CANADA

PROVINCE OF QUÉBEC
DISTRICT OF **MONTRÉAL**

(Class Action Division)
SUPERIOR COURT

No.: **500-06-001201-223**

JADE CORBEIL

-and-

MERIEME HAMZI

Plaintiffs

v.

JOHNSON & JOHNSON

-and-

KENVUE CANADA INC. (FORMERLY KNOWN AS JOHNSON & JOHNSON INC.)

Defendants

AMENDED APPLICATION FOR LEAVE TO EXAMINE THE PLAINTIFFS
(Arts. 574 and 575 C.C.P.)

TO THE HONOURABLE JUSTICE ELENI YIANNAKIS, J.S.C., THE DEFENDANTS RESPECTFULLY SUBMIT THE FOLLOWING:

I. INTRODUCTION

1. The Defendants, Johnson & Johnson and Kenvue Canada Inc. (formerly known as Johnson & Johnson Inc.), hereby respectfully request leave to examine the Plaintiffs, Ms. Jade Corbeil and Ms. Merieme Hamzi, out-of-Court on limited and specific topics relating to the class action authorization criteria.

II. THE PROCEDURAL CONTEXT

2. On October 20, 2022, Ms. Julie Chouinard filed an *Application for authorization to institute a class action and to appoint a representative plaintiff* (the "**Application for Authorization**").

3. She sought authorization to institute a class action against the Defendants on behalf of the following putative class members (the "**Proposed Class**"):

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

(the "**Tylenol Products**")

4. On February 16, 2023, Ms. Chouinard filed an *Application for approval to substitute the representative plaintiff and to amend the application for authorization to institute a class action and to appoint a representative applicant* (the "**Application to Substitute**") to which was appended an amended version of the Application for Authorization (the "**Amended Application for Authorization**").

5. On April 3, 2024, the Honourable Florence Lucas, J.S.C., granted the uncontested Application to Substitute and authorized the filing of the Amended Application for Authorization.

5.1 On July 30, 2025, the Defendants filed the *Application for Leave to Examine the Plaintiffs*, which was scheduled to be heard on November 20, 2025.

5.2 On November 11, 2025, days before the scheduled hearing of the *Application for Leave to Examine the Plaintiffs*, Plaintiffs filed a 25-page *Application for Leave to Amend* (the "**Application for Leave to Amend**"), which included as Exhibit R-1, Plaintiff'S proposed *Amended 2 Application for Authorization to Institute a Class Action & to Appoint the Status of Representative Plaintiffs* (the "**Amended (2) Application for Authorization**").

5.3 In their *Application for Leave to Amend* of November 11, 2025, the Plaintiffs acknowledge that one of the goals of the proposed amendments is to answer the anticipated questions to be raised during the Defendants' proposed examination of the Plaintiffs and to avoid such proposed examination, as appears *inter alia* from paragraphs 53, 58, 59, 72 and 73 of Plaintiffs' Application for Leave to Amend.

6. Despite Plaintiffs' attempt to remedy the flaws and factual gaps in the proposed Amended (2) Application for Authorization, […] the allegations as regards the personal factual backgrounds of the Plaintiffs in the sections titled "Facts Giving Rise to an Individual Action by the Applicant Jade Corbeil" (paras. 58-70) and "Facts Giving Rise to an Individual Action by the Applicant Merieme Hamzi" (paras. 71-83) remain incomplete and unsupported.

7. […]

8. […]

III. THE RIGHT TO EXAMINE THE PLAINTIFFS

9. At the authorization hearing and subject to the Court approval of the amendments, this Court will analyze the allegations found in the Amended 2 Application for Authorization in view of the criteria provided at Article 575 C.C.P. and developed by jurisprudence. The Plaintiffs' respective individual causes of action and their adequacy as class representatives are among the main issues to be analyzed by this Court. The Defendants are entitled to mount a full and complete defence in this regard.

10. This Court is entitled to a complete and precise disclosure of the facts with regards to the Plaintiffs' alleged purchase and use of the Tylenol Products and their individual causes of action, rather than general and vague allegations that are unsupported by any evidence. Furthermore, allegations are no longer accepted as averred if they are implausible or if disproved by the evidence in the record.

11. Article 574 C.C.P. empowers this Court to authorize the examination of the Plaintiffs for the analysis of the conditions set out in Article 575 C.C.P.

IV. THE RELEVANCE AND USEFULNESS OF THE PROPOSED EXAMINATION

12. In the Amended 2 Application for Authorization, the Plaintiffs put themselves forward to act as class representatives.

13. When this Court will assess the Amended 2 Application for Authorization in light of Article 575(2) C.C.P., it will do so in view of the Plaintiffs' respective personal situations, which serve as a test case in this regard.

14. Likewise, at the authorization stage, as part of the analysis required under Article 575(4) C.P.C. this Court must be satisfied that the Plaintiffs are part of the Proposed Class that they seek to represent and have a personal interest in the case.

15. The allegations in the Amended 2 Application for Authorization are vague, incomplete and unsupported by relevant evidence. The vagueness is more striking with respect to the personal causes of action asserted by the Plaintiffs, who have […] filed limited and incomplete, evidence in support of some allegations relating to their personal situation, while the vast majority of those allegations remains entirely unsupported.

16. To determine whether the Plaintiffs have demonstrated an arguable case as regards their respective individual cases pursuant to Article 575 paragraphs (2) and (4) C.C.P., the Court is entitled to precise and sufficient allegations of fact, supported as needed by relevant evidence, to assess Plaintiffs' purchase and use of Tylenol Products during their pregnancies, the circumstances in which they used those products and the medical advice they received from health professionals regarding the use of such products.

17. The Amended 2 Application for Authorization does not include precise allegations regarding any of the foregoing key facts and the medical and pharmaceutical records provided by the Plaintiffs are also largely incomplete in this regard. The allegations regarding Ms. Hamzi also make it clear that she used other medication, including other medication containing acetaminophen.

18. The allegations are also silent in regard to the content of any medical advice received by Plaintiffs from health professionals regarding the use of Tylenol Products or any other pain relief medicine during the Plaintiffs' pregnancies. The allegations remain generic and refer to the recommendations of "treating healthcare professionals (pharmacist, nurse, doctor)" (at paragraphs 60 and 74 of the Amended 2 Application for Authorization) and, with respect to Plaintiff Hamzi, to "general medical advice she received" (at paragraph 74.3) without describing the medical advice that she received regarding the consumption of Tylenol during her pregnancy and any related risks or contraindications.

19. In the case of Plaintiff Jade Corbeil in particular, the health professionals and clinic identified by Ms. Corbeil as the custodians of the relevant medical records relating to the medical care, follow-ups, testing, and diagnoses during her pregnancy, indicated that they did not hold any records regarding Ms. Corbeil or that those records had been destroyed, as appears from the answers to the *Demandes d'autorisation de divulgation des dossiers médicaux ou pharmaceutiques de Jade Corbeil* allegedly received from Dr. Elsa Le Blanc, Dr. Stéphanie Blain and Clinique Adoncourt, communicated *en liasse* as **Exhibit R-1 (UNDER SEAL)**.

20. As regards Plaintiff Merieme Hamzi, excerpts from her medical records raise questions regarding her alleged use of Tylenol Products during her pregnancy, as appears from the excerpts from Ms. Hamzi's medical and pharmaceutical records communicated *en liasse* as **Exhibit R-2 (UNDER SEAL)**.

21. Moreover, to assess whether the Plaintiffs have demonstrated an arguable case based on their personal situations, this Court is entitled to know about their relevant medical history and whether they present any risk factors associated with the alleged development of ASD or ADHD in their children, as well as the alleged diagnoses of said conditions. Again, the Amended Application (2) for Authorization fails to provide precise allegations in this regard supported by adequate evidence.

21.1 In addition, the Amended Application (2) for Authorization includes new allegations referring to Defendants' purported "advertising that concealed or downplayed emerging scientific evidence" (at paragraph 46.3), that defendants' "marketing campaigns deliberately targeted pregnant women, healthcare providers and the general public,

portraying Tylenol as the only safe over-the-counter pain relief during pregnancy" (at paragraph 46.5) and Plaintiffs allege reliance on "widespread publicity and general representations made by the Defendants regarding the safety of Tylenol during pregnancy" (at paragraphs 60, 73 and 74), without providing any evidence of the alleged advertising and marketing campaigns, including those that Plaintiffs allegedly relied upon.

V. THE PROPOSED EXAMINATION

22. In order to verify the facts giving rise to the Plaintiffs' individual claims and to determine the Plaintiffs' adequacy to act as class representatives, the Defendants seek leave to examine the Plaintiffs with respect to the following topics:

a) Their purchase and use of Tylenol Products during their pregnancies, including, *inter alia*, the quantity of Tylenol Products that they consumed during their pregnancies, the types of Tylenol Products that they used, the frequency of use and whether the Tylenol Products were used in conjunction with other medicines or treatments;

b) Their medical condition during their pregnancies, including, *inter alia*, the circumstances that led to the use of Tylenol Products and medical conditions or symptoms that they sought to treat or alleviate, the advice sought or received from health professionals regarding the use of Tylenol Products during pregnancy and other medicines or treatments contemplated or received during the pregnancies;

c) The relevant familial medical history and risk factors as regards the conditions mentioned in the definition of the Proposed Class, namely autism spectrum disorder and attention deficit hyperactivity disorder;

d) Their respective children's neurodevelopmental diagnoses, as the case may be;

e) […]

f) Any inventory of other putative class members […] and Plaintiffs' communications with such other putative class members; and

g) The Defendants' alleged advertising and marketing campaigns regarding the safety of Tylenol use during pregnancy, and Plaintiffs' reliance on sale.

23. Such examination should last no more than 2 hours per Plaintiff, and should be conducted out-of-Court, in Montreal, on a date agreed upon by the parties or as directed by this Court in absence of any agreement between the parties.

24. This Application is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present Application;

AUTHORIZE the Defendants to examine the Plaintiffs, Ms. Jade Corbeil and Ms. Merieme Hamzi, out-of-Court, at a date to be determined by the parties or by this Court in the absence of any agreement, for a maximum of 2.5 hours per Plaintiff, on the following topics:

a) Their purchase and use of Tylenol Products during their pregnancies, including, *inter alia*, the quantity of Tylenol Products that they consumed during their pregnancies, the types of Tylenol Products that they used, the frequency of use and whether the Tylenol Products were used in conjunction with other medicines or treatments;

b) Their medical condition during their pregnancies, including, *inter alia*, the circumstances that led to the use of Tylenol Products and medical conditions or symptoms that they sought to treat or alleviate, the advice sought or received from health professionals regarding the use of Tylenol Products during pregnancy and other medicines or treatments contemplated or received during the pregnancies;

c) The relevant familial medical history and risk factors as regards the conditions mentioned in the definition of the Proposed Class, namely autism spectrum disorder and attention deficit hyperactivity disorder;

d) Their respective children's neurodevelopmental diagnoses, as the case may be;

e) […]

f) Any inventory of other putative class members […] and Plaintiffs' communications with such other putative class members; and

g) The Defendants' alleged advertising and marketing campaigns regarding the safety of Tylenol use during pregnancy, and Plaintiffs' reliance on sale.

THE WHOLE without costs, unless contested.

Montreal, December 2, 2025

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ORIGINAL

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