

COURT OF APPEAL FOR ONTARIO

CITATION: North v. Bayerische Motoren Werke AG, 2024 ONCA 305

DATE: 20240422

DOCKET: M54752 & M54789 (COA-23-CV-1180)

Gillese, Brown and Paciocco JJ.A.

BETWEEN

Patricia North and Dinis Rego

Plaintiffs (Appellants/

Respondents by way of cross-appeal/Moving Parties/Responding Parties)

and

Bayerische Motoren Werke AG, BMW of North America, LLC and
BMW Canada Inc.

Defendants (Respondents/

Appellants by way of cross-appeal/Responding Parties/Moving Parties)

Proceedings under the *Class Proceedings Act, 1992*

Alex Dimson, Stefani Cuberovic and Justin Smith for the moving parties
(M54752)/responding parties (M54789)

Peter J. Pliszka, Zohaib I. Maladwala and Lily MacLeod, for the responding
parties (M54752)/moving parties (M54789)

Heard and released orally: April 17, 2024

REASONS FOR DECISION

[1] We agree with the parties that the jurisprudence supports aspects of the appeal and cross-appeal being before this Court. The parties agree that given that circumstance, the other aspects of their appeal and cross-appeal can “piggyback” onto the appeal and cross-appeal and also be heard by this Court. We agree the appeal and cross-appeal are so interrelated that to avoid unnecessary duplication and to enable consistency of approach and result, both the appeal and cross-appeal should be heard together by this Court, and we so order.

[2] Accordingly, on consent both motions to quash are dismissed, without costs.

“E.E. Gillese J.A.”
“David Brown J.A.”
“David M. Paciocco J.A.”