

**SUPERIOR COURT**  
(Class Actions Division)

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

N° : 500-06-000736-153

DATE : MARCH 26, 2026

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**BY THE HONOURABLE DAVID R. COLLIER, J.S.C.**

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**TFI TRANSPORT 11, INC.**  
Plaintiff  
v.  
**ESPAR INC. ET AL.**  
Defendant

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**JUDGMENT**  
**(Notice of Case Management #109; Motion to Extend the Delay to Inscribe #108)**

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[1] By a Notice of Case Management, the Webasto defendants (“Webasto”) seek the communication of additional information and documents from the plaintiff. The plaintiff TFI objects to the request. Irrespective of the Court’s decision, both parties agree that a further extension of time is required before declaring the case ready for trial.

[2] Webasto seeks two categories of information and documents from TFI. In the first category, referred to as the *données additionnelles*, Webasto requests details regarding the sources of information and the methodology used by TFI’s expert to calculate the economic impact of Webasto’s alleged price fixing strategy. In the second, category, referred to as *documents de coopération*, Webasto seeks to obtain the information and documents conveyed to TFI by Webasto’s former co-defendant, Espar, as part of the settlement agreement reached last year between TFI and Espar.

[3] Webasto rightly points out that the Court may order the communication of information and documents between parties at any stage of the case, in accordance with the directing principles of cooperation and transparency. The moving party must nevertheless establish that the requested information is relevant and likely to advance the case towards trial. A party who resists the communication of relevant information on the ground that it is subject to privilege has the burden to prove that privilege applies.

[4] In the present case, the Court is satisfied that any information or documents received by TFI from Espar as part of their settlement agreement is subject to litigation privilege, since the information is intended to assist TFI in preparing its claim against Webasto. Accordingly, it is not appropriate to grant Webasto's request to receive the so-called *documents de coopération*.

[5] Conversely, Webasto's request to receive the *données additionnelles* is well-founded. The information and documents requested by Webasto's counsel in their October 15, 2025 letter (R-6), and identified by Webasto's expert, Analysis Group ULC, in its January 27, 2026 letter (Annex A), should be turned over. This information is relevant and will assist Webasto's expert in responding to the expert report prepared by Dr. Marshall on behalf of TFI.

[6] As a general rule, experts are required to disclose the information they have consulted and relied upon in preparing their report. They must disclose the source of their information and explain the methodology they have used in reaching their conclusions. When doubt exists regarding an expert's analysis, the Court may order the expert to provide details regarding his methodology.<sup>1</sup>

[7] Webasto seeks to obtain the *données additionnelles* to assist its expert in understanding the methodology used by Dr. Marshall. Analysis Group states that it cannot reproduce Dr. Marshall's findings using the information disclosed to date by TFI and its expert. Analysis Group claims that the additional information requested from Dr. Marshall should allow it to fully understand Dr. Marshall's methodology.

[8] Dr. Marshall surmises that Analysis Group's failure to exactly reproduce his findings is "likely due" to "data cleaning" procedures, but he cannot say for sure.

[9] The parties and the Court will benefit from clarity on this issue. Everyone will benefit from the experts' opinions that are based on a shared understanding of the facts and method of analysis.

[10] Counsel for TFI proposes that the experts meet only after Webasto's expert report has been filed, when the experts would then attempt to resolve any misunderstandings and narrow outstanding issues (art. 240 (2) CCP). There is little

point, however, in waiting until later before allowing the experts to resolve their misunderstandings.

[11] It is unclear how much time TFI requires to respond to Webasto's request for the *données additionnelles*, and how much time Webasto's expert requires to analyse the additional information and file its report. The filing of Webasto's expert report is the only remaining step before the case is declared ready for trial. The Court therefore requests the parties to make a joint submission regarding the additional time they need to inscribe the case. The Court will then issue an extension order.

**FOR THESE REASONS, THE COURT:**

[12] **ORDERS** the plaintiff to provide to the defendants the information and documents requested in defendants' counsel's letter dated October 15, 2025 (exhibit R-6) and letter from Analysis Group dated January 27, 2026 (Annex A);

[13] **RESERVES** its decision regarding the request for an extension of the time required to inscribe the case for trial;

[14] **THE WHOLE**, without costs, given the mitigated result.

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DAVID R. COLLIER, J.S.C.

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