CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

Nº: 500-06-001201-223

SUPERIOR COURT
(Class Action)

JULIE CHOUINARD residing and domiciled at [redacted], Province of Quebec, Canada;

Applicant

-vs-

JOHNSON & JOHNSON, a legal person, having its principal place of business at One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933, United States;

-and-

JOHNSON & JOHNSON INC., a legal person established under the *Canada Business Corporations Act*, having his registered office at 88 McNabb Street, Markham, Ontario, L3R 5L2, Canada;

Defendants

APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION & TO ASCRIBE THE STATUS OF REPRESENTATIVE (ART. 574 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, THE APPLICANT STATES THE FOLLOWING:

GENERAL PRESENTATION

1. The Applicant wishes to institute a class action on behalf of the following group, of which she is a member, namely:

*All parents in Quebec (including any deceased parent and/or their estate) with a child whose biological mother regularly ingested during the pregnancy (a) Tylenol or (b) any other product(s) of the Defendant(s) containing acetaminophen alone or in combination with other medications, as listed below (hereinafter collectively referred to as the "**PRODUCTS**"), where the said child then developed autism spectrum disorder (**ASD**) or attention deficit hyperactivity disorder (**ADHD);***

and

*All children in Quebec (including any deceased child and/or their estate) with a parent who falls within the class definition above and who developed autism spectrum disorder (**ASD**) or attention deficit hyperactivity disorder (**ADHD**) (or such similar class definition as may be prescribed by the Court);*

The PRODUCTS include, but are not necessarily limited to:

TYLENOL Rapid Release Gels
TYLENOL Extra Strength
TYLENOL Liquid Gels
TYLENOL Regular Strength
TYLENOL Ultra Relief
TYLENOL Muscle Aches & Body Pain
TYLENOL Back Pain
TYLENOL Arthritis Pain
TYLENOL Nuit Extra Fort
TYLENOL Body Pain Night
TYLENOL Complete Cold, Cough & Flu
TYLENOL Complete Cold, Cough & Flu Plus Mucus Relief Liquid Gels
TYLENOL Complete Cold, Cough & Flu Plus Mucus Relief Syrup
TYLENOL Complete Cold, Cough & Flu Plus Mucus Relief Nightime Syrup
TYLENOL Cold
TYLENOL Cough
TYLENOL Flu
TYLENOL Cold & Sinus
TYLENOL Sinus

*(hereinafter collectively referred to as "**Class Member(s)**", "**Group Member(s)**", the "**Group**", the "**Class**", or the "**Member(s)**").*

2. Defendant Johnson & Johnson (hereinafter referred to as "**J&J**"), is a New Jersey corporation with its head office located at One Johnson & Johnson Plaza, New Brunswick, New Jersey

08933, United States, as it appears on a page from their website, https://www.ccc-consumercarecenter.com/UCUConfiguration?id=a0758000004NIaL. At all pertinent times, J&J was engaged in the business of manufacturing, marketing, testing, promoting, selling, and/or distributing the Products;

3. Defendant Johnson & Johnson, Inc. (hereinafter referred to as "**J&J Canada**"), is a federal corporation with its head office located at 88 McNabb Street, Markham ON L3R 5L2, Canada, the whole as appears more fully from a copy of an extract from the Corporations Canada website and the Registraire des Entrprises du Quebec (communicated altogether herein as **EXHIBIT P-1**). At all pertinent times, J&J Canada regularly transacted, solicited, and conducted business in Canada, including the province of Quebec. J&J Canada maintains offices and employees staff in Quebec. At all pertinent times, J&J Canada was engaged in Quebec in the business of manufacturing, importing, marketing, testing, promoting, selling, and/or distributing the PRODUCTS in Quebec;

4. The Defendants are all directly connected as related companies;

5. The Defendants research, develop, design, test, manufacture, label, package, supply, market, sell, advertise, and distribute a broad range of medical devices and products, as well as over-the-counter pharmaceutical products, including the Tylenol PRODUCTS, worldwide and in Canada. The Johnson & Johnson® brand is borne by dozens of parent, subsidiary, and related companies in over forty countries worldwide;

6. The Defendants at all material times carried on business as a partnership, joint venture or other common enterprise inextricably interwoven with each other, making each Defendant vicariously liable and jointly and severely liable, for the acts and omissions of the others;

7. The Applicant, and no member of the public, could know what individual actions were taken by any of the individual Defendants because they act in concert and secretively;

8. The Defendants collectively will be referred to hereinafter as "**Johnson & Johnson**" and

individually as follows:

a) Johnson & Johnson as "**J&J**", and;

c) Johnson & Johnson, Inc. as "**J&J Canada**";

9. At all material times, Johnson & Johnson intended that its business be operated as a global enterprise carrying out business worldwide, including in Quebec and elsewhere in Canada;

General Facts:

10. *Acetaminophen*, the active ingredient found in Tylenol and other similar products of the Defendant(s) is an over-the-counter analgesic (pain reliever) and antipyretic (fever reducer) medication. It is wildly used to treat mild to moderate pain from headaches, menstrual periods, toothaches, backaches, osteoarthritis, or cold/flu aches and pains and to reduce fever.

11. The Defendants designed, developed, manufactured, distributed and sold products that are in issue in this case namely, the PRODUCTS;

12. Acetaminophen, known mostly by its popular brand name Tylenol, has been one of the most widely used over-the-counter medications for decades. Almost every adult in Canada and in Quebec has probably taken Tylenol at least once in their lives and millions use it regularly for the treatment of various aches and pains;

13. Acetaminophen has been sold in Canada since 1961;

14. Acetaminophen has long been marketed by Johnson & Johnson to pregnant women as the safest option for pain and fever relief during pregnancy. It has often been marketed as the only safe over-the-counter pain drug during pregnancy. This has contributed to a general public perception that Tylenol is completely safe for use during pregnancy.

The Studies:

Consensus Statement on Tylenol and Pregnancy

15. This perception changed drastically last year, however, with the publication of new medical research on the use of Tylenol during pregnancy. In the September 2021 issue of the journal Nature Reviews Endocrinology, a Consensus Statement from a group of 91 leading medical experts warned that the use of Tylenol or acetaminophen during pregnancy was not safe and can increase the risk of *ASD* or *ADHD,*[1] communicated herein as **EXHIBIT P-2;**

16. The Consensus Statement summarized a growing body of epidemiological research and animal testing indicating that prenatal exposure to acetaminophen can alter fetal development and increase the risk of neurodevelopmental disorders such as autism. This body of research included 29 observational studies including over 220,000 mother-child pairs from across the world.

17. These studies consistently identified a link between the significant use of Tylenol or acetaminophen during pregnancy and higher rates of autism spectrum disorder. Specifically, the studies found that extended Tylenol use during pregnancy increased the baby's risk of *ASD* or *ADHD* by 20%.

18. The studies cited in the Consensus Statement also identified a clear correlation between the autism risk level and the duration and amount of acetaminophen usage during pregnancy. In other words, more Tylenol usage during pregnancy generally equated to higher *ASD* or *ADHD* rates.

19. The Consensus Statement concluded by strongly recommending that the medical community and public health agencies take precautionary actions to warn about the potential risks of using Tylenol during pregnancy. One of the recommendations included a warning label on all acetaminophen products about use during pregnancy.

[1] https://www.nature.com/articles/%20s41574-021-00553-7

20. Over the past decade, a growing body of scientific studies has raised increasingly more and greater concerns about the correlation between prenatal acetaminophen exposure and adverse neurodevelopmental outcomes, including *ASD* or *ADHD*.

JAMA Psychiatry Study

21. One of the most significant studies, published in the leading scientific journal JAMA Psychiatry in 2020, found that umbilical cord "biomarkers of fetal exposure to acetaminophen were associated with significantly increased risk of childhood autism in a dose-response fashion"[2], communicated herein as **EXHIBIT P-3;**

22. The study's authors further noted that "sensitivity analyses . . . and subgroup analyses found consistent associations between acetaminophen and autism across strata of potential confounders, including maternal indication, substance use, preterm birth, and child age and sex."

Hopkins Study

23. A Johns Hopkins study looked at cord blood samples and measured acetaminophen levels. The results were stunning. The highest levels of acetaminophen found in the cord blood were almost three times as likely to be on the autism spectrum compared to children with the lowest levels in their cord blood,[3] communicated herein as **EXHIBIT P-4;**

Other Studies

24. Various studies dating back to 2013 have found that the use of Tylenol (or acetaminophen) during pregnancy may lead to the development of various neurological disorders, including autism spectrum disorder. One study, in the International Journal of Epidemiology, said children born to mothers who took acetaminophen during pregnancy were more likely to have behavior problems and slow motor development at age 3 (communicated herein as **EXHIBIT**

[2] https://jamanetwork.com/journals/jamapediatrics/article-abstract/2770802

[3] https://hub.jhu.edu/2019/11/05/acetaminophen-pregnancy-autism-adhd/

P-5). The other study, in JAMA Pediatrics, cited an increased risk of attention deficit hyperactivity disorder, or ADHD, at age 7, (communicated herein as **EXHIBIT P-6)**;

25. According to the Consensus Statement, at least 26 different observational studies have identified a causal link between autism and acetaminophen exposure during pregnancy;

26. Sixteen (16) of these observational studies specifically investigated dose-response and found that increased dose and duration of exposure to acetaminophen was associated with increased risk of autism and other disorders;

27. Some of these studies that specifically investigated dose-response identified a dose-response association, meaning increased duration of exposure to acetaminophen was associated with increased risk, as it appears in the two (2) studies published on October 30, 2019, in the National Institutes of Health, by the US Department of Health and Human services[4], and, on October 19, 2020, in the European Journal of Epidemiology[5], communicated altogether herein as **EXHIBIT P-7**;

28. A research study published in the American Journal of Epidemiology in 2018, involved a meta-analysis of seven other studies that included more than 130,000 pairs of mothers and children. The mother-child pairs were monitored for 3 to 11 years, depending on the study. The study determined that children who were exposed to Tylenol for prolonged periods during pregnancy had a 20% higher risk of autism,[6] communicated herein as **EXHIBIT P-8;**

Risk of Autism with Tylenol May Be Dose Responsive

29. The timing, amount, and length of Tylenol use during pregnancy appear to have a correlation with the risk of autism because other studies have indicated that using small doses of Tylenol

[4] National institutes of health, by the US Department of Health and Human services, published on October 30, 2019 https://www.nih.gov/news-events/news-releases/nih-funded-study-suggests-acetaminophen-exposure-pregnancy-linked-higher-risk-adhd-autism

[5] European Journal of Epidemiology published on October 19, 2020: https://link.springer.com/article/10.1007/s10654-021-00754-4

[6] American Journal of Epidemiology, Volume 187, Issue 8, August 2018, Pages 1817–1827, https://doi.org/10.1093/aje/kwy086; https://academic.oup.com/aje/article/187/8/1817/4980325

during pregnancy do not increase the risk of autism. Based on this new research, many doctors now recommend that women avoid taking acetaminophen during pregnancy unless medically indicated.

Defendants' negligence

30. The Defendants had a duty to know and warn about the hazards associated with the use of the PRODUCTS;

31. The Defendants failed to inform its customers and end users of the PRODUCTS of a known significant health hazard associated with the use of its products by women during pregnancy, breaching their duty to inform the consumers in the marketplace with adequate information regarding the dangers of its product, in accordance with Sections 219 and 228 of the *Consumer Protection Act*, Section 52 of the *Competition Act* and Articles 6, 7, 1357 and 1401 *Civil Code of Quebec*;

32. In addition, the Defendants procured and disseminated false, misleading, and biased information regarding the safety of the PRODUCTS;

33. As a direct and proximate result of the Defendants' calculated and reprehensible conduct, the Applicant and Group were injured and suffered damages;

34. The Defendants were negligent in one or more of the following respects:

a) In failing to warn the Applicant and Group of the hazards associated with the use of the PRODUCTS when ingested by women during pregnancy;

b) In failing to properly test their products to determine the increased risk of *ASD* or *ADHD* if taken during pregnancy;

c) In failing to inform ultimate users, the consumers, such as the Applicant and Group as to the safe and proper methods of taking the PRODUCTS;

d) In failing to inform ultimate users, the consumers, such as the Applicant and Group with adequate information regarding the dangers of its product;

e) In failing to instruct the ultimate users, the consumers, such as the Applicant and Group, as to the methods for preventing or reducing the type of exposure to the PRODUCTS which caused increased risk of ASD or ADHD in children when their mothers ingested the PRODUCTS during pregnancy ;

f) In marketing and labeling the PRODUCTS as safe for all uses despite knowledge to the contrary; and

g) In failing to act like a reasonably prudent company under similar circumstances;

35. Each and all of these acts and omissions, taken singularly or in combination, were a proximate cause of the injuries and damages sustained by the Applicant and Group;

36. At all pertinent times, the Defendants knew or should have known that the PRODUCTS were dangerous when put to their reasonably anticipated use to the health of the child when ingested by the mother during pregnancy;

37. As a direct and proximate result of the Defendant's negligence in one or more of the aforementioned ways, the Applicant and the Group member purchased and used, as aforesaid, the PRODUCTS during their pregnancy that directly and proximately caused harm to both the children of the Applicant and of the Group by developing *ASD or ADHD* ;

38. The Applicant and Group were caused to incur medical bills, lost wages, and pain and suffering;

Johnson & Johnson's Breach of product warranty

39. The Defendants expressly warranted, through direct-to-consumer marketing, advertisements, and labels, that the PRODUCTS were safe and effective for reasonably anticipated uses, including use by women during pregnancy;

40. The PRODUCTS did not conform to these express representations because they cause significant injury to their children when used by women during pregnancy;

41. As a direct, foreseeable and proximate result of the Defendants' breaches of express warranties, Applicant and Group purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused the Applicant and Group to develop *ASD or ADHD*; the Applicant and Group were caused to incur medical bills, lost wages, pain and suffering;

42. The Defendants further knowingly agreed, contrived and conspired to deprive the Applicant and Group of the opportunity of informed free choice as to whether to use the PRODUCTS or to expose her to said dangers;

43. The Defendants committed the above described wrongs by wilfully misrepresenting and suppressing the truth as to the risks and dangers associated with the use of and exposure to the PRODUCTS;

44. In furtherance of said conspiracies, the Defendants performed the following overt acts:

a) Despite the medical and scientific data, literature, and test reports possessed by and available to the Defendants, the Defendants individually, jointly, and in conspiracy with each other, falsely and wilfully withheld, concealed and suppressed said medical information regarding the increased risk of *ASD or ADHD* from the Applicant and Group;

b) By these false and fraudulent representations, omissions, and concealments, the Defendants intended to induce the Applicant and Group to rely upon said false representations, omissions and concealments, and to continue to expose herself to the dangers inherent in the use of and exposure to the PRODUCTS;

45. The Applicant and Group reasonably and in good faith relied upon the aforementioned false representations, omissions, and concealments made by the Defendants regarding the nature of the PRODUCTS;

46. As a direct, foreseeable and proximate result of the Defendants' breaches of their duties as a pharmaceutical compagnie, the Applicant and Group purchased and used, as aforesaid, the PRODUCTS that directly and proximately caused the children of the Applicant and the Group to

develop *ASD* or ADHD when their mother ingested the PRODUCTS during pregnancy; the Applicant and Group were caused to incur medical bills, lost wages, and conscious pain and suffering;

FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY THE APPLICANT

47. The Applicant is a resident of Trois Rivières, Quebec;

48. Throughout her pregnancy in 2015, the Applicant suffered severe migraine.

49. The Applicant used Tylenol regularly and throughout her pregnancy to reduce the symptoms of her migraines as recommended by her doctor ;

50. In January 2016, her son was born;

51. Around 2018, her son (aged 3 years old at the time) was diagnosed with autism spectrum disorder (ASD);

52. The Applicant's son has since followed regularly by specialists to help him in his development due to his autism symptoms;

53. At school, the Applicant's son is attending a special program and specialized classes for children with autism spectrum disorder;

54. Neither from the Applicant's (mother) side of the family, nor from the father side is there any history of autism disorder;

55. The damages suffered by the Applicant and her son are a direct and proximate result of the Defendants' conduct failing to warn about the risks of prenatal exposure to Tylenol;

56. As a consequence of the foregoing, the Applicant is justified in claiming compensatory damages;

57. The Applicant is also entitled to claim punitive damages as a result of the intentional breach

by the Defendants of its obligations to warn of the risks of prenatal exposure;

FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY EACH OF THE MEMBERS OF THE GROUP

58. Members of the Group consist of parents in Quebec who used extensively the PRODUCTS and had prenatal exposure to Tylenol, and as a result causing their children to develop autism spectrum disorder (*ASD*) or attention deficit hyperactivity disorder (*ADHD*) and of their children in Quebec (including any deceased child and/or their estate) who developed ASD or ADHD;

59. Each Member of the Group is justified in claiming at least one or more of the following:

a) compensatory and other damages in an amount to be determined at trial for, amongst other things:
   (i) personal injury;
   (ii) pain and suffering;
   (iii) loss of income and earning capacity;
   (iv) loss of amenities and enjoyment of life;
   (v) costs of future care and related expenses;

b) exemplary and punitive damages;

c) pre- and post-judgment interest on the foregoing sums;

d) such further and other relief as counsel may advise and this Honourable Court may allow;

60. All of these damages to the Group Members are a direct and proximate result of the Defendants' conduct;

The members of the class claims raise identical, similar or related issues of law or fact

61. The recourses of the Group Members raise identical, similar or related questions of fact or law, namely:

a) Can the prenatal regular exposure of mothers to the PRODUCTS cause, contribute to, or materially increase the risk of causing their children to develop autism spectrum disorder (ASD) or attention deficit hyperactivity disorder (ADHD).

b) Did the Defendants breach a duty to warn of risks of prenatal exposure to the PRODUCTS?

c) Have Group Members suffered damages as a result of the conduct of the Defendants in question?

d) Are the Defendants liable to pay compensatory damages to the Group Members stemming from the defective product, or the Defendants' failure to warn?

e) Does the conduct of the Defendants warrant an award of exemplary or punitive damages, and if so, what amount of punitive damages should be awarded?

The composition of the class makes it difficult or impracticable to apply the rules for mandates (Article 59 or 67 C.C.P) to take part in judicial proceedings on behalf of others or for consolidation of proceedings

62. The number of persons included in the Group is estimated to be in the thousands;

63. The names and addresses of all persons included in the Group are not known to the Applicant;

64. 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. Even if the Group Members themselves could afford such individual litigation, the Court system could not as it would be overloaded. Furthermore, individual litigation of the factual, scientific, and legal issues raised by the conduct of Defendants would increase delay and expense to all parties and to the Court system;

65. These facts demonstrate that it would be impractical, if not impossible, to contact each and every Member of the Group to obtain mandates and to join them in one action;

66. In these circumstances, a class action is the only appropriate procedure for all of the Members of the Group to effectively pursue their respective rights and have access to justice;

The representative plaintiff is in a position to properly represent the class members

67. The Applicant, who is requesting to obtain the status of representative, will fairly and adequately protect and represent the interest of the Members of the Group, since Applicant:

a) used the PRODUCTS during her pregnancy and her child suffered an adverse effect, namely developing autism;

b) understands the nature of the action and has the capacity and interest to fairly and adequately protect and represent the interests of the Members of the Group;

c) is available to dedicate the time necessary for the present action before the Courts of Quebec and to collaborate with Group attorneys in this regard;

d) is ready and available to manage and direct the present action in the interest of the Group Members that the Applicant wishes to represent, and is determined to lead the present file until a final resolution of the matter, the whole for the benefit of the Group;

e) does not have interests that are antagonistic to those of other members of the Group;

f) has given the mandate to the undersigned attorneys to obtain all relevant information to the present action and intend to keep informed of all developments;

g) is, with the assistance of the undersigned attorneys, ready and available to dedicate the time necessary for this action and to collaborate with other Members of the Group and to keep them informed;

NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

68. The action that the Applicant wishes to institute for the benefit of the members of the Group is an action in damages for product liability and for the breach of its duty to warn, as a pharmaceutical manufacturer;

69. The conclusions that the Applicant wishes to introduce by way of a motion to institute proceedings are:

GRANT Applicant's action against Defendants;

GRANT the class action of Applicant on behalf of all the Members of the Group;

CONDEMN Defendants to pay compensatory damages to the Group Members for the material damages, personal injuries, pain and suffering, anxiety and fear, and other moral damages;

CONDEMN Defendants to pay punitive and/or exemplary damages to the Group Members, to be determined by the Court;

DECLARE that Defendant is in breach of the provisions of the *Consumer Protection Act*,

the *Competition Act*, and the *Civil Code of Quebec*;

ORDER that the Defendant conform to and respect the provisions of the Consumer Protection Act, the Competition Act and the Civil Code of Quebec;

ORDER the treatment of individual claims of each Member of the Group in accordance with articles 574 and following C.C.P.;

FIX the delay of exclusion at 60 days from the date of the publication of the notice to the Members;

DECLARE that all Members of the Group that have not requested their exclusion from the Group in the prescribed delay to be bound by any judgment to be rendered on the class action to be instituted;

THE WHOLE with costs, including expert and notice costs;

The Applicant suggests that this class action be exercised before the Superior Court of Justice in the district of Montreal for the following reasons:

70. Applicant suggests that this class action be exercised before the Superior Court in the District of Montreal for the following reasons:

a) Many Group Members are domiciled in the District of Montreal;

b) Many of the PRODUCTS were purchased or used by Group Members in District of the Montreal;

c) The Class counsel's has their offices in the region of Montreal;

71. The interests of justice favour that this motion be granted in accordance with its conclusions;

72. The present motion is well-founded in fact and in law;

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present motion;

AUTHORIZE the bringing of a class action in the form of a motion to institute proceedings in damages;

ASCRIBE the Applicant the status of representative of the persons included in the Group herein described as:

All parents in Quebec (including any deceased parent and/or their estate) with a child whose biological mother regularly ingested during the pregnancy (a) Tylenol or (b) any other

*product(s) of the Defendant(s) containing acetaminophen alone or in combination with other medications (hereinafter collectively referred to as the "**PRODUCTS**"), where the said child then developed autism spectrum disorder (**ASD**) or attention deficit hyperactivity disorder (**ADHD**);*

and

*All children in Quebec (including any deceased child and/or their estate) with a parent who falls within the class definition above and who developed autism spectrum disorder (**ASD**) or attention deficit hyperactivity disorder (**ADHD**) (or such similar class definition as may be prescribed by the Court);*

The PRODUCTS include, but are not necessarily limited to:

TYLENOL Rapid Release Gels
TYLENOL Extra Strength
TYLENOL Liquid Gels
TYLENOL Regular Strength
TYLENOL Ultra Relief
TYLENOL Muscle Aches & Body Pain
TYLENOL Back Pain
TYLENOL Arthritis Pain
TYLENOL Nuit Extra Fort
TYLENOL Body Pain Night
TYLENOL Complete Cold, Cough & Flu
TYLENOL Complete Cold, Cough & Flu Plus Mucus Relief Liquid Gels
TYLENOL Complete Cold, Cough & Flu Plus Mucus Relief Syrup
TYLENOL Complete Cold, Cough & Flu Plus Mucus Relief Nightime Syrup
TYLENOL Cold
TYLENOL Cough
TYLENOL Flu
TYLENOL Cold & Sinus
TYLENOL Sinus

IDENTIFY the principle questions of fact and law to be treated collectively as the following:

a) Can the prenatal exposure of mothers to the PRODUCTS cause, contribute to, or materially increase the risk of causing their children to develop autism spectrum disorder (ASD) or attention deficit hyperactivity disorder (ADHD).

b) Did the Defendants breach a duty to warn of risks of prenatal exposure to the PRODUCTS?

c) Have Group Members suffered damages as a result of the conduct of the Defendants in question?

d) Are the Defendants liable to pay compensatory damages to the Group Members stemming from the defective product, or the Defendants' failure to warn?

e) Does the conduct of the Defendants warrant an award of exemplary or punitive damages, and if so, what amount of punitive damages should be awarded?

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

GRANT Applicant's action against Defendants;

GRANT the class action of Applicant on behalf of all the Members of the Group;

CONDEMN Defendants to pay compensatory damages to the Group Members for the material damages, personal injuries, pain and suffering, anxiety and fear, and other moral damages;

CONDEMN Defendants to pay punitive and/or exemplary damages to the Group Members, to be determined by the Court;

DECLARE that Defendant is in breach of the provisions of the Consumer Protection Act, the Competition Act, and the Civil Code of Quebec;

ORDER that the Defendant conform to and respect the provisions of the Consumer Protection Act, the Competition Act and the Civil Code of Quebec

ORDER the treatment of individual claims of each Member of the Group in accordance with articles 599 to 601 C.C.P.;

FIX the delay of exclusion at 60 days from the date of the publication of the notice to the Members;

DECLARE that all Members of the Group that have not requested their exclusion from the Group in the prescribed delay to be bound by any judgment to be rendered on the class action to be instituted;

THE WHOLE with costs, including expert and notice costs;

ORDER the publication of a notice to the Members of the Group in accordance with Article 579 C.C.P.

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 to follow.

MONTREAL, October 20, 2022

Merchant Law LLP

MERCHANT LAW GROUP LLP

Attorneys for the Applicant

SUMMONS

(Articles 145 and following C.C.P.)

Filing of a Judicial Application

Take notice that the Applicant has filed this Application to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative in the office of the Superior Court of Quebec in the judicial district of Montreal.

Defendants' Answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montreal situated at 1 Rue Notre-Dame Street Est, Montréal, Québec, H2Y 1B6, within 15 days of service of the Application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the Applicant's lawyer or, if the Applicant is not represented, to the Applicant.

Failure to Answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of Answer

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code, cooperate with the Applicant in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Change of judicial district

You may ask the court to refer the originating Application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the Applicant.

If the application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating application.

Transfer of Application to Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the Application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Calling to a case management conference

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted.

Exhibits supporting the application

In support of the Application to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative, the Applicant intends to use the following exhibits:

Exhibit P-1 : a copy of an extract from the Corporations Canada website çand of the Registraire des Entrprises du Quebec of Johnson and Johnson Inc.;

Exhibit P-2 : a copy of the study Consensus Statement entitled "*Paracetamol use during pregnancy — a call for precautionary action"*, published in the Nature Reviews Endocrinology volume 17, pages757–766 (2021), on 23 September 2021;

Exhibit P-3: a copy of the study entitled "*Association of Prenatal Acetaminophen Exposure Measured in Meconium With Risk of Attention-Deficit/Hyperactivity Disorder Mediated by Frontoparietal Network Brain Connectivity"*, in JAMA Pediatrics 2020;174(11):1073-1081, published on September 28, 2020;

Exhibit P-4: a copy of A Johns Hopkins study entitled "*Taking Tylenol during pregnancy associated with elevated risks for autism, ADHD"*, dated November 5, 2019;

Exhibit P-5: a copy of an article entitled "*Prenatal paracetamol exposure and child neurodevelopment: a sibling-controlled cohort study*", published in the International Journal of Epidemiology 2013;42:1702–1713, on October 24, 2013;

Exhibit P-6: a copy of a study entitled "*Acetaminophen Use During Pregnancy, Behavioral Problems,and Hyperkinetic Disorders*", published in JAMA Pediatrics 2014;168(4):313-320, on February 24, 2014;

Exhibit P-7: a copy of an article entitled : "*NIH-funded study suggests acetaminophen exposure in pregnancy linked to higher risk of ADHD, autism*" published on October 30, 2019, in the National Institutes of Health, by the US Department of Health and Human services , and, a copy of a study entitled "Prenatal *and postnatal exposure to acetaminophen in relation to autism spectrum and attention-deficit and hyperactivity symptoms in childhood: Meta-analysis in six European population-based cohorts*" published on October 19, 2020, in the European Journal of Epidemiology;

Exhibit P-8: a copy of a study entitled "*Prenatal Exposure to Acetaminophen and Risk for Attention Deficit Hyperactivity Disorder and Autistic Spectrum Disorder: A Systematic Review, Meta-Analysis, and Meta-Regression Analysis of Cohort Studies"* published in American Journal of Epidemiology, Volume 187, Issue 8, August 2018, Pages 1817–1827

These Exhibits are available upon request.

Notice of presentation of an application

If the application is an application in the course of a proceeding or an application under Book III, V, except an application in family matters mentioned in article 409, or VI of the Code, the establishment of a case protocol is not required; however, the application must be accompanied by a notice stating the date and time it is to be presented.

Montreal, October 20, 2022

Merchant Law LLP

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Attorneys for the Applicant

NOTICE OF PRESENTATION

(Articles 146 and 574 al.2 C.P.C.)

TO: **JOHNSON & JOHNSON**
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933
United States

-and-

JOHNSON & JOHNSON INC.,
88 McNabb Street, Markham ON L3R 5L2, Canada

TAKE NOTICE that the present *Application For Authorization to Institute a Class Action nd To Appoint a Representative Plaintiff* will be presented before one of the Honourable Judges of the Superior Court of Québec, at the Montreal courthouse, located at 1, rue Notre-Dame Est, in the City and District of Montréal, on the date set by the coordinator of the class actions chamber.

PLEASE ACT ACCORDINGLY.

Montreal, October 20, 2022

Merchant Law LLP

Merchant Law Group LLP
Attorneys for the Applicant

N^{O} : 500-06-

S U P E R I O R C O U R T O F Q U É B E C
(CLASS ACTION)

DISTRICT OF MONTRÉAL

JULIE CHOUINARD

Applicant

- vs -

JOHNSON & JOHNSON,
-and-
JOHNSON & JOHNSON INC.

Defendants

MOTION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND TO APPOINT A REPRESENTATIVE PLAINTIFF

ORIGINAL

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