltée Only", pursuant to Articles 1010.1 and 1016 of the Code of Civil Procedure (the "**Motion to Discontinue**").

[2] **CONSIDERING** the fact that the Defendants do not contest the Motion to Discontinue.

[3] **CONSIDERING** the allegations contained in Petitioner's "Re-Amended Motion to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative" (the "**Motion for Authorization**").

[4] **CONSIDERING** the allegations contained in the Motion to Discontinue, and in particular the allegation to the effect that it would be in Petitioner's best interest, in the best interests of the Class Members, and in the interest of justice, to grant the Motion to Discontinue and therefore permit Petitioner to discontinue her Motion for Authorization as against Defendant United Parcel Service du Canada Ltée ("**UPS**") only.

[5] **CONSIDERING** that Petitioner has not signed and will not sign any release, discharge or transaction agreement in favour of UPS and that UPS has not made any monetary payment whatsoever to either Petitioner or the attorneys representing the Petitioner.

[6] **CONSIDERING** Articles 264, 1010.1 and 1016 of the *Code of Civil Procedure*.

[6] **FOR THESE REASONS, THE COURT:**

[7] **GRANTS** of Petitioner's "Motion for Leave to Desist from the Motion to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative as Against Defendant United Parcel Service du Canada Ltée Only";

[8] **ALLOWS** Petitioner to discontinue her "Re-Amended Motion to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative", as against Defendant United Parcel Service du Canada Ltée only;

[9] **CONFIRMS** that said discontinuance is being granted on the basis of each party paying its own costs;

[10] **RESERVES** each of the parties' rights, recourses and defences;

[11] **ORDERS** Merchant Law Group LLP to publish on its website a notice of the discontinuance as against Defendant United Parcel Service du Canada Ltée;

[12] **ORDERS** the attorneys for the Petitioner to register with the Central Registry of Applications for Authorization to Institute a Class Action and with the National Class Action Database the Re-Re-Amended Motion to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative;

[13] **WITHOUT COSTS.**



LOUIS LACOURSIÈRE J.S.C.

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SERVICES FINANCIERS DAIMLERCHRYSLER INC.

Date of hearing: April 28, 2009