

SUPERIOR COURT
(Class Action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N^o: 500-06-000639-134

DATE: January 31, 2014

BY: THE HONOURABLE MR. JUSTICE DAVID R. COLLIER, J.S.C.

ERIC SABBAG
Petitioner

vs.

LANCE ARMSTRONG
and
PENGUIN GROUP (CANADA), INC.
and
PENGUIN GROUP (USA), INC.
and
G.P. PUTNAM'S SONS
and
THE BERKLEY PUBLISHING GROUP
and
RANDOM HOUSE OF CANADA LIMITED
and
RANDOM HOUSE, INC.
and
CROWN PUBLISHING GROUP
and
BROADWAY BOOKS
Respondents

JUDGMENT ON DISCONTINUANCE

[1] On February 4, 2013, the Petitioner filed a Motion to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative (Art. 1002 C.C.P. and following);

[2] The group description in the proposed class action is:

“all residents in Canada who have purchased the book, It’s Not About The Bike: My Journey Back To Life from its initial publication date on May 22nd 2000 through to the present and/or who have purchased the book Every Second Counts from its initial publication date on January 1st 2003 through to the present (the “Class Periods”), or any other group to be determined by the Court;

Alternately (or as a subclass)

all residents in Quebec who have purchased the book, It’s Not About The Bike: My Journey Back To Life from its initial publication date on May 22nd 2000 through to the present and/or who have purchased the book Every Second Counts from its initial publication date on January 1st 2003 through to the present (the “Class Periods”), or any other group to be determined by the Court;”

[3] On December 23, 2013, the Petitioner filed a Motion for Discontinuance seeking permission to desist from the present legal proceedings (Art. 1016 C.C.P.);

[4] On January 31, 2014, the above-mentioned Motion was heard by the Court;

[5] The reasons alleged in the above-mentioned Motion to support the discontinuance are:

- a) THAT the USA action, which has influenced the present one, was dismissed on a Motion to Dismiss by judgment dated September 9th 2013 with a right to amend, which the Plaintiff decided not to do and instead entered a Notice of Dismissal with Prejudice;
- b) THAT the present class action has not generated that much interest from class members. Only 17 persons filled out the form to join the class action at www.clg.org;

[6] SEEING the above-mentioned Motion, as well as the exhibits in support thereof produced in the Court record;

[7] HEARING the representations made by the Petitioner’s attorneys;

[8] GIVEN the consent by the Respondents to the discontinuance without costs;

[9] GIVEN that the Petitioner's attorney placed a notice on the website www.clg.org and has emailed the 17 potential class members who had previously expressed interest in joining the present class action of the Petitioner's intention to discontinue as well as the date, time, and place of the hearing of the present Motion;

[10] CONSIDERING that the Court finds the discontinuance to be in the interest of justice;

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

[12] **GRANTS** the present Motion;

[13] **AUTHORIZES** the Petitioner to discontinue his Motion for Authorization of a Class Action;

[14] **ORDERS** the publication of the full text of the present Judgment to be placed on the website www.clg.org for a period of ninety (90) consecutive days following the date of the present Judgment;

[15] **ORDERS** that the full text of the present judgment is to be forwarded by mail or by email to all individuals residing in Canada who identified themselves on the Petitioner's attorneys' website in connection with these proceedings;

[16] **WITHOUT COSTS.**

DAVID R. COLLIER, J.S.C.

Me Andrea Grass
CONSUMER LAW GROUP INC.
Attorneys for the Petitioner

Me Sylvain Lussier
OSLER, HOSKIN & HARCOURT
Respondents Lance Armstrong, Penguin Group (Canada) Inc. and Penguin Group (USA) Inc.

Me Christian Leblanc
FASKEN MARTINEAU DUMOULIN
Attorneys for the Respondents Random House of Canada Limited, Random House, Inc., Crown Publishing Group and Broadway Books