

Court File No. CV-25-00034796-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

DIANNE QUINN

Plaintiff

and

VAULT HOME CREDIT CORPORATION and JOHN DOE

Defendants

Proceeding under the *Class Proceedings Act, 1992*

AMENDED NOTICE OF MOTION

The Plaintiff will make a motion to the Honourable Justice Kalajdzic on a date to be determined at 10:00 a.m., or as soon after that time as the motion can be heard.

PROPOSED METHOD OF HEARING: The motion is to be heard

☐ In writing under subrule 37.12.1(1);

☐ In writing as an opposed motion under subrule 37.12.1(4);

☒ In person;

☐ By telephone conference;

☒ By video conference.

at the following location: 245 Windsor Avenue, Windsor ON N9A 1J2

THE MOTION IS FOR

- (a) an Order compelling the defendant to produce a list of the actions in the Ontario Superior Court of Justice and Small Claims Court in Ontario overlapping with this proposed class proceeding to which the defendant and a putative class member are amongst the named parties (“**Related Proceedings**”), or alternatively an order allowing for the inspection of the pleadings in all Related Proceedings in the defendant’s possession, by the plaintiffs, for the purpose of creating a list of same for this stay motion;
- (b) an Order that this motion is returnable 30 days after providing notice to the parties in the Related Proceedings of the within motion;
- (c) an Order compelling the defendant to provide the parties to the Related Proceedings with a copy of the Court’s above order;
- (d) an Order temporarily staying the Related Proceedings pending the final disposition of the class action, subject to the putative class members’ opt-out rights or a further order of this Court;
- (e) an Order temporarily staying the execution of any default judgment obtained by the defendant in a Related Proceeding against a putative class member pending the final disposition of this class action;

- (f) an Order that all Related Proceedings commenced after the date of this Order are stayed *ab initio* pending the final determination of the class action, subject to the putative class members' opt-out rights;
- (g) an Order that the stay ordered herein may be lifted with respect to any party outside the parties to this litigation with leave of the Case Management Judge in this action;
- (h) the costs of this motion; and,
- (i) such further and other relief as this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE

- (a) This motion arises in the context of a proposed class proceeding relating to consumer loans by the defendant primarily associated with HVAC and home improvement matters;
- (b) The particulars of the plaintiffs' claims are detailed in the statement of claim;
- (c) In summary, the defendant is a consumer lending and financing company;
- (d) The plaintiffs allege that the defendant constructed a consumer lending program in concert with certain unscrupulous merchants (including those selling door-to-door);
- (e) The defendant is alleged to have engaged in unlawful business practices that misled consumers into signing agreements in breach of consumer protection legislation and material non-disclosure;

- (f) The plaintiffs allege that the consumer loans imposed on the class by the defendant and its salespersons are uniformly premised on breaches of consumer protection legislation, that the agreements are unconscionable, invalid and unenforceable;
- (g) The defendant has engaged in ongoing enforcement and collections activity in respect of the allegedly unlawful agreements at issue in this action;
- (h) These collections efforts involve persistent and distressing calls and demands; inflicting damage to class members' credit scores; the commencement of lawsuits, and threats of lawsuits;;
- (i) The defendant has commenced various lawsuits or countersuits against class members, the full particulars of which are solely in the possession and knowledge of the defendant;
- (j) Some class members, facing no other option, have started Related Proceedings to deal with the defendant and free themselves of the defendant's loans;
- (k) Class members in these lawsuits are generally self-represented/unrepresented and in a vulnerable legal and practical position facing a sophisticated and well-resourced opponent;
- (l) All of the Related Proceedings substantially overlap with this proposed class proceeding;

- (m) All actions are premised on the same general factual background, resulting in the defendant's allegedly unconscionable loans obtained and enforced contrary to consumer protection legislation;
- (n) The validity and enforceability of the defendant's consumer loans is at the centre of each of the Related Proceedings because in each instance the defendant maintains that its loans are valid and that judgments should issue against the affected class member;
- (o) This proposed class action squarely puts into issue the validity and enforceability of the defendant's impugned loans with class members;
- (p) Should this action be certified, the trial of the class action and the remedies sought will determine the validity issues at the heart of the Related Proceedings;
- (q) The plaintiffs seek this temporary stay in order to avoid:
 - i. a multiplicity of proceedings;
 - ii. the unnecessary duplication and waste of judicial resources;
 - iii. the potential prejudice to putative class members that would result from having to defend against or advance the Related Proceedings while this proposed class action is pending; and
 - iv. any procedural friction or interplay between the Related Proceedings that may impede the expeditious progress of this class proceeding;

- (r) The within class proceeding is designed to benefit all proposed class members, including those in the Related Proceedings;
- (s) The defendant also would benefit from litigating only this proceeding and not having to re-litigate the same issues in various lawsuits;
- (t) Granting a temporary stay of the Related Proceedings pending disposition of the class action will prevent unnecessary and costly duplication of judicial and legal resources and will avoid the risk of conflicting or inconsistent outcomes;
- (u) The current state of affairs requires many class members to fend for themselves as unrepresented litigants, deal with the emotional and financial stresses of litigation, where this proposed class action seeks to provide access to justice to them;
- (v) The prosecution of the Related Proceedings at this time would not constitute an expeditious or cost-effective means of proceeding under Rule 1.04 of the *Rules of Civil Procedure*;
- (w) Allowing multiple proceedings that litigate the same issues to proceed at this time would be an inefficient use of judicial resources given the current burdens and lacking resources that the Superior Court of Justice and the Small Claims Court are facing;
- (x) Any prejudice to any party in the Related Proceedings is substantially outweighed by the above concerns of judicial economy and access to justice;

- (y) The stay requested by the plaintiffs is only temporary in nature (i.e. pending disposition of the proposed class action), and can be lifted with leave in the discretion of the Case Management Judge;
- (z) Pending the disposition of the certification motion in this case, the procedural and substantive rights of the consumers involved in the Related Proceedings will be protected as putative class members in this class action under the *Class Proceedings Act, 1992*;
- (aa) If the proposed class is certified, the procedural and opt-out rights of the class members who are parties to Related Proceedings will be protected under the *Class Proceedings Act, 1992*, at which point putative class members can exercise the right to opt-out and continue a Related Proceeding;
- (bb) The case management judge in a class proceeding has broad statutory authority to order a stay of any Related Proceeding;
- (cc) The stay will narrow the issues to be determined or the evidence to be adduced at the certification motion and therefore ought to be determined in advance of certification;
- (dd) If the proposed class is not certified, the parties to the Related Proceedings will be permitted to move forward with those proceedings;
- (ee) Rules 1.04, 32.01, 57.03 of the *Rules of Civil Procedure*;
- (ff) Sections 25, 106 and 138 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43. 25;

(gg) Sections 4.1, 12 and 13 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6. 26;

(hh) Such further and other grounds as the lawyers may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

(a) the statement of claim in this proceeding;

(b) Affidavit of Tawni Constantin sworn July 10, 2025;

(c) Affidavit of Sultana Juthi sworn July 18, 2025;

(d) Affidavit of Norma Jean Smith sworn July 22, 2025;

(e) Affidavit of Nancy Jane Brodie sworn August 13, 2025;

(f) Affidavit of Maria Arabella Robles sworn July 30, 2025; and

(g) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

July 30, 2025, amended August 14, 2025

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Vault Home Credit Corporation

AND TO: **JOHN DOE**

Defendant

DIANNE QUINN
Plaintiff

-and-

VAULT HOME CREDIT CORPORATION et al.
Defendants

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PROCEEDING COMMENCED AT WINDSOR

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