

SUPERIOR COURT
(CLASS ACTION)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° : 500-06-000544-102

DATE: July 2, 2013

PRESIDING : THE HONOURABLE LOUIS J. GOUIN, J.S.C.

MARGARET BÉATRICE OHANA DUNLOP

Petitioner

vs.

STRYKER CANADA LP

and

STRYKER CANADA CORP.

and

STRYKER CORPORATION

and

STRYKER CANADIAN MANAGEMENT INC.

and

HOWMEDICA OSTEONICS CORPORATION

Respondents

JUDGMENT ON DISCONTINUANCE

[1] CONSIDERING that, on December 10, 2010, the Petitioner instituted a *Motion to Authorize the Bringing of a Class Action & to Ascribe the Status of Representative* (the "**Motion to Authorize**");

[2] CONSIDERING that the group on behalf of which the Motion to Authorize is presented is described as follows:

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All persons in Canada (including their estates, executors, personal representatives, their dependants and family members), who were implanted with a Stryker Trident PSL Cup or a Stryker Trident Hemispherical Acetabular Cup;

ALTERNATELY (OR AS A SUBCLASS):

All persons in Québec (including their estates, executors, personal representatives, their dependants and family members), who were implanted with a Stryker Trident PSL Cup or a Stryker Trident Hemispherical Acetabular Cup;

[3] CONSIDERING that, on May 24, 2013, the Petitioner Margaret Béatrice Ohana Dunlop filed a *Motion for Permission for Discontinuance of a Motion to Authorize the Bringing of a Class Action & to Ascribe the Status of Representative* (the “**Motion for Discontinuance**”);

[4] CONSIDERING that the Respondents do not contest the Motion for Discontinuance, but reserve their rights with respect to the allegations set forth therein;

[5] CONSIDERING that the Respondents have waived their right to costs;

[6] CONSIDERING the undertaking by Petitioner’s counsel to complete the following steps if the Motion for Discontinuance is granted:

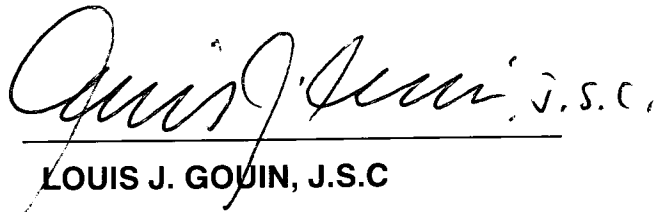
- 1) *Insert a hyperlink on the website of Merchant Law Group (<http://www.merchantlaw.com/>) granting access to a copy of the judgment to be rendered and a paragraph explaining the existence of the said judgment;*
- 2) *Send an e-mail (or a letter) with a copy of the judgment to be rendered with a paragraph explaining the situation to each person that has shared their information with Merchant Law Group through Merchant Law Group’s Stryker hip implants database; and*
- 3) *Publish the judgment on the Class Actions Registry of the Superior Court of Quebec and on the Canadian Bar Association Class Action Registry.*

[7] CONSIDERING that it is in the interest of justice to grant the Motion for Discontinuance;

FOR ALL THESE REASONS, THE COURT:

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- [8] **GRANTS** the Petitioner's Motion for Discontinuance;
- [9] **GRANTS** the Petitioner permission to discontinue the Motion to Authorize;
- [10] **GRANTS** the Petitioner permission to file a discontinuance of the Motion to Authorize;
- [11] **ORDERS** the Petitioner's counsel to:
1. *Insert a hyperlink on the website of Merchant Law Group (<http://www.merchantlaw.com/>) granting access to a copy of the present judgment and a paragraph explaining the existence of the said judgment;*
 2. *Send an e-mail (or a letter) with a copy of the present judgment with a paragraph explaining the situation to each person that has shared their information with Merchant Law Group through Merchant Law Group's Stryker hip implants database; and*
 3. *Publish the present judgment on the Class Actions Registry of the Superior Court of Quebec and on the Canadian Bar Association Class Action Registry.*
- [12] **THE WHOLE** without costs.


LOUIS J. GOÛIN, J.S.C

Merchant Law Group LLP
Me Owen Falquero
Me Federico Tyrawskyj
Attorneys for the Petitioner

Blake, Cassels & Graydon LLP
Me Robert Torralbo
Me Marc-André Landry
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