

CANADA

(Class Action)
SUPERIOR COURT

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

M. SHALINSKY

NO: 500-06-000026-266

Applicant

-v.-

APPLE CANADA INC., legal person duly incorporated, having a head office located at 1600-120 Bremner Blvd., city of Toronto, province of Ontario, M5J 0A8

and

APPLE INC., legal person duly incorporated, having a head office located at One Apple Park Way, city of Cupertino, State of California, 95014, U.S.A.

Defendants

**APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION
AND TO APPOINT THE APPLICANT AS REPRESENTATIVE PLAINTIFF**
(Art. 575 C.C.P. and following)

TO ONE OF THE HONOURABLE JUSTICES OF THE SUPERIOR COURT OF QUEBEC, SITTING IN AND FOR THE DISTRICT OF MONTREAL, YOUR APPLICANT STATE AS FOLLOWS:

I. GENERAL PRESENTATION

A) The Action

1. The Applicant wishes to institute a class action on behalf of the following class, of which he is a member, namely:
 - All persons resident in Quebec who purchased an Apple iPhone 16;
2. The Defendants own, constitute, and/or operate one of the most ubiquitous, popular and lucrative companies, responsible for products as the Apple iPhone;

3. The present proposed class action concerns the Defendants' deceptive and misleading advertising campaign used to market and promote the sale of the iPhone 16, in which the Defendants convinced consumers to purchase either or both of these iPhones on the basis of Artificial Intelligence features that were not actually available at the time of the advertisement, or at the time of purchase, and some of which remain unavailable today;
 4. The Applicant contends that he would have never purchased the iPhone 16 if he had known that the Artificial Intelligence features advertised by Defendants were not actually available at the time of purchase or thereafter;
 5. The Applicant contends that the Defendants' conduct induced him to make payments in error and such that Defendants are in receipt of payments not actually due. The Plaintiff also contends that Defendants unjustly enriched themselves at Applicant and Class Members' expense;
 6. The Defendants' conduct also gives rise to faults under the *C.C.Q.* and to violations of the *Consumer Protection Act*, C.Q.L.R. c. P-40.1, and of the federal *Competition Act*, R.S.C., 1985, c. C-34, as discussed herein;
 7. The Applicant and Class Members suffered significant legally-cognizable compensable injuries directly and immediately caused by the Defendants' unlawful conduct, and are entitled to claim, *inter alia*:
 - (a) The price paid for the iPhones or a portion thereof;
 - (b) Punitive damages;
 8. The Defendants' faults are the direct and immediate cause of the above-mentioned pecuniary, moral, and bodily injuries suffered by the Applicant and Class Members;
- B) The Defendants
9. Defendant Apple Inc. is a California corporation headquartered in in Cupertino, California.
 10. Defendant Apple Canada Inc. is a subsidiary or otherwise the Canadian arm of Defendant Apple Inc. with a principal place of business in Toronto, Ontario. It is a corporation constituted under Ontario's *Business Corporations Act*. Apple Canada conducts business in Quebec and the rest of Canada;
 11. Apple Inc. is the owner of several trademarks registered in Canada and used by Apple Canada;
 12. Defendants are collectively referred to herein as "Apple" unless otherwise specified;

13. On information and belief Defendant Apple Canada operates as Apple Inc.'s corporate alter ego in Canada such that they are neither separate nor independent. Apple Canada is directly controlled by Apple Inc., which directs Apple Canada's operations and corporate policies;
14. Apple has directly and indirectly derived substantial revenue from the sale of the iPhone 16 line of products, including significant revenue derived from the sale of iPhone 16s to consumers resident in Quebec;
15. The Applicant contends that the Apple Defendants are solidary liable based on the following reasons;
 - each Defendant was the other's agent;
 - each Defendant's business was operated so as to be inextricably intertwined with the other's business as one corporate enterprise;
 - each Defendant entered into a common advertising, promotion, and marketing strategy with the other;
 - each Defendant carried their operations pursuant to a common business plan that was jointly developed;
 - each Defendant intended for their businesses to appear to be operated, and were in fact operated, as one common business organization.

C) The Situation

16. In summer 2024, Apple launched a massive marketing and advertising campaign to promote its latest iPhone 16 line of products, highlighting its "Apple Intelligence" range of features, including considerable AI-driven enhancements to its Apple Siri application;
17. For several months, Apple touted these AI features as the centerpiece of the new iPhones' selling point, promising to consumers a revolutionary product that would redefine smartphones and their use in the new AI-driven economy;
18. Apple's advertisements were deliberately widespread across internet and television and other media to cultivate direct and reasonable expectations that these purportedly revolutionary features would be available at the time of the iPhone's release, and thus at the time of purchase;
19. This resulted in unprecedented consumer anticipation and excitement, precisely as Apple intended in order to stimulate sales of its new iPhone models;



20. However, Apple knew that most of the Apple Intelligence features would not actually be available at the time the new iPhones became available on the market, and many are still not available today (in whole or in part);
21. Apple further later admitted that some of the features would not be available until 2026 – two years after its ubiquitous advertising and marketing campaign touting the Apple Intelligence features;
22. In essence, Apple deceived millions of consumers into buying new iPhones based on Apple Intelligence features that did not – and, in some cases, still do not – exist, in violation of consumer protection laws, competition laws, and the C.C.Q.;


i) Problematic Representations

23. Apple's problematic representations were made in the context of its extensive marketing campaign for the Apple iPhone 16 models beginning in or around mid-2024, and continuing for several months thereafter;
24. The representations conveyed that the said iPhones came equipped with particular Artificial Intelligence features under the "Apple Intelligence" label. These representations include:
 - "With Apple Intelligence, Siri can draw on a user's persona context to answer questions."
 - "Siri will be able to deliver intelligence that's tailored to the user and their on device information. For example, a user can say, 'Play that podcast that Jamie recommended,' and Siri will locate and play the episode, without the user having to remember whether it was mentioned in a text or an email. Or they could ask, 'When is Mom's flight landing?' and Siri will find the flight details and cross-reference them with real-time flight tracking to give an arrival time."
 - "With Apple Intelligence, Siri will be able to take hundreds of new actions in and across Apple and third-party apps. For example, a user could say, 'Bring up that article about cicadas from my Reading List,' or 'Send the photos from the barbecue on Saturday to Malia,' and Siri will take care of it."
 - "Apple introduced the new iPhone 16 lineup, built from the ground up for Apple Intelligence and featuring the faster, more efficient A18 and A18 Pro chips — making these the most advanced and capable iPhone models ever."
 - "That Siri would be able to obtain and provide information to the user based on integration of all apps on the iPhone, for example, being able to search, via voice command, the name of an individual the user met several months ago at a specific location."



25. Below are screenshots (*en liasse* as **Exhibit R-1**) of advertisements featuring some of Apple's representations of Apple Intelligence features for the iPhone 16 line of products. However, these features either did not exist at the time of release, or did not perform as claimed at the advertisement, and some still do not exist in whole or in part at the present time (as discussed in **Exhibit R-2**):





Apple Intelligence — the personal intelligence system for iPhone, iPad, and Mac — combines the power of generative models with personal context to deliver intelligence that's useful and relevant to the user.

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With Apple Intelligence, Siri will be able to take hundreds of new actions in and across Apple and third-party apps. For example, a user could say, "Bring up that article about cicadas from my Reading List," or "Send the photos from the barbecue on Saturday to Malia," and Siri will take care of it.



Newsroom

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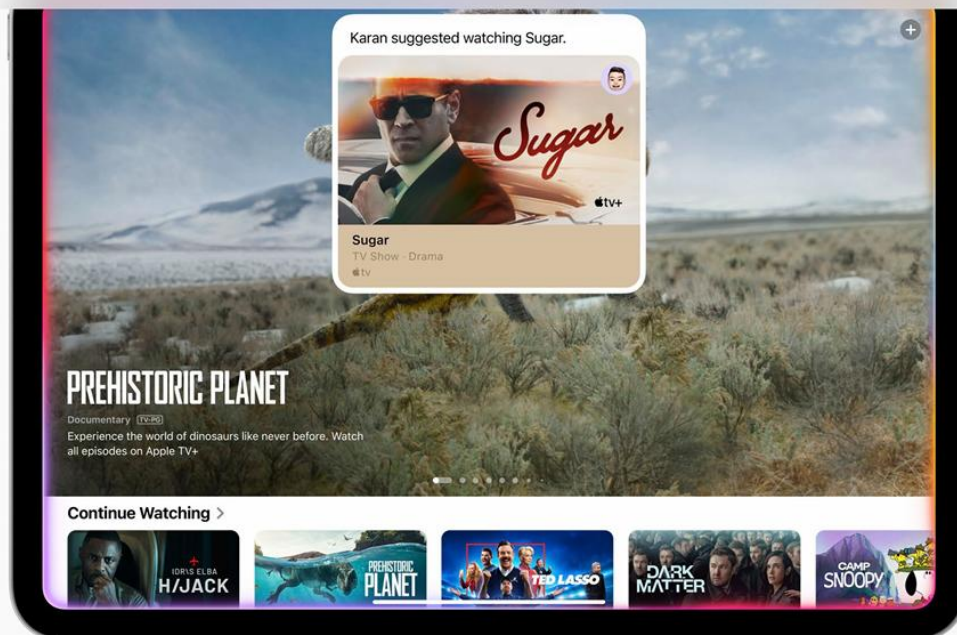


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With Apple Intelligence, Siri can draw on a user's personal context to answer questions.



26. Fundamentally, Apple engaged in a widespread marketing and advertising campaign for its iPhone 16 products in a manner that took advantage of consumer demand for sophisticated Artificial Intelligence technology as a way to generate significant sales and increase its profits;
27. Apple was sued in a class action in the United States in regards to its practices (see *Landsheft v. Apple Inc.*, U.S.D.C., No. Cal., Case No.: 5:25-cv-2668 complaint attached herein as **Exhibit R-3**). A settlement was announced on May 6, 2026 (see **Exhibit R-4**);

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

28. The Applicant financing his iPhone 16 Pro 256GB Black on or about November 2024 for \$51.64 per month (including taxes) for a 2 year period;
29. The Applicant thought that based on the Defendants' representations and advertising, that his new phone would have certain AI features. After purchasing his iPhone, he was disappointed to find out that these features were not present;
30. Had the Applicant known the truth, he would not have purchased his iPhone and certainly would not have paid such a high price;
31. The Applicant's damages are a direct and proximate result of the Defendants' conduct;
32. In consequence of the foregoing, the Applicant is justified in claiming damages;

III. FACTS GIVING RISE TO INDIVIDUAL ACTIONS BY EACH OF THE MEMBERS OF THE CLASS

33. Every member of the Class is a resident of Québec who purchased an Apple iPhone 16;
34. Had Apple used acceptable and lawful business practices to market and sell Apple iPhone 16 products, including by disclosing the Artificial Intelligence features actually available at the time of purchase, Class Members would not have purchased these phones;
35. Class Members suffered significant legally-cognizable compensable injuries directly and immediately caused by the Defendants' unlawful conduct, and are entitled to claim:
 - (a) The price paid for the iPhones purchased or a portion thereof;
 - (a) Punitive damages;

36. Apple engaged in unlawful conduct and obtained significant sums of money Class Members;
37. All of the legally-cognizable compensable injuries suffered by Class Members are the direct and immediate consequences of the Defendants' conduct;

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

35. The Applicant is naturally not privy to the specific number of persons in Quebec who purchased Apple iPhone 16 phones;
36. However, as Apple is a very prominent and well-known company with vastly popular products used throughout Quebec, it is safe to assume that the number of class members is fairly elevated. In any event, the Defendants' databases could easily establish the number of Class Members, and their precise coordinates, considering that subscribers must enter their name, address, and other billing and payment information;
37. Class Members are reasonably assumed to be numerous and scattered across the entire province;
38. 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 Defendants;
39. Even if the Class Members themselves could afford such individual litigation, it would place an unjustifiable burden on the courts. Furthermore, individual litigation of the factual and legal issues raised by the conduct of the Defendants would increase delay and expense to all parties and to the court system;
40. This class action overcomes the dilemma inherent in an individual action whereby the legal fees alone would deter recovery. In empowering the consumer, the proposed class action actualizes both individual and collective social justice;
41. Also, a multitude of actions instituted in different judicial districts within the same Province risks resulting in contradictory judgments on questions of fact and law that are similar or related to all members of the Class;
42. 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 in one action;
43. In these circumstances, a class action is the only appropriate procedural vehicle 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

44. All Class Members were subjected to the same deceptive actions and policies;
45. Individual issues, if any, pale by comparison to the numerous common issues that are central to the outcome of the litigation;
46. The damages sustained by the Class Members flow, in each instance, from a common nucleus of operative facts, namely, Defendants' misconduct;
47. The Members' claims raise identical, similar or related issues of fact or law:
 - a. Did the Defendants engage in unlawful practices through their marketing and advertising of the Apple iPhone 16 models?
 - b. Did the Defendants' unlawful conduct result in class members purchasing the Apple iPhone 16 models?
 - c. Did the Defendants provide insufficient or misleading disclosure of the availability of the Apple Intelligence artificial intelligence features that would actually be available for use at the time of purchase of the Apple iPhone 16 models?
 - d. Did the Defendants' practices with respect to the advertising and marketing of iPhone 16 products and services violate the *Consumer Protection Act*, the *Civil Code of Quebec*, the *Competition Act*, and/or other legislation?
 - e. Did the Applicant and Class Members pay more money for the Apple iPhone 16 models than the value they actually received?
 - f. What is the difference between the amount of money paid for by Applicant and each Class Member and the value they actually received from the Apple iPhone 16 models they purchased?
 - g. Are the Defendants liable to the Class Members for reimbursement of the amounts they paid for the iPhone 16 models they purchased?
 - h. Should injunctive relief be issued to prohibit the Defendants from continuing their unlawful, unfair, misleading and/or deceptive practices in Quebec?
 - i. Are the Defendants liable to pay punitive damages and in what amount?
 - j. Are the Defendants in receipt of payments not actually due to them?
 - k. Did the Defendants unjustly enrich themselves at Class Members' expense?



- I. If the answer to any of the above questions is affirmative, did the Defendants' conduct engage their solidary liability toward Class Members?
48. The interests of justice favour that this application be granted in accordance with its conclusions;

V. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

49. The action that the Applicant wishes to institute on behalf of the members of the Class is an action in damages, for injunctive relief, and for a declaratory judgment;
50. The conclusions the Applicant seeks by way of the present application to institute proceedings are as follows:

GRANT the class action of the Applicant and each of the Class Members;

ORDER the Defendants to reimburse Class Members who purchased Apple iPhone 16 models;

DECLARE the Defendants solidarily liable for the damages suffered by the Applicant and Class Members;

ORDER the Defendants to pay punitive damages in an amount to be determined by the Court;

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

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

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

ORDER that the claims of individual Class Members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants 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 Applicant requests that he be designated as representative of the Class

51. The Applicant is a member of the Class;
52. The Applicant is ready and available to manage and direct the present action in the interest of the members of the Class that she 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 court and the *Fonds d'aide aux actions collectives*, as the case may be, and to collaborate with the undersigned legal counsel;
53. The Applicant has the capacity and interest to fairly, properly, and adequately protect and represent the interest of the members of the Class;
54. The Applicant is informed, credible, and has a personal interest in the case. The Applicant understands the nature of the legal proceedings and is committed to pursuing this action diligently;
55. The Applicant has mandated the undersigned attorneys to obtain all relevant information with respect to the present action and intend to keep informed of all developments;
56. The Applicant, with the assistance of said 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;
57. The Applicant has given instructions to the undersigned 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 authorization hearing;
58. The Applicant is in good faith and has instituted this action for the sole goal of having her 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 Defendants' conduct;
59. The Applicant understands the nature of the action;
60. The Applicant's interests do not conflict with the interests of other Class Members and further has no interest that is antagonistic to those of other Class Members;
61. The Applicant has spent time researching this issue on the internet and meeting with his attorneys to prepare this file. In so doing, the Applicant is convinced that

the problematic practices at the heart of the present proposed class action are widespread;

B) The Applicant suggests that this class action be exercised before the Superior Court of Justice in the district of Montreal

62. A great number of the members of the Class reside in the judicial district of Montreal and in the appeal district of Montreal;

63. The Applicant's attorneys practice their profession in the judicial district of Montreal;

64. 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;

APPOINT the Applicant as representatives of the persons included in the Class and Subclasses herein described as:

- All persons resident in Quebec who purchased an Apple iPhone 16.

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

- a. Did the Defendants engage in unlawful practices through their marketing and advertising of the Apple iPhone 16 models?
- b. Did the Defendants' unlawful conduct result in class members purchasing the Apple iPhone 16 models?
- c. Did the Defendants provide insufficient or misleading disclosure of the availability of the Apple Intelligence artificial intelligence features that would actually be available for use at the time of purchase of the Apple iPhone 16 models?
- d. Did the Defendants' practices with respect to the advertising and marketing of iPhone 16 products and services violate the *Consumer Protection Act*, the *Civil Code of Quebec*, the *Competition Act*, and/or other legislation?
- e. Did the Applicant and Class Members pay more money for the Apple iPhone 16 models than the value they actually received?

- f. What is the difference between the amount of money paid for by Applicant and each Class Member and the value they actually received from the Apple iPhone 16 models they purchased?
- g. Are the Defendants liable to the Class Members for reimbursement of the amounts they paid for the iPhone 16 models they purchased?
- h. Should injunctive relief be issued to prohibit the Defendants from continuing their unlawful, unfair, misleading and/or deceptive practices in Quebec?
- i. Are the Defendants liable to pay punitive damages and in what amount?
- j. Are the Defendants in receipt of payments not actually due to them?
- k. Did the Defendants unjustly enrich themselves at Class Members' expense?
- l. If the answer to any of the above questions is affirmative, did the Defendants' conduct engage their solidary liability toward Class Members?

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

GRANT the class action of the Applicant and each of the Class Members;

ORDER the Defendants to reimburse Class Members who purchased Apple iPhone 16 models;

DECLARE the Defendants solidarily liable for the damages suffered by the Applicant and Class Members;

ORDER the Defendants to pay punitive damages in an amount to be determined by the Court;

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

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

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

ORDER that the claims of individual Class Members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants 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 Class Members 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 Class Members 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*, the Montreal Gazette, Le Journal de Montréal, and Le Journal de Québec;

ORDER that said notice be available on the Defendants' websites, Facebook page(s), X accounts, and Instagram accounts with a link providing "Notice Apple iPhone 16 users";

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, May 6, 2026

CONSUMER LAW GROUP INC.

Per: Me Jeff Orenstein

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