

# SUPERIOR COURT

(Class Action)

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

No: 500-06-000786-166

DATE: February 3, 2017

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**PRESIDING: THE HONOURABLE PIERRE-C. GAGNON, J.S.C.**

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**ARTHUR JOHN BOEHMER**

Plaintiff

v.

**BARD CANADA INC.**

and

**C.R. BARD INC.**

and

**BARD PERIPHERAL VASCULAR, INC.**

Defendants

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## SECOND JUGEMENT OF TEMPORARY STAY

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[1] The Court is seized of a second application for a temporary stay. All parties involved agree with this application.

[2] On September 29, 2016 the Court rendered a judgment of temporary stay, valid until January 16, 2017.<sup>1</sup>

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<sup>1</sup> 2016 QCCS 4702.

[3] The parties now seek a stay to expire 60 days after the certification judgment to be rendered in the Ontario Action.<sup>2</sup>

[4] The joint motion informs the Court of the procedural timetable approved for the Ontario Action, being the countdown leading to hearing dates on certification, January 23 to 25, 2018.

[5] The Court considers that the conditions justifying a stay in September 2016 still prevail.

[6] It is expected that Mr. Justice Perell in Ontario and this judge will continue to exchange information and to coordinate.

[7] The Court will give act of the undertaking by the parties to diligently file periodic reports to the Court as developments warrant.

**WHEREFORE THE COURT:**

[8] **GRANTS** the temporary stay sought by the parties;

[9] **STAYS** the Application for Authorization to Institute a Class Action and to Appoint the Status of Representative Plaintiff filed by Applicant Arthur John Boehmer, said stay to expire 60 days after the certification judgment to be rendered in the Ontario Action (identified above);

[10] **ACKNOWLEDGES** the undertakings by the parties to provide the Court with periodic reports (no more than four months apart) on developments in the Ontario Action and the B.C. Action.<sup>3</sup>

[11] **ACKNOWLEDGES** the undertaking by the parties to provide the Court with a written report on the status of the Ontario Action following the certification hearing and no later than January 31, 2018.

[12] **WITHOUT COSTS.**



PIERRE-C. GAGNON, J.S.C.

<sup>2</sup> *Kenneth A. Winter and Jacqueline Winter v. C.R. Bard, Inc., Bard Peripheral Vascular, Inc. and Bard Canada Inc.*, Ontario Superior Court of Justice, file no. 1068/16 CP.

<sup>3</sup> *Irene Fraser v. Cook Group, Inc., Cook, Inc., Cook Medical, LLC, William Cook Europe Aps, C.R. Bard, Inc. and Bard Peripheral Vascular, Inc.*, Supreme Court of British Columbia, file n° 178129.

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