

SUPERIOR COURT

(Class action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL

N° : 500-06-001338-249

DATE : June 20th, 2025

IN THE PRESENCE OF THE HONOURABLE LUKASZ GRANOSIK, J.S.C.

M.T.
and
MARC HAMEL
Plaintiffs

v.
CHURCH & DWIGHT CANADA CORP.
and
CHURCH & DWIGHT CO., INC.
Defendants

JUDGMENT

(discontinuance)

[1] On October 21, 2024, the Plaintiffs instituted these proceedings by filing an Application to Authorize the Bringing of a Class Action and to Ascribe the Status of Representative Plaintiff (the “Application for Authorization”), on behalf of the following proposed class:

“All persons residing in Quebec who have purchased or used Trojan Ultra Thin Condoms for Ultra Sensitivity (the “Trojan Condoms”) or any other group to be determined by the Court;”¹

¹ The Application for Authorization was amended twice. The most recent version, the Re-Amended Application for Authorization, was filed on February 3, 2025.

[2] In the course of the litigation, the Plaintiffs have alleged, among other things, that the Defendants failed to disclose that Trojan Ultra Thin condoms contained trace amounts of per- and polyfluoroalkyl substances ("PFAS"), a class of synthetic chemicals widely referred to as toxic "forever chemicals" due to their persistence in the environment and potential human health risks;

[3] The Defendants deny the Plaintiffs' allegations;

[4] The proposed class proceeding is still in the pre-authorization stage – a judgment authorizing the class action has not been rendered;

[5] On June 13, 2025, the Plaintiffs filed an Application for a Discontinuance seeking permission to discontinue the present legal proceedings under articles 9 al. 2, 19, 213, and 585 C.C.P.;

[6] The reasons alleged in the Application to support the discontinuance include:

- I. The issue that will be debated on the scientific validity of the testing method used to detect PFAS in products, which would include the Trojan Ultra Thin Condoms. There is some controversy over the use of Total Organic Fluorine (TOF) as a reliable testing method for PFAS;
- II. Issues relating to harm and causation, namely, whether trace amount of PFAS could cause damages;
- III. The parallel class action in the United States (Case No. 1:24-cv-06813) was voluntarily dismissed on January 24, 2025;
- IV. Both Plaintiffs have expressed their desire to discontinue their participation in the proceedings and to withdraw as representative plaintiffs.

[7] The Defendants consent to this discontinuance without legal costs, without any admission of liability, and expressly deny any liability. The Defendants agree to reimburse the legal fees and expenses incurred by the Plaintiffs' attorneys in connection with this litigation, supported by receipts and/or invoices, up to a maximum of \$10,000. Such sum will be reimbursed to Defendants within five business days if another action on behalf of the same class or a subset thereof is filed by any firm within 12 months of the discontinuance decision;

[8] **THEREFORE, CONSIDERING** the above-mentioned Application as well as the Exhibits in support thereof produced in the Court record;

[9] **GIVEN** the consent by the Defendants to the discontinuance without costs save and except for the repayment of reasonable disbursements;

[10] **CONSIDERING** that the Court finds the discontinuance to be in the interest of justice;

POUR CES MOTIFS, LE TRIBUNAL : **WHEREFORE, THE COURT:**

[11] **ACCUEILLE** la demande; **GRANTS** the Application;

[12] **AUTORISE** le désistement de la Demande remodifiée d'autorisation d'exercer une action collective et de désigner les demandeurs comme représentants; **AUTHORIZES** the discontinuance of the Re-Amended Application to Authorize the Bringing of a Class Action and to Designate the Plaintiffs as Representatives;

[13] **PREND ACTE** du consentement des défenderesses au désistement; **TAKES NOTE** of the Defendants' consent to the discontinuance;

[14] **APPROUVE** la forme et le contenu de l'Avis de désistement, essentiellement sous la forme jointe à la présente comme l'annexe A; **APPROVES** the form and content of the Notice of Discontinuance substantially in the form as attached hereto as Schedule A;

[15] **ORDONNE** que la Demande de désistement, le présent jugement et l'Avis de désistement soient publiés au Registre des actions collectives et que l'Avis de désistement soit diffusé de la manière suivante: **ORDERS** that the Application for Discontinuance, the present judgment, and the Notice of Discontinuance shall be published on the *Registre des actions collectives* and that the Notice of Discontinuance be disseminated in the following manner:

(a) Sur le site Web des avocats soussignés à l'adresse www.actislaw.org pendant une période de 120 jours à compter de la date du présent jugement,

(a) On the undersigned attorneys' website at www.actislaw.org for a period of 120 days beginning at the date of this judgment,

(b) En envoyant directement par courrier électronique l'avis de désistement à toutes les personnes qui ont contacté Actis Law Group pour manifester leur intérêt pour la présente action,

(b) By directly emailing the Notice of Discontinuance to all persons who contacted Actis Law Group to express interest in the present action,

[16] **LE TOUT**, sans frais de justice.

THE WHOLE, without legal costs.



LUKASZ GRANOSIK, j.c.s.

Me Andrea Grass
ACTIS LAW GROUP INC.
Attorney for the Plaintiffs

Me Anne Merminod
Me Alexandra Hebert
Me Sylvie Rodrigue
TORYS LAW FIRM LLP
Attorneys for the Defendants

Hearing date : On file