

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

(Class Action)
SUPERIOR COURT

NO: 500-06-001322-243

S. LAGUERRE

Plaintiff

-vs.-

LACTALIS CANADA INC., legal person
duly constituted, having its head office at
405, The West Mall, Suite 1000, City of
Toronto, Province of Ontario, M9C 5J1

Defendant

**APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION & TO
APPOINT THE PLAINTIFF AS REPRESENTATIVE PLAINTIFF
(Art. 574 C.C.P and following)**

TO ONE OF THE HONOURABLE JUSTICES OF THE SUPERIOR COURT,
SITTING IN AND FOR THE DISTRICT OF MONTREAL, YOUR PLAINTIFF
STATES AS FOLLOWS:

I. GENERAL PRESENTATION

A) The Action

1. The Plaintiff wishes to institute a class action on behalf of the following class, of which he is a member, namely:
 - All persons residing in Quebec who have purchased Président Dairy Product(s) or any other group to be determined by the Court;
2. “Président Dairy Product(s)” refers to any and all of the Defendant’s butter products, including but not limited to:
 - a) Président Unsalted Butter Bar,
 - b) Président Salted Butter Bar,

- c) Président Spreadable Butter,
 - d) Président Sea Salt Butter;¹
3. The Président Dairy Products were falsely and prominently marketed, advertised, promoted, packaged, labelled, sold, and/or represented as being “France’s #1 Butter”; a description which misrepresents to consumers that the ingredients inside the packaging are the same as those contained in the product in France, when in fact, the Président Dairy Products ingredients are not at all the same as those from France;



4. Besides being entirely misleading to represent to consumers that it is France's #1 Butter when the product sold in Canada is nothing of the sort, having no connection to the Président Dairy Products sold in France, dairy products that originate from France are significantly different from those from Canada, in terms of quality, flavour, texture, enzymatic content (for digestion), and more;
5. Moreover, the Président Dairy Products are between double to quadruple the price of other similar products available in stores, being half the size and oftentimes double the price;
6. By reason of their actions and omissions, the Defendant induced consumers into purchasing Président Dairy Products that do not live up to their reasonable expectations, thereby causing the Plaintiff and the members of the Class to suffer economic damages, upon which they are entitled to claim;

B) The Defendant

¹ The Defendant may discontinue offering some products and introduce new products that are also falsely and/or misleadingly marketed with the use of the France's #1 Butter claim or a substantially similar claim. The Defendant may also market additional substantially similar products of which the Plaintiff is unaware at present. The Plaintiff reserves the right to amend the list of products at issue as necessary.

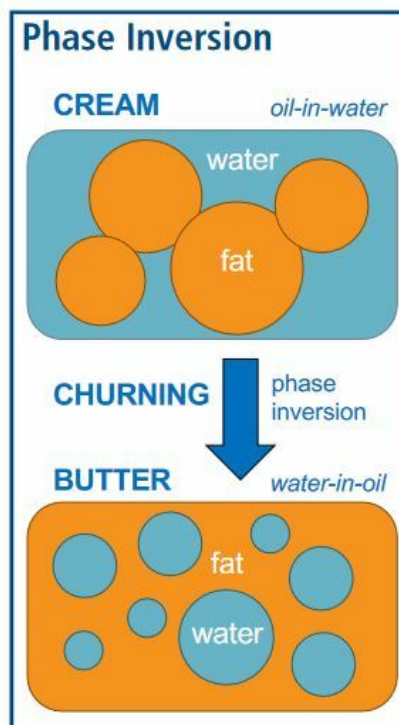
7. Defendant Lactalis Canada Inc. (“Lactalis”) is a Canadian corporation with its head office in Toronto, Ontario that conducts business throughout Canada, including within the province of Quebec, the whole as appears more fully from a copy of an extract from the *Registraire des entreprises* and from copies of extracts from Corporations Canada, produced herein *en liasse* as **Exhibit R-1**;
8. The Defendant is either directly or indirectly responsible for manufacturing, importing, distributing, marketing, advertising, promoting, packaging, labelling, selling, and/or representing the Président Dairy Products as being the same as those sold in France, throughout Canada, including within the province of Quebec;

C) The Situation

I. Butter Basics

9. Depending on geography, there are specific variations in butter products.
10. The present case involves the Defendant’s false and misleading representations that the Président Dairy Products sold in Canada, including in Quebec were the same as those marketed and sold in France. The difference rests in terms of production method, fat content, dairy/bovine practices, enzymes/flavour, texture, and quality;

(a) Production Method – Cream, Churning, and Butterfat Content



11. All butter begins as cream. Traditional French butter most often involves the use of cultured cream to start. The cream is set to ferment slightly prior to churning to create cultured butter.² Natural cultures and enzymes develop distinct flavour during fermentation – this process gives French butter a distinct nutty, tangy flavour and a more complex aroma, the whole as appears more fully from a copy of the Real Simple article entitled “What Is European Style Butter and Why Isn’t It in Your Fridge?” dated December 11, 2023 and from a copy of an extract from the Center for Dairy Research website entitled “Butter Science 101” at www.cdr.wisc.edu, produced herein *en liasse* as **Exhibit R-2**;
12. In contrast, in Canada, butter is most often made from sweet cream, which is cream that has not been fermented. Although some butter production can use different added cultures or enzymes, most often these additives are not used at all, and thus has a much milder and simpler flavour profile;
13. As for the churning process, the longer the cream is churned, the more butterfat (or pure butter) develops. French butter is churned to at least 82% butterfat content, which is the minimum standard established by the European Union for butter sold in stores. This high butterfat content results in a softer, super-spreadable product, whereas in Canada, under the *Food and Drug Regulations*, [CRC, c. 870](#), the minimum fat content is 80%, the whole as appears more fully from a copy of an extract from Regulation (EU) No 1308/2013, from a copy of an extract from the French Dairy Board (CNIEL – Centre National Interprofessionnel de l’Économie Laitière)’s website at www.filiere-laitere.fr and from an extract from the Canadian Dairy Commission website at cdc-ccl.ca, produced herein *en liasse* as **Exhibit R-3**;
14. This 2% difference may not seem like much to someone who has not experienced the difference; however, there is an important distinction in terms of taste, flavour, texture, quality, and culinary uses (Exhibit R-2) – The higher fat content and composition characterized by French butter affects creaminess, richness, and flavour;

(b) Quality of the Dairy

15. The quality of French milk and dairy products is far superior to those in Canada – this is due to various factors including safety standards, lack of antibiotic residues, testing and analysis, and traceability of herd/herd health, environment, and herd diet, the whole as appears more fully from a copy of an extract from the French Dairy Board (CNIEL - Centre National Interprofessionnel de l’Économie Laitière)’s website at www.filiere-laitere.fr, produced herein as **Exhibit R-4**;

² This process introduces lactic acid bacteria, which ferment the lactose into lactic acid.

16. As represented by the Defendant, the Président Dairy Products that are produced and sold in France come from the northwestern portion area of France, referred to as the “Grand Cru” of European dairy regions, the whole as appears more fully from a copy of an extract from the Defendant’s website at presidentcheese.com, produced herein as **Exhibit R-5**;
17. In France, butter is made from high-quality milk from cows that graze on diverse pastures, the whole as appears more fully from a copy of an extract from the French Dairy Board (CNIEL - Centre National Interprofessionnel de l’Économie Laitière)’s website at www.filiere-laitere.fr, produced herein as **Exhibit R-6**;
18. In contrast, in Canada, cows are generally kept in barns and fed on grains and hay, the whole as appears more fully from copies of extracts from the Dairy Farmers of Canada website at dairyfarmersofcanada.ca, produced herein *en liasse* as **Exhibit R-7**;
19. The different diet composition of the cows, depending on their location, including being able to graze fields as opposed to being fed in a barn, influences the flavour and composition of the dairy product, which in turn, influences the quality of butter;

(c) Enzymatic Content

20. Dairy enzymes are involved in the coagulation of milk for the manufacture of cultured butter and cheese, they improve their shelf life, and affect their nutritional composition, the whole as appears more fully from a copy of an extract from the enzymes.bio website at enzymes.bio, produced herein as **Exhibit R-8**;
21. In terms of enzyme content of the Président Dairy Products sold in Canada, because the cows in France have a different diet and lifestyle than those in Canada, the naturally-occurring enzymes from the fermentation process and the microorganisms differ. Put differently, the enzymes will vary based on local microbial flora and specific practices depending on the region;
22. The following are non-exhaustive examples of enzymatic differences between dairy products in France and Canada:
 - (a) Lactase variants (enzyme that breaks down lactose): the lactose content (primary sugar in milk) and the genetic makeup of the lactobacilli (bacteria) of the dairy products will vary depending on the lactase enzyme,
 - (b) Proteases and peptidases (enzymes that break down protein into peptides and amino acids): different strains of lactic acid bacteria and moulds in France cause these enzymes to break down milk proteins differently,

- (c) Microbial lipases (enzymes that hydrolyze milk fats into fatty acids – lipolysis),
- (d) Glactosidase (enzyme that breaks down lactose into simple sugars), and Phosphatase (enzyme that breaks down phosphates) – these enzymes vary depending on the specific microbial cultures and traditional practices used in each region;
23. The enzymatic differences contribute to distinct flavours, textures, and nutritional compositions of the dairy products. In addition, these differences can contribute to gastrointestinal problems among Europeans that are not familiar with Canadian or lacking the French enzymes to aid in digestion.
24. Cow's milk is composed of lactose, which is a sugar, and two types of proteins, approximately 20% whey and 80% casein. There are several types of casein present in cow's milk, including beta-casein and there are two variants of beta-casein, A1 and A2. In North America, including in Quebec, the milk contains equal proportions of these two variants, while in Europe, and in France, the milk contains only beta-casein A2. The difference lies in the cow's genetic background, the whole as appears more fully from a copy of an article from SOS Cuisine entitled "Lait A2: Quelle différence avec le lait régulier?" dated August 26, 2019, from a copy of the Healthline article entitled "A1 vs. A2 Milk – Does it Matter" dated July 17, 2023, and from a copy of an extract from the Canadian Society of Intestinal Research website entitled "Intolerant to Dairy? You Might Tolerate A2 Milk" at badgut.org, produced herein *en liasse* as **Exhibit R-9**;
25. There are studies that indicate that beta-casein A1 is more difficult to digest and causes digestive issues in sensitive individuals, the whole as appears more fully from the following sources:
- The National Library of Medicine report entitled "A2 Milk: New Perspectives for Food Technology and Human Health" dated August 9, 2022;
 - The Nutrition Journal report entitled "Effects of milk containing only A2 beta casein versus milk containing both A1 and A2 beta casein proteins on gastrointestinal physiology, symptoms of discomfort, and cognitive behavior of people with self-reported intolerance to traditional cows' milk" dated April 2, 2016;
 - The Journal of Nutrition report entitled "Beneficial Effects of Milk Having A2 β -Casein Protein: Myth or Reality?" dated May 2021;
 - The Food Science and Biotechnology report entitled "A2 milk consumption and its health benefits: an update" dated August 30, 2023;

- The Current Research in Food Science report entitled “Worldwide research on the health effects of bovine milk containing A1 and A2 β -casein: Unraveling the current scenario and future trends through bibliometrics and text mining” dated 2023;
- The International Journal of Molecular Sciences report entitled “Does a Little Difference Make a Big Difference? Bovine β -Casein A1 and A2 Variants and Human Health—An Update” dated December 9, 2022;
- The European Journal of Clinical Nutrition report entitled “Comparative effects of A1 versus A2 beta-casein on gastrointestinal measures: A blinded randomised cross-over pilot study” dated July 2014;

The whole as appears more fully from copies of the above studies, produced herein *en liasse* as **Exhibit R-10**;

26. With all of the above, French butter has a creamier, richer and more complex flavour and different texture and characteristics than Canadian butter and each butter has different culinary uses (i.e. croissants and pastries as opposed to cakes and mashed potatoes);

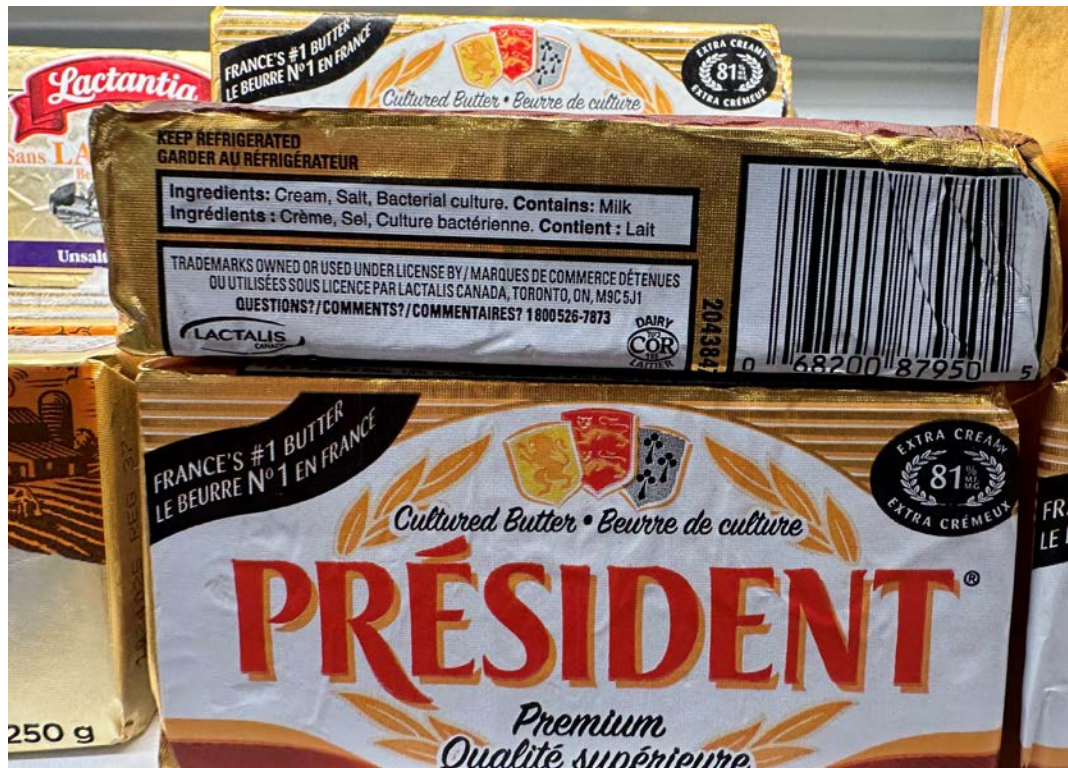
II. The Président Dairy Products

27. The Président Dairy Products sold in France and the Président Dairy Products sold in Canada are not the same in at least the following respects (as detailed above):
- (a) Butterfat content – the Président Dairy Products sold in Canada are represented to be at 81%, whereas the Président Dairy Products sold in France are at 82%. This means that the Président Dairy Products sold in Canada could not even be sold in France as they do not meet the minimum requirements required by regulation (i.e. at least 82%) [Exhibit R-3];
 - (b) Quality/texture/flavour of the dairy ingredients,
 - (c) Enzymatic and protein content,
 - (d) Culinary uses;
28. The Président Dairy Products are available in Quebec at IGA, Metro, Provigo, and Walmart, the whole as appears more fully from a copy of an extract from the Defendant’s website at presidentcheesecanada.com, produced herein as **Exhibit R-11**;

III. The Defendant's Representations

29. Putting aside whether or not the Président Dairy Products sold in France are actually “France’s #1 Butter”, to which is not at issue at present, the Président Dairy Products sold in Canada, including Quebec, are a different product than which is sold in France, making the representation false and misleading to consumers, who would be led to believe that the representation that the Président Dairy Products that they are purchasing are the same as those in France;
30. Interestingly, the website of Lactalis Fromages, the French counterpart to the Defendant, does not represent that the Président Dairy Products sold in France, are France’s #1 Butter, the representation seems to have been focused on its Canadian consumers, the whole as appears more fully from copies of extracts from the website www.president.fr, produced herein *en liasse* as **Exhibit R-12**;
31. The Président Dairy Products were falsely and prominently marketed and labelled as “France’s #1 Butter” on the product packaging to which consumers cannot miss when they make their butter purchasing decisions:





32. As such, the product labelling contains a false and/or misleading representation that relates to or may reasonably be regarded as relating to the Président Dairy Products such that consumers were misled and deceived as to their quality;
33. The Defendant has at least two websites that feature prominently to its Canadian (including, Quebec) consumers: (i) presidentcheesecanada.com and (ii) presidentcheese.com, the whole as appears more fully from a copy of the Google search results obtained from Quebec for the keywords “president butter”, produced herein as **Exhibit R-13**;
34. On the Defendant’s Canadian website, it oddly offers different representations that those which appear on the point of purchase displays and on the product packaging in stores, the whole as appears more fully from a copy of an extract from the Defendant’s website at presidentcheesecanada.com, produced herein as **Exhibit R-14**;
35. The Defendant represents the following on its American website that appears when persons in Quebec search for “president butter”:

“France’s #1 butter is made from high-quality cultured creams in the northwestern portion of France referred to as the “Grand Cru” of European dairy regions. Its oceanic climate, rich soil, and lush grass help produce butters that are distinctly rich and savory. There are

endless opportunities for delicious culinary creations with the Président Butter line-up.”

The whole as appears more fully from a copy of an extract from the Defendant’s website at www.presidentcheese.com, produced herein as **Exhibit R-15**;

36. While it seems that the Président Dairy Products sold in the United States are indeed the same as those sold in France and therefore, the website more-or-less accurately describes the product to Americans, it is still inadvertently misleading to Canadians who visit the site, especially so in conjunction with the representation of “France’s #1 Butter”;
37. As such, the Defendant’s marketing, advertising, promotion, packaging, labelling, selling and representation practices violate the *Consumer Protection Act*, CQLR c P-40.1, the *Competition Act*, R.S.C. 1985, c C-34, and the *Consumer Packaging and Labelling Act*, R.S.C. 1985, c. C-38, attached hereto are three charts outlining the specific articles that the Defendant’s practices were and are in violation of, produced herein as **Exhibit R-16**;

IV. Summative Remarks

38. The Defendant’s ongoing practice of manufacturing, importing, distributing, marketing, advertising, promoting, packaging, labelling, selling, and/or representing the Président Dairy Products as “France’s #1 Butter” – is likely to deceive ordinary consumers who reasonably understood the labelling of the Président Dairy Products to mean what it says – that the Président Dairy Products are French. In reliance upon the Defendant’s claims, Class Members sought out and were willing to pay more for the Président Dairy Products than similar products that do not claim to be of French origin, and in fact did purchase the Président Dairy Products;
39. The advertisements and representations made by the Defendant as set forth above were and are false and/or misleading. The acts and practices of the Defendant, as alleged herein, constitute unfair or deceptive acts or practices and the marking of false statements;
40. As a result of the Defendant’s deceptive claims, consumers have purchased products that are substantially different than represented;
41. Through its deceptive practice of marketing, advertising, promoting, packaging, labelling, selling, and representing the Président Dairy Products as “France’s #1 Butter” despite the fact that it is not the same as the French product (leaving aside whether or not the product sold in France is France’s #1 butter), the Defendant has been able to gain significant market share for its Président Dairy Products by deceiving consumers about the attributes of the Président Dairy Products and differentiating them from other traditional, comparable dairy

products that do not make these deceptive claims. The Defendant was motivated to mislead consumers for no other reason than to take away market share from competing products, thereby increasing its own profits;

42. The Plaintiff and Class Members were among the intended recipients of the Defendant's deceptive representations and omissions described herein. The Defendant's deceptive representations and omissions, as described herein, are material in that a reasonable person would attach importance to such information and would be induced to act upon such information in making purchase decisions;
43. Consumers were induced into purchasing Président Dairy Products through the use of false and misleading representations, thereby vitiating their consent and entitling them to claim a refund for the purchase price of those products;

II. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY THE PLAINTIFF

44. In the end of October 2022, the Plaintiff relocated from France to Quebec;
45. While doing his groceries at IGA Supermarket, the Plaintiff noticed the Président Dairy Products, noted the Defendant's claim that it was "France's #1 Butter" on the front of the product packaging, thought that the product was the same as what he had been used to at home, and purchased the 454-gram format unsalted butter for approximately \$10.49;
46. When making his purchase decision, the Plaintiff believed, from having seen the Defendant's marketing and having read the product labelling, that the Président Dairy Products were either imported from France or made with ingredients imported from France;
47. Upon using the butter that he had purchased, the Plaintiff noted that the product was not the same as that which he had been accustomed in France, notably, in terms of taste, flavour, texture, and quality;
48. At some point thereafter, in researching why the butter was so different from what he had been used to, the Plaintiff noted that it said in small print on the reverse of the packaging that it was made in Canada;
49. The Plaintiff then realized that what he had purchased, did not originate from France at all;
50. In consequence, the Plaintiff no longer purchases the Président Dairy Products and realized that he has been misled by the Defendant; had he known the true facts, the Plaintiff would not have purchased the Président Dairy Products or would not have purchased them at such a high price;

51. The Plaintiff's damages are a direct and proximate result of the Defendant's conduct and its false and misleading advertising;
52. In consequence of the foregoing, the Proposed Plaintiff is justified in claiming damages;

III. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY EACH OF THE MEMBERS OF THE GROUP

53. Every member of the Class has purchased Président Dairy Products believing that they were of French origin due to Defendant's marketing, advertising, labelling, and representations;
54. The Class Members were, therefore, induced into error by the Defendant's false and misleading conduct;
55. Had the Defendant disclosed the truth about Président Dairy Products, reasonable consumers would not have purchased them and/or certainly would not have paid such a high price for them;
56. In consequence of the foregoing, each member of the Class is justified in claiming at least one or more of the following as damages:
 - a. The purchase price of the Président Dairy Product(s) or in the alternative, a portion of the purchase price for the Président Dairy Product(s);
 - b. Punitive damages;
57. The Defendant engaged in wrongful conduct, while at the same time obtaining, under false pretences, significant sums of money from Class Members;
58. All of these damages to the Class Members are a direct and proximate result of the Defendant's conduct and their false and misleading advertising;

IV. CONDITIONS REQUIRED TO INSTITUTE A CLASS ACTION

- A) The composition of the Class makes it difficult or impracticable to apply the rules for mandates to sue on behalf of others or for consolidation of proceedings
59. The Plaintiff is not privy to the specific number of persons who purchased Président Dairy Products in Quebec; however, it is safe to estimate that it is in the tens of thousands (if not hundreds of thousands). Nevertheless, the Defendant's sales records could establish the size of the class to a reasonable degree of exactitude;
60. Class Members are numerous and are scattered across the entire province of Quebec and country;

61. In addition, given the costs and risks inherent in an action before the courts, many people will hesitate to institute an individual action against the Defendant. Even if the Class Members themselves could afford such individual litigation, it would place an unjustifiable burden on the courts and, at the very least, is not in the interests of judicial economy. Furthermore, individual litigation of the factual and legal issues raised by the conduct of the Defendant would increase delay and expense to all parties and to the court system;
 62. While certain Class Members may have suffered a substantial loss, it is expected that the majority have suffered small losses making it economically unfeasible to finance the litigation expenses inherent in any legal proceeding;
 63. This class action overcomes the dilemma inherent in an individual action whereby the legal fees alone would deter recovery and thereby in empowering the consumer, it realizes both individual and social justice as well as rectifies the imbalance and restore the parties to parity;
 64. Also, a multitude of actions instituted in different jurisdictions, both territorial (different provinces) and judicial districts (same province), risks having contradictory judgments on questions of fact and law that are similar or related to all members of the Class;
 65. These facts demonstrate that it would be impractical, if not impossible, to contact each and every member of the Class to obtain mandates and to join them together in one action;
 66. In these circumstances, a class action is the only appropriate procedure and the only viable means for all of the members of the Class to effectively pursue their respective rights and have access to justice;
- B) The claims of the members of the Class raise identical, similar or related issues of law or fact
67. All consumers were subjected to the same deceptive actions – the marketing, advertising, promoting, packaging, labelling, selling, and/or representing of the Président Dairy Products as “France’s #1 Butter”;
 68. Individual issues, if any, pale by comparison to the common issues that are significant to the outcome of the litigation;
 69. The damages sustained by the Class Members flow, in each instance, from a common nucleus of operative facts, namely, the Defendant’s misconduct;
 70. The claims of the members raise identical, similar or related issues of fact or law, namely:

- a) Did the Defendant engage in unfair, false, misleading, or deceptive acts or practices regarding the manufacturing, distributing, marketing, advertising, representations, promotion, packaging, labelling, and/or sale of the Président Dairy Products?
 - b) Is the Defendant liable to the Class Members for reimbursement of the purchase price of the Président Dairy Products as a result of its misconduct?
 - c) Should an injunctive remedy be ordered to prevent the Defendant from continuing to perpetrate its unfair, false, misleading, and/or deceptive conduct?
 - d) Is the Defendant responsible to pay punitive damages to Class Members and in what amount?
71. The interests of justice favour that this application be granted in accordance with its conclusions;

V. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

72. The action that the Plaintiff wishes to institute on behalf of the members of the Class is an action in damages, injunctive relief, and a declaratory judgment;
73. The conclusions that the Plaintiff wishes to introduce by way of an application to institute proceedings are:

GRANT the class action of the Plaintiff and each of the members of the Class;

DECLARE that the Defendant has committed unfair, false, misleading, and/or deceptive conduct with respect to its manufacturing, importing, distributing, marketing, advertising, promoting, packaging, labelling, selling, and/or representing the Président Dairy Products as being the same as those sold in France;

ORDER the Defendant to cease from continuing their unfair, false, misleading, and/or deceptive conduct by manufacturing, distributing, marketing, advertising, promoting, packaging, labelling, selling, and/or representing the Président Dairy Products as being the same as those sold in France;

CONDEMN the Defendant to pay to each member of the Class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendant to pay punitive damages to each of the members of the Class, and ORDER collective recovery of these sums;

CONDEMN the Defendant to pay interest and additional indemnity on the above sums according to law from the date of service of the application to authorize a class action;

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

CONDEMN the Defendant to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

A) The Plaintiff requests that he be designated as representative of the Class

74. The Plaintiff is a member of the Class;

75. The Plaintiff 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 and 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 before the Courts and the *Fonds d'aide aux actions collectives*, as the case may be, and to collaborate with his attorneys;

76. The Plaintiff has the capacity and interest to fairly, properly, and adequately protect and represent the interest of the members of the Class;

77. The Plaintiff has given the mandate to his attorneys to obtain all relevant information with respect to the present action and intends to keep informed of all developments;

78. The Plaintiff, with the assistance of his attorneys, is ready and available to dedicate the time necessary for this action and to collaborate with other members of the Class and to keep them informed;

79. The Plaintiff has given instructions to his attorneys to put information about this class action on their website and to collect the coordinates of those Class Members that wish to be kept informed and participate in any resolution of the present matter, the whole as will be shown at the hearing;

80. The Plaintiff is in good faith and has instituted this action for the sole goal 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 the Defendant's conduct;

81. The Plaintiff understands the nature of the action;
 82. The Plaintiff's interests do not conflict with the interests of other Class Members and further, the Plaintiff has no interest that is antagonistic to those of other members of the Class;
 83. The Plaintiff is prepared to be examined out-of-court on his allegations (as may be authorized by the Court) and to be present for Court hearings, as may be required and necessary;
 84. The Plaintiff has spent time researching this issue on the internet and meeting with his attorneys to prepare this file. In so doing, he is convinced that the problem is widespread;
- B) The Plaintiff suggests that this class action be exercised before the Superior Court of Justice in the district of Montreal
85. A great number of the members of the Class reside in the judicial district of Montreal and in the appeal district of Montreal;
 86. The Plaintiff's attorneys practice their profession in the judicial district of Montreal;
 87. The present application is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present application;

AUTHORIZE the bringing of a class action in the form of an application to institute proceedings in damages, injunctive relief, and declaratory relief;

APPOINT the Plaintiff as representative of the persons included in the Class herein described as:

All persons residing in Quebec who have purchased Président Dairy Product(s) or any other group to be determined by the Court;

IDENTIFY the principal issues of fact and law to be treated collectively as the following:

- a) Did the Defendant engage in unfair, false, misleading, or deceptive acts or practices regarding the manufacturing, distributing, marketing,

advertising, representations, promotion, packaging, labelling, and/or sale of the Président Dairy Products?

- b) Is the Defendant liable to the Class Members for reimbursement of the purchase price of the Président Dairy Products as a result of its misconduct?
- c) Should an injunctive remedy be ordered to prevent the Defendant from continuing to perpetrate its unfair, false, misleading, and/or deceptive conduct?
- d) Is the Defendant responsible to pay punitive damages to Class Members and in what amount?

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

GRANT the class action of the Plaintiff and each of the members of the Class;

DECLARE that the Defendant has committed unfair, false, misleading, and/or deceptive conduct with respect to its manufacturing, importing, distributing, marketing, advertising, promoting, packaging, labelling, selling, and/or representing the Président Dairy Products as being the same as those sold in France;

ORDER the Defendant to cease from continuing their unfair, false, misleading, and/or deceptive conduct by manufacturing, distributing, marketing, advertising, promoting, packaging, labelling, selling, and/or representing the Président Dairy Products as being the same as those sold in France;

CONDEMN the Defendant to pay to each member of the Class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendant to pay punitive damages to each of the members of the Class, and ORDER collective recovery of these sums;

CONDEMN the Defendant to pay interest and additional indemnity on the above sums according to law from the date of service of the application to authorize a class action;

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

CONDEMN the Defendant to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

DECLARE that all members of the Class that have not requested their exclusion, be bound by any judgment 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 Class Members, date upon which the members of the Class that have not exercised their means of exclusion will be bound by any judgment to be rendered herein;

ORDER the publication of a notice to the members of the group in accordance with article 579 C.C.P. within sixty (60) days from the judgment to be rendered herein in LA PRESSE and the NATIONAL POST;

ORDER that said notice be available on the Defendant's website(s), as well as their Facebook page(s) and Twitter account(s) with a link stating "Notice to Président Dairy Product Purchasers";

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

THE WHOLE with costs, including all publication and dissemination fees.

Montreal, July 18, 2024



ACTIS LAW GROUP INC.
Per: Me Andrea Grass
Attorneys for the Plaintiff