

SUPERIOR COURT

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No : 500-06-001004-197

DATE : March 9, 2023

BY THE HONOURABLE DONALD BISSON, J.S.C.

JB4644

JEAN-FRANÇOIS BOURASSA
Plaintiff

v.

ABBOTT LABORATORIES, LIMITED ET AL.
Defendant

JUDGMENT

(On the application for approval of the notice to class members)

[1] **CONSIDERING** that an *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* was filed in the Superior Court of Quebec (the “**Initial Application**”) on May 23, 2019;

[2] **CONSIDERING** that, on December 17, 2021, Jean-François Bourassa (the “Plaintiff”) filed a Re-Amended Application dated December 17, 2021 for Authorization to Institute a Class Action for the sole purpose of being substituted as Plaintiff, which was subsequently authorized by the Court on January 17, 2022;

[3] **CONSIDERING** that, by judgment dated August 9, 2022¹, the Honourable Justice Morrison of this Court approved certain settlement agreements entered into between the Plaintiff and a number of Defendants (now the “**Settled Defendants**”), and subsequently thereafter a settlement approval notice was published whereby Class Members (defined below) were informed that if they wished to opt-out of the Class Action as a whole they had to do so by September 16, 2022 (the “**Opt-Out Deadline**”);

¹ *Bourassa c. Roxane Laboratories Inc.*, 2022 QCCS 2976.

[4] **CONSIDERING** that, on September 30, 2022, the Plaintiff filed a *de bene esse* motion to modify the amended Initial Application (the "**Motion to Amend**") and a *Re-Amended Application dated September 30, 2022 for Authorization to Institute a Class Action* (the "**Authorization Application**");

[5] **CONSIDERING** that, on November 7, 2022, the Court granted the Motion to Amend and authorize the filing of the amended Authorization Application;

[6] **CONSIDERING** that the Authorization Application is made on behalf of the following class:

All persons in Quebec who have been prescribed and consumed any one or more of the opioids manufactured, marketed, distributed and/or sold by the Defendants between 1996 and the present day ("**Class Period**") and who suffer or have suffered from Opioid Use Disorder, according to the diagnostic criteria herein described.

The Class includes the direct heirs of any deceased persons who met the above-mentioned description.

The Class excludes any person's claim, or any portion thereof, specifically in respect of the drugs OxyContin or OxyNeo, subject to the settlement agreement entered into in the court file no 200-06-000080-070.

(the "**Class**" or "**Class Members**")

[7] **CONSIDERING** that the Plaintiff and the following Defendants have executed settlement agreements (collectively the "**Settlement Agreements**") as follows:

a) The settlement agreement with Aralez Pharmaceuticals Canada Inc. ("**Aralez**"), dated November 10, 2022, filed as Exhibit R-1 (the "**Aralez Settlement Agreement**");

b) The settlement agreement with Valeant Canada Limited, Valeant Canada LP and 4490142 Canada Inc., F.K.A. as Meda Valeant Pharma Canada Inc. (together "**Valeant**"), dated December 13, 2022, filed as Exhibit R-2 (the "**Valeant Settlement Agreement**"); and

c) The settlement agreement with Church & Dwight Canada Corp. ("**Church & Dwight**"), dated December 22, 2022, filed as Exhibit R-3 (the "**Church & Dwight Settlement Agreement**")

[8] **CONSIDERING** the *Application for Approval of the Notice to Class Members* (the "**Notice Approval Application**") in which the Plaintiff is asking this Court to approve a Pre-Approval Notice;

[9] **CONSIDERING** that Aralez, Valeant and Church & Dwight (collectively, the "**Settling Defendants**") support the Notice Approval Application;

[10] **CONSIDERING** that the Plaintiff and the Settling Defendants agree to the modalities respecting the notification and publication of the relevant notices to the Class Members, such modalities being set out in the Aralez Settlement Agreement, the Valeant Settlement Agreement and the Church & Dwight Settlement Agreement, (collectively, the “**Notice Plan**”);

[11] **CONSIDERING** that it would be more efficient to address all three settlements (collectively, the “**Settlement Agreements**”) in a single Pre-Approval Notice;

[12] **CONSIDERING** the proposed French and English versions of the combined Pre-Approval Notice filed as Schedule B to each of the Settlement Agreements;

[13] **CONSIDERING** the submissions of the Parties;

[14] **CONSIDERING** articles 581 and 590 of the *Code of civil procedure* (“**CCP**”);

WHEREFORE THE COURT:

[15] **GRANTS** the Plaintiff’s Pre-Approval Application filed on January 25, 2023;

[16] **ORDERS** that for the purposes of this Judgment, the definitions and other defined terms contained, respectively, in the Settlement Agreements apply and are incorporated herein by reference;

[17] **APPROVES** the form and contents of the French and English versions of the combined Pre-Approval Notice, being Schedule B to each of the Settlement Agreements;

[18] **AUTHORIZES** the notification and publication of the Pre-Approval Notice as provided for in the Notice Plan together with a copy of the Settlement Agreements in the following manner:

Within ten (10) days of the date of issuance of the Pre-Approval Order, or on the date fixed by the Court in that regard, Class Counsel shall:

Post the Pre-Approval Notice in both English and French on its Facebook page and Website for a period of thirty (30) days

Post the Pre-Approval Notice in both English and French on the online registry of class actions offered by the Superior Court of Québec,

Email the contents of the Pre-Approval Notice in both English and French to each person who has registered on Class Counsel’s Website to receive information regarding the Class Action.

[19] **DECLARES** that Class Members who wish to object to the Court’s approval of the Settlement Agreements must do so on or before May 3, 2023;

[20] **DECLARES** that Class Members can no longer opt out, as the Opt-Out Deadline was September 16, 2022;

[21] **SCHEDULES** the Settlement Agreement Approval Hearing on May 8, 2023, at 9:30, in room 16.12 of the Montreal courthouse as well as by means of a digital hearing;

[22] **THE WHOLE** without legal costs



DONALD BISSON, J.S.C.

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Date of hearing: March 7, 2023