

C A N A D A

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

SUPERIOR COURT
(Class Actions)

N^o: 500-06-001243-233

DAPHNA OHAYON

Plaintiff

v.

SHOPPERS DRUG MART INC. (a.d.b.a.
Pharmaprix)

Defendant

**APPLICATION FOR THE ISSUANCE OF A CLOSING JUDGMENT
REGARDING SHOPPERS DRUG MART INC.**

(S. 130, *Directives and Schedules of the Superior Court*, Montreal's Division)

**TO THE HONOURABLE JUSTICE PIERRE NOLLET OF THE SUPERIOR COURT
OF QUEBEC, DISTRICT OF MONTREAL, DESIGNATED TO PRESIDE OVER THE
PRESENT CLASS ACTION, THE DEFENDANT SHOPPERS DRUG MART INC.
RESPECTFULLY SUBMITS THE FOLLOWING:**

1. Defendant Shoppers Drug Mart Inc. ("**Shoppers**"), with the consent of the Plaintiff, hereby seeks the issuance of a closing judgment.¹

I. OVERVIEW

2. On November 21, 2023, the Plaintiff filed a *2nd Re-Amended Application to Authorize the Bringing of a Class Action* (the "**Motion for Authorization**") against Shoppers and Loblaw Companies Ltd. ("**Loblaw**"), amongst others.
3. On October 15, 2024, the Plaintiff, Shoppers and Loblaw, without any admission, entered into a settlement agreement (as amended on March 24, 2025, the "**Settlement Agreement**") regarding "*all natural and legal persons in the province of Québec who purchased a product subject to the*

¹ For the purposes of this *Application for the issuance of a closing judgment regarding Shoppers Drug Mart Inc.*, words beginning with a capital letter and not otherwise defined shall have the meanings ascribed to them in the Settlement Agreement (Exhibit R-1 to the *Amended Application to Approve the Pharmaprix Class Action Settlement and for Approval of Class Counsel Fees*).

Environmental Handling Fee from a Pharmaprix Store between December 11, 2019 and June 8, 2023 (the “**Class Members**”), communicated herewith as **Exhibit R-1**.

4. On December 19, 2024, the Honourable Justice Nollet from the Superior Court of Québec authorized the class action (the “**Class Action**”) for settlement purposes (the “**Authorization Judgment**”) on behalf of the Class Members and approved pre-approval notices in the form suggested at Schedule B of the Authorization Judgment (the “**Pre-Approval Notices**”).
5. On March 21, 2025, the Plaintiff filed an *Amended Application to Approve the Pharmaprix Class Action Settlement and for Approval of Class Counsel Fees* according to which it requested the Court to, amongst others :
 - (i) approve the Settlement Agreement;
 - (ii) approve the payment of Class Counsel Fees and disbursement (as provided for at clauses 1(f) and 10.1 of the Settlement Agreement); and
 - (iii) authorize the Plaintiff to discontinue the class action in favour of Loblaw.
6. On April 7, 2025, the Settlement Agreement was approved by the Superior Court of Québec (the “**Settlement Approval Judgment**”) and authorized the Plaintiff to discontinue the class action against Loblaw by filing a notice of discontinuance in the Court record.
7. Said notice of discontinuance was filed by the Plaintiff on November 27, 2025.
8. On October 7 , 2025, Shoppers issued its final and detailed closing report (the “**Final Closing Report**”), a copy of which is communicated herewith as **Exhibit R-2**.

II. THE CLOSING OF THE CLASS ACTION

9. In accordance with the Settlement Agreement and the Settlement Approval Judgment, the Court ordered Shoppers to:
 - (i) pay a total of \$300,000 to: (i) cover Class counsel’s extrajudicial fees and expenses, and (ii) distribute the remaining balance as a 50% discount (the “**Discount**”) on any Admissible Product purchased at any Pharmaprix Store (the “**Distribution Fund**”) for a period of ninety (90) days or until the funds were depleted.

- (ii) post, in every Pharmaprix Store, a notice clearly visible near the cash registers, specifically stating that: “*le client a droit à une réduction de 50% sur le prix affiché des piles en vertu d’une entente intervenue dans l’action collective Ohayon c. Pharmaprix, et ce jusqu’à épuisement du Fonds de distribution*” (the “**Distribution Notice**”) and to keep the Distribution Notice posted until the Distribution Fund was exhausted;
 - (iii) report on the execution of the judgment upon receipt of the final report from Shoppers for the purposes of a closing judgment.
10. The value of the Distribution Fund after deducting Class Counsel Fees and Disbursements amounted to \$185,173.43 (\$300,000 less \$114,826.57).
 11. This Court approved the Distribution Notice on April 24, 2025.
 12. As more fully outlined in the Detailed Report of Execution (Exhibit R-2), on May 13, 2025, all Pharmaprix Stores were instructed by Shoppers to display the Distribution Notice in both its French and English versions near the cash registers as of May 19, 2025.
 13. From May 19 to June 16, 2025, the Discount was applied systematically on all Admissible Products purchased by Class Members in the Pharmaprix Stores in the province of Québec.
 14. On June 16, 2025 (i.e., 28 days following the Effective Date), the Distribution Fund was entirely depleted and the Pharmaprix Stores were thus instructed to take down the Distribution Notice. As it appears from the Final Closing Report, Exhibit R-2, Shoppers distributed \$198,212.00 as a Discount in Pharmaprix Stores.

III. CLASS COUNSEL FEES

15. Pursuant to the Settlement Approval Judgement, this Court approved class counsel fees in the amount of \$114,826.57, inclusive of taxes (“**Class Counsel Fees**”).
16. On May 26, 2025, in accordance with the Settlement Approval Judgment, Shoppers paid the Class Counsel Fees via wire transfer (“**Class Counsel Fees and Disbursements**”).

IV. CONCLUSIONS

17. Considering the above, Shoppers is well founded in fact and in law to seek a closing judgment with regards to its involvement in the present class action.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present Application for the Issuance of a Closing Judgment Regarding the Defendant Shoppers Drug Mart Inc.;

DECLARE that the Defendant, Shoppers Drug Mart Inc., has fulfilled its obligations as per the Settlement Agreement and the Settlement Approval Judgment rendered by this Honourable Court dated April 7, 2025;

DECLARE that the Plaintiff and the Class Members are bound by the Release contained in the Settlement Agreement;

ISSUE a closing judgment as regards Shoppers Drug Mart Inc.;

THE WHOLE, without legal costs.

MONTREAL, December 19, 2025

McCarthy Tétrault LLP

MCCARTHY TÉTRAULT LLP

Counsel for the Defendants Shoppers Drug Mart Inc.
and Loblaw Companies Ltd.

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Any notice by email must be sent to
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AFFIDAVIT OF AUDRÉE ANNE BARRY

I, the undersigned, Audrée Anne Barry, lawyer, exercising my profession with the law firm McCarthy Tétrault LLP, located at 1000 De La Gauchetière Street West, Suite MZ400, in the City and District of Montréal, Province of Québec, H3B 0A2, hereby solemnly declare that:

1. I am one of the counsel for Shoppers Drug Mart Inc. in the present action;
2. I have taken cognizance of the *Application for the Issuance of a Closing Judgment Regarding Shoppers Drug Mart Inc.* attached and all of the facts alleged therein are true to the best of my knowledge;

AND I HAVE SIGNED



SOLEMNLY DECLARED BEFORE ME , in
Montréal, in the province of Québec, this 19
day of December, 2025

Manouchka Piard (# 239401)
Commissioner of Oaths for the province of Québec

CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

(Class Actions)
SUPERIOR COURT

NO: 500-06-001243-233

DAPHNA OHAYON

Plaintiff

v.

SHOPPERS DRUG MART INC. (a.d.b.a.
Pharmaprix)

Defendant

LIST OF EXHIBITS

Exhibit R-1: Shoppers Drug Mart Inc. and Loblaw Companies Ltd. Settlement Agreement, *en liasse*

Exhibit R-2: Final Closing Report dated October 7, 2025

MONTREAL, December 19, 2025

McCarthy Tétrault LLP

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Counsel for the Defendants Shoppers Drug Mart Inc.
and Loblaw Companies Ltd.

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NOTICE OF PRESENTATION

TO: Mtre Joey Zukran and Mtre Lea Bruyères

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Mtre Jennifer Lemarquis / Mtre Nathalie Guilbert / Mtre Ryan Mayele

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Attorneys for the Fonds d'aide aux actions collectives

TAKE NOTICE that the present *Application For the Issuance of a Closing Judgement Regarding Shoppers Drug Mart Inc.* shall be presented for adjudication before the Honourable Pierre Nollet, of the Superior Court of Québec, sitting in and for the District of Montréal, at a date and time to be determined and in a room to be determined of the Montréal Courthouse, located at 1 Notre-Dame Street East, Montréal, Québec or via TEAMS.

MONTREAL, December 19, 2025

McCarthy Tétrault LLP

MCCARTHY TÉTRAULT LLP

Counsels for Defendant Shoppers Drug Mart Inc. and Loblaw Companies Ltd.

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ORIGINAL

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