

**COUR SUPÉRIEURE**  
(Chambre des actions collectives)

CANADA  
PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL

N° : 500-06-000948-188

DATE : February 9, 2023

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**SOUS LA PRÉSIDENCE DE L'HONORABLE PIERRE NOLLET, J.C.S.**

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**MICHAEL POHORESKY**  
et  
**HAROLD POHORESKY**  
Plaintiffs

c.  
**OTSUKA CANADA PHARMACEUTICAL INC.**  
et  
**LUNDBECK CANADA INC.**  
Défendants

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JUDGMENT  
(SUSPENSION)

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[1] **WHEREAS** the Superior Court granted an authorization to institute a class action against six companies, four of which are domiciled outside Québec;

[2] **WHEREAS** the Court of Appeal granted the appeal of the Out-of-Quebec defendants on the basis that the Quebec Superior Court did not have jurisdiction over those companies in this case and quashed the authorization of the class action against these defendants;

[3] **WHEREAS** the Plaintiffs are seeking leave to appeal to the Supreme Court of Canada;

[4] **WHEREAS** the causes of action asserted by Plaintiffs against the Defendants and the Out-of-Quebec companies are based largely upon the same facts and will require the administration of similar or identical evidence, the whole as it appears from Re-Re-Modified Application to Authorize a Class Action and from the Originating Application filed in the Court record.

[5] **WHEREAS** forcing Plaintiffs to proceed only against the Defendants even as the appeal proceedings against the Out-of-Quebec companies follow their course before the Supreme Court of Canada constitutes a disproportional and potentially duplicative use of the parties' and the Court's resources

[6] **WHEREAS** all parties consent to the suspension of the present class action until a final decision has been issued by the Supreme Court;

**FOR THESE REASONS, THE COURT :**

[7] **SUSPENDS** the class action against the Defendants until the issuance of a final judgment by the Supreme Court of Canada in the file number 40452 regarding the declinatory exception granted by the Court of Appeal;

[8] *DE BENE ESSE*, **RELIEVES** Plaintiffs of the default to file the originating application within the time limit of three months from the authorization decision;

[9] **THE WHOLE** without costs.

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PIERRE NOLLET, J.C.S.

Me Laurence Ste-Marie  
Me Bogdan-Alexandru Dobrota  
WOODS S.E.N.C.R.L.  
Avocats pour les demandeurs

Me Joël Rochon  
Me Golnaz Nayerahmadi  
ROCHON GENOVA LLP  
Avocats-conseils pour les demandeurs

Me Marianne Ignacz  
Me Lydia Amazouz  
INF S.E.N.C.R.L.  
Avocates pour Otsuka Canada Pharmaceutical Inc.

Me Samuel Lepage  
Me Michel Gagné  
Me Laurence Angers-Routhier  
McCARTHY TÉTRAULT S.E.N.C.R.L., S.R.L.  
Avocats pour Lundbeck Canada Inc.

Hearing date :      Paper process