

CANADA
PROVINCE OF QUÉBEC
District of Montréal
File No.: 500-06-001117-213

SUPERIOR COURT

FRANÇOIS DÉCARY-GILARDEAU

Plaintiff

v.

GENERAL MOTORS OF CANADA COMPANY et
al.

Defendant

CASE PROTOCOL #1 IN CIVIL MATTERS

Superior Court of Québec
(art. 148 C.C.P.)

General provisions		
1.	Date originating application was served	29 août 2024
2.	Nature of dispute: Class action (product liability)	
3.	Amount in dispute: Indetermined	
4.	Issues in dispute (must be joint): As authorized by Justice Immer: a) Les défenderesses ont-elles passé sous silence que la capacité ou l'autonomie des batteries des Bolt EV et Bolt EUV se réduisait en hiver? Cela constitue-t-il un fait important au sens de l'article de l'article 228 LPC? b) Est-ce que les Bolt EV et Bolt EUV des membres sont ou ont été défectueuses et posent ou ont posé un danger d'incendie? c) Est-ce que les batteries ou une composante reliée aux batteries des Bolt EV et Bolt EUV sont ou ont été défectueuses? d) Est-ce que le défaut des batteries ou une composante reliée des Bolt EV 2017, 2018, 2019, 2020, 2021 et 2022 et Bolt EUV est couvert par la garantie du fabricant offerte par les défenderesses? e) Est-ce que ce ou ces défauts entraînent la responsabilité des défenderesses? f) Est-ce que les défenderesses ont rappelé les Bolt EV et Bolt EUV des membres afin de faire réduire la capacité ou l'autonomie de leurs batteries de dix ou vingt pourcent (10% ou 20%), ont demandé aux membres de réduire la capacité ou l'autonomie de leurs batteries de dix ou vingt pourcent (10% ou 20%) et ont demandé aux membres d'éviter d'épuiser la batterie à moins de 113 km? g) Les membres ont-ils le droit à l'annulation de la vente de leurs véhicules et de se faire rembourser le total du prix payé? h) Subsidiairement, les membres ont-ils droit à une réduction du prix de vente? Si oui, pour quel montant?	

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	i) Les membres ont-ils subi des inconvénients? Ont-ils été causés par les défenderesses? Quel montant des dommages compensatoires doit leur être octroyé à ce titre? Les défenderesses doivent-elles être condamnées à verser des dommages punitifs? Si oui, pour quel montant?		
5.	All parties request a stay of proceedings ☐ 1 month ☐ 3 months ☐ 6 months		☐ yes ☒ no
6.	All parties request an extension on the time limit for setting down ☐ 3 months ☐ 6 months ☐ 9 months (see line 37)		☒ yes ☐ no
7.	A settlement conference: ☐ is requested by all parties ☐ is probable ☒ is possible ☐ is out of the question		

Preliminary exceptions		Filing Deadline
8.	☐ Declinatory exception (art. 167 C.C.P.) by Party concerned	Enter the date
9.	☒ Exception to dismiss / abuse of procedure (arts 168 / 51 C.C.P.) by Party concerned	At all times (art. 51 CCP)
10.	☒ Document clarification / disclosure (art. 169 C.C.P.) by all parties	DONE (Plaintiff) June 16, 2025 (Defendants)
11.	☐ Striking of allegations (art. 169 C.C.P.) by Party concerned	Enter the date
12.	☐ Suretyship as security for fees (art. 492 C.C.P.) by Party concerned	Enter the date
13.	☒ Other: Application to Approve Notices to the Class by all parties	August 31, 2025

Incidental procedures		Filing Deadline
14.	☐ Forced intervention (art. 188 C.C.P.) by Party concerned	Enter the date
15.	☐ Call in warranty (art. 189 C.C.P.) by Party concerned	Enter the date
16.	☐ Disqualification to act (art. 193 C.C.P.) by Party concerned	Enter the date
17.	☒ Amendment of pleading (art. 206 C.C.P.) by all parties	At all times in accordance with the dispositions of the CCP
18.	☒ Other: Application to depose the Class Members by Defendants	30 days after the Plaintiff's examination

Safeguard measures (arts. 158 para. 5 and 169 para. 1 C.C.P.)		Filing Deadline
19.	Requested by Party concerned Nature:	Enter the date

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Necessary pre-trial examinations (art. 221 C.C.P.)				Date agreed upon
20.	Witnesses for the Plaintiff			
	Name: Representative of General Motors of Canada Company	Duration: 2 hours 30 min	☒ oral ☐ written	60 days after filing of written defense
	Name: Representative of General Motors Company	Duration: 2 hours 30 min	☒ oral ☐ written	60 days after filing of written defense
21.	Witnesses for the Defendant			
	Name: Plaintiff	Duration: 5 hours	☒ oral ☐ written	By September 30, 2025
	Name:	Duration: hrs.	☐ oral ☐ written	Enter the date
22.	Witnesses for the [Other party]			
	Name:	Duration: hrs.	☐ oral ☐ written	Enter the date
	Name:	Duration: hrs.	☐ oral ☐ written	Enter the date
NOTE: The examining party will request all documents to be discussed with the witness <u>at least 14 days before the examination</u>. The witness <u>must</u> provide those documents <u>at least 3 days before the examination</u>. Undertakings that are still missing will be disclosed to all parties no later than <u>14 days</u> after the examination. Counsel is strongly encouraged not to wait on stenographer's notes to disclose.				

Necessary expert opinions (art. 232 C.C.P.)			Filing Deadline
23.	Joint expert opinion(s) If yes, describe the nature: If no, state grounds for refusal:	☐ yes ☐ no	Enter the date
24.	Expert opinions for the Plaintiff (only one per area) Nature: Loss of value (on the batteries) Nature: Value of loss of use	☒ yes ☐ no	Within 4 months upon receipt of the depositions' transcripts
25.	Expert opinions for the Defendant (only one per area) Nature: Range and performance the targeted vehicles Nature: Reply to Plaintiff's report(s)	☒ yes ☐ no	At the request for setting down for trial
26.	Expert opinions for [Other party] (only one per area) Nature: Nature:	☐ yes ☐ no	Enter the date

Defence (art. 171 C.C.P.)		Filing Deadline
27.	☐ The defence will be produced by means of a brief statement	Enter the date
28.	☒ Authorization requested to file a written defence	

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	State the basis for a written defence: Class action proceeding raising complex matters of facts and law.	90 days upon reception of the transcripts of the Class Members' examinations, if authorized
29.	Cross-application by Party concerned ☐ yes ☒ no	Enter the date
30.	Defence to cross-application ☐ oral ☐ written	Enter the date

Disclosure of evidence (art. 248 C.C.P.)		Filing Deadline
31.	By Plaintiff Exhibits and affidavits (in lieu of testimony)	May 22, 2026
32.	By Defendant Exhibits and affidavits (in lieu of testimony)	May 29, 2026
33.	By [Other party] Exhibits and affidavits (in lieu of testimony)	Enter the date

Legal costs (art. 339 C.C.P.)		Foreseeable costs
34.	Assessment of Plaintiff legal costs (including expert opinions)	\$100,000
35.	Assessment of Defendant legal costs (including expert opinions)	\$200,000
36.	Assessment of legal costs of [Other party] (including expert opinions):	[\$Amount]

Request for setting down for trial and judgment (arts. 173, 174 C.C.P.)	
37.	☐ It will be filed within the <u>strict time limit</u> determined in accordance with article 173 C.C.P. or ☒ An extension is granted until 19 juin 2026 .

The parties intend to use the following notification method (arts. 110 et seq. C.C.P.): ¹		
38.	☐ bailiff	☒ email (address below) ☐ other:

NOTE: Non-compliance with this protocol may constitute a breach within the meaning of articles 341 and 342 C.C.P.

Signed on June 11, 2025

Plaintiff Attorney

Signed on June 11, 2025

Borden Ladner Gervais

Defendant

¹ This protocol must be notified to the parties, unless they have signed it (art. 149 C.C.P.). Proof of notification must be enclosed with the protocol.

or

 **James Nazem**

Counsel for the Plaintiff

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Email : jrnazem@actioncollective.com

or

M^{re} Stéphane Pitre /Alexis Leray

Counsel for the Defendants

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Email: spitre@blg.com / aleray@blg.com

James R Nazem

From: James R Nazem [jrnazem@actioncollective.com]
Sent: June 11, 2025 4:56 PM
To: 'Francois Decary-Gilardeau'
Subject: Vous-même c. Compagnie General Motors du Canada et al. (C.S.M.: 500-06-001117-213; N/d: 2012JN3775).
Attachments: 2012JN3775.20250611.ProtocoleDeLInstance-SignéBLG&JRN.pdf

NOTIFICATION PAR COURRIEL (Articles 109 et ss. C.p.c.)

Nature du document :	PROTOCOLE DE L'INSTANCE.
N° de dossier:	500-06-001117-213
Nom des parties :	François Décary-Gilardeau c. Compagnie General Motors du Canada et al.
Nombre de pages du document :	6 pages
Notre dossier :	2012JN3775
Adresse courriel de l'expéditeur:	jrnazem@actioncollective.com
DATE:	Montréal, le 11 juin 2025

DESTINATAIRE:

Monsieur François DÉCARY-GILARDEAU, 333, route Larochelle, Irlande (Québec), G6H 2N7.

James R. Nazem

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James R Nazem

From: Mail Delivery System [Mailer-Daemon@s033.panelbox.net]
Sent: June 11, 2025 4:57 PM
To: jrnazem@actioncollective.com
Subject: Delivery Status Notification
Attachments: details.txt; ATT00073.txt

This message was created automatically by mail delivery software.

----- The following addresses had successful delivery notifications -----
<francois.decary@gmail.com> (relayed to non-DSN-aware mailer)

Descheneaux, Annie

From: Descheneaux, Annie
Sent: June 11, 2025 2:50 PM
To: 'nabeel.peracha@gm.com'
Cc: Leray, Alexis; Pitre, Stéphane; Traoré, Zeïnabou
Subject: NOTIFICATION - CASE PROTOCOL #1 IN CIVIL MATTERS - FRANÇOIS DÉCARY-
GILARDEAU v. GENERAL MOTORS OF CANADA COMPANY et al. (500-06-001117-213)
O/F: 004871-000703
Attachments: 2025-06-11 Case protocol no. 1 signed BLG.pdf

Dear Mr. Peracha,

Please find attached the Case Protocol #1 in Civil Matters in the above-captioned file. This document sets out important dates and deadlines and establishes the course of the case before the Court. The law obliges us to transmit to you the Case Protocol #1 in Civil Matters before it is filed into the Court record. You do not have anything to do.

Please do not hesitate to contact us should you have any questions.

Best regards,

**NOTIFICATION BY ELECTRONIC
COURIER TRANSMISSION SLIP**
(Article 134 C.p.c.)

DATE:
Montréal, June 11, 2025

SENDER(S):
Name(s): Mtre. Stéphane Pitre
Mtre. Alexis Leray
Firm: **BORDEN LADNER GERVAIS LLP**
Address: 1000 De La Gauchetière St. West, suite 900
Montréal, Québec, H3B 5H4
Lawyers for Defendants **GENERAL MOTORS OF CANADA COMPANY, GENERAL
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514.954.2508 (AL)
Email address(es): spitre@blg.com
aleray@blg.com
Our file: 004871-000703

ADDRESSEE(S):

Name(s): Nabeel H. Peracha
Representative of GENERAL MOTORS OF CANADA COMPANY, GENERAL MOTORS COMPANY and GENERAL MOTORS LLC
Email address(es): nabeel.peracha@gm.com

COURT FILE NUMBER AND NATURE OF THE NOTIFIED DOCUMENT:

Court number: 500-06-001117-213
Parties: FRANÇOIS DÉCARY-GILARDEAU
Plaintiff
v.
GENERAL MOTORS OF CANADA COMPANY
and
GENERAL MOTORS COMPANY
and
GENERAL MOTORS LLC
Defendants
Nature of the document: **CASE PROTOCOL #1 IN CIVIL MATTERS**
Superior Court of Québec
(art. 148 C.C.P.)

Number of pages: 5
(attachments only)



Annie Descheneaux

Adjointe à la pratique de / Practice assistant to Mtre. Alexis Leray

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(CHAMBRE DES ACTIONS COLLECTIVES)

No: 500-06-001117-213

Cour: Supérieure

District : de Montréal

FRANÇOIS DÉCARY-GILARDEAU,

demandeur

c.

COMPANIE GENERAL MOTORS DU
CANADA et al.,

défenderesses

PROTOCOLE DE L'INSTANCE

ORIGINAL

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N/d: 2012JN3775

AN-1795

NAZEM