CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
NO:
500-06-000935-185

(Class Action)
SUPERIOR COURT

KENNETH AITCHISON, person residing at 304 Mayfield Drive, City of Beaconsfield, Province of Québec, Canada, H9W 5W8

Applicant

v.

TEVA CANADA LIMITED., a legal person duly constituted under the laws of Canada, having its principal place of business at 30 Novopharm Ct., Toronto, Ontario, M1B 2K9

and

SANDOZ CANADA INC., a legal person duly constituted under the laws of Canada, having its principal place of business at 110 de Lauzon, Boucherville, Québec, J4B 1E6

and

PRO DOC LIMITEE, a legal person duly constituted under the laws of Québec, having its principal place of business at 2925 boul. Industrial, Laval, Québec, H7L 3W9

and

SANIS HEALTH INC., a legal person duly constituted under the laws of Canada, having its principal place of business at 1 Presidents Choice Circle, Brampton, Ontario, L6Y 5S5.

and

SIVEM PHARMACEUTICALS ULC, a legal person duly constituted under the laws of Québec, having its principal place

of business at 4705 Rue Dobrin, St-Laurent, Québec, H4R 2P7.

Defendants

APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND TO OBTAIN THE STATUS OF REPRESENTATIVE (Art. 571 C.C.P. and following)

TO ONE OF THE HONOURABLE JUSTICES OF THE QUEBEC SUPERIOR COURT, SITTING IN AND FOR THE DISTRICT OF MONTREAL, THE APPLICANT STATES AS FOLLOWS:

GENERAL PRESENTATION

1. The applicant wishes to institute a class action on behalf of the following group, of which he is a member (the "Class" or "Class Members"):

> all persons in Québec who purchased or ingested one or more of the valsartan products identified by Health Canada on the Recall List dated July 9, 2018, as described below in paragraph 14;

or such other class definition as may be approved by the Court.

DEFINED TERMS

1. The following definitions apply for the purpose of this application to authorize the bringing of a class action:

a. "***CCP***" means *Code of Civil Procedure*, C-250.1;

b. "***CCQ***" means *Civil Code of Quebec*, chapter CCQ-1991;

c. "**Class**" or "**Class Member(s)**" means all persons in Québec who purchased or ingested one or more of the valsartan products identified by Health Canada in the Recall List dated July 9, 2018, as described below in paragraph 14;

d. "***CPA***" means *Consumer Protection Act,* C.Q.L.R. c. P-40.1;

e. "**Lots**" means the lots of drugs that are on the Recall List in the Health Canada bulletin dated July 9, 2018;

f. "**Recall**" means the recall issued by the defendants on or about July 9, 2018, for a drug manufactured by each of the defendants called or containing valsartan; and

g. "**Recall List**" means the list of the Lots of drugs called or containing valsartan that are subject to the Recall.

THE PARTIES

The applicant

2. The applicant, Kenneth Aitchison ("Kenneth") is an individual residing in Beaconsfield, Québec, Canada. Kenneth purchased and ingested Valsartan 80 MG blood pressure medication manufactured by the respondent Sandoz Canada Inc., which is one of the Lots subject to the Recall.

The Defendants

3. The Defendant Teva Canada Limited ("Teva") is a pharmaceutical company incorporated under the laws of Canada with its head office in Toronto, Ontario. Teva manufactured Lots of valsartan drugs that are subject to the Recall.

4. The Defendant Sandoz Canada Inc. ("Sandoz") is a pharmaceutical company incorporated under the laws of Canada with its head office in Boucherville, Ontario. Sandoz manufactured Lots of valsartan drugs that are subject to the Recall.

5. The Defendant Pro Doc Limitee ("Pro Doc") is a pharmaceutical company incorporated under the laws of Québec with its head office in Laval, Québec. Pro Doc manufactured Lots of valsartan drugs that are subject to the Recall.

6. The Defendant Sanis Health Inc. ("Sanis") is a pharmaceutical company incorporated under the laws of Canada with its head office in Brampton, Ontario. Sanis manufactured Lots of valsartan drugs that are subject to the Recall.

7. The Defendant Sivem Pharmaceuticals ULC ("Sivem") is a pharmaceutical company incorporated under the laws of Québec with its head office in St.-Laurent, Québec. Sivem manufactured Lots of valsartan drugs that are subject to the Recall.

THE FACTS

8. This proposed class action arises out of the Recall, which was issued by the defendants on or about July 9, 2018, for a drug manufactured by each of the defendants called or containing valsartan.

9. Valsartan is used in medications to treat high blood pressure and prevent heart attacks and stroke. Valsartan is also used by persons who have had heart failure or a recent heart attack.

10. According to the Recall, the Lots of the valsartan drugs on the Recall List in the Health Canada bulletin published on July 9, 2018, contained a carcinogenic chemical commonly referred to as NDMA, and also known by its full name N-nitrosodimethylamine. Filed jointly as **Exhibit P-1** are copies of Health Canada's July 9, 2018 bulletin in English and in French, respectively.

11. NDMA is an organic chemical that has been classified as a probable human carcinogen by the International Agency for Research on Cancer.

12. The valsartan used in the products that were part of the Recall was supplied by a Chinese supplier Zhejiang Huahai Pharmaceuticals to the defendants.

13. In addition to the Recall in Canada, drugs containing Valsartan have been recalled in 21 other countries.

14. Particulars of the Lots are described below as specified in the English and French version of the Health Canada bulletin on the Recall:

English:

Product name/ Active Pharmaceutical Ingredient	**DIN**	**Strength**	**Lot #**
TEVA-VALSARTAN/HCTZ TABLETS PP 30s	02357046	320/25 mg	35212731R
ACT-VALSARTAN 40MG FC TABLETS 100	02337487	40 mg	K47338
ACT-VALSARTAN 80MG FC TABLETS 100	02337495	80 mg	K45370
ACT-VALSARTAN 80MG FC TABLETS 100	02337495	80 mg	K47652
ACT-VALSARTAN 80MG FC TABLETS 100	02337495	80 mg	K47653
ACT-VALSARTAN 80MG FC TABLETS 100	02337495	80mg	K47654
ACT-VALSARTAN 160MG FC TABLETS 100	02337509	160 mg	K39691
ACT-VALSARTAN 160MG FC TABLETS 100	02337509	160 mg	K44167
ACT-VALSARTAN 160MG FC TABLETS 100	02337509	160 mg	K47657
ACT-VALSARTAN 160MG FC TABLETS 100	02337509	160 mg	K47658

ACT-VALSARTAN 320MG FC TABLETS 100	02337517	320 mg	K44166
ACT-VALSARTAN 320MG FC TABLETS 100	02337517	320 mg	K45371
SANDOZ VALSARTAN 40 MG	02356740	40 mg	All lots
SANDOZ VALSARTAN 80 MG	02356759	80 mg	All lots
SANDOZ VALSARTAN 160 MG	02356767	160 mg	All lots
SANDOZ VALSARTAN 320 MG	02356775	320 mg	All lots
SANIS VALSARTAN 40 MG	02366940	40 mg	All lots
SANIS VALSARTAN 80 MG	02366959	80 mg	All lots
SANIS VALSARTAN 160 MG	02366967	160 mg	All lots
SANIS VALSARTAN 320 MG	02366975	320 mg	All lots
PRO DOC LIMITEE VALSARTAN 40 MG	02367726	40 mg	All lots
PRO DOC LIMITEE VALSARTAN 80 MG	02367734	80 mg	All lots
PRO DOC LIMITEE VALSARTAN 160 MG	02367742	160 mg	All lots
PRO DOC LIMITEE VALSARTAN 320 MG	02367750	320 mg	All lots
SIVEM PHARMACEUTICAL ULC VALSARTAN 40 MG	02384523	40 mg	All lots
SIVEM PHARMACEUTICAL ULC VALSARTAN 80 MG	02384531	80 mg	All lots
SIVEM PHARMACEUTICAL ULC VALSARTAN 160 MG	02384558	160 mg	All lots
SIVEM PHARMACEUTICAL ULC VALSARTAN 320 MG	02384566	320 mg	All lots

French:

Nom du produit/ingrédient pharmaceutique actif	**DIN**	**Concentration**	**Numéro de lot**
COMPRIMÉS TEVA-VALSARTAN/HCTZ PP 30 comprimés	02357046	320/25 mg	35212731R
COMPRIMÉS ACT-VALSARTAN DE 40 MG FC 100 comprimés	02337487	40 mg	K47338
COMPRIMÉS ACTVALSARTAN DE 80 MG FC 100 comprimés	02337495	80 mg	K45370
COMPRIMÉS ACTVALSARTAN DE 80 MG FC 100 comprimés	02337495	80 mg	K47652
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COMPRIMÉS ACTVALSARTAN DE 80 MG FC 100 comprimés	02337495	80mg	K47654
COMPRIMÉS ACT-VALSARTAN de 160MG FC 100 comprimés	02337509	160 mg	K39691
COMPRIMÉS ACT-VALSARTAN de 160MG FC 100 comprimés	02337509	160 mg	K44167
COMPRIMÉS ACT-VALSARTAN de 160MG FC 100 comprimés	02337509	160 mg	K47657
COMPRIMÉS ACT-VALSARTAN de 160MG FC 100 comprimés	02337509	160 mg	K47658
COMPRIMÉS ACT-VALSARTAN de 320MG FC 100 comprimés	02337517	320 mg	K44166
COMPRIMÉS ACT-VALSARTAN de 320MG FC 100 comprimés	02337517	320 mg	K45371
SANDOZ VALSARTAN de 40 MG	02356740	40 mg	Tous les lots
SANDOZ VALSARTAN de 80 MG	02356759	80 mg	Tous les lots
SANDOZ VALSARTAN de 160 MG	02356767	160 mg	Tous les lots
SANDOZ VALSARTAN de 320 MG	02356775	320 mg	Tous les lots
VALSARTAN de SANIS de 40 MG	02366940	40 mg	Tous les lots
VALSARTAN de SANIS de 80 MG	02366959	80 mg	Tous les lots
VALSARTAN de SANIS de 160 MG	02366967	160 mg	Tous les lots
VALSARTAN de SANIS de 320 MG	02366975	320 mg	Tous les lots
VALSARTAN de PRO DOC LIMITEE de 40 MG	02367726	40 mg	Tous les lots
VALSARTAN de PRO DOC LIMITEE de 80 MG	02367734	80 mg	Tous les lots
VALSARTAN de PRO DOC LIMITEE de 160 MG	02367742	160 mg	Tous les lots
VALSARTAN de PRO DOC LIMITEE de 320 MG	02367750	320 mg	Tous les lots
SIVEM PRODUITS PHARMACEUTIQUES ULC VALSARTAN de 40 mg	02384523	40 mg	Tous les lots
VALSARTAN de SIVEM PRODUITS PHARMACEUTIQUES de 80 mg	02384531	80 mg	Tous les lots
VALSARTAN de SIVEM PRODUITS PHARMACEUTIQUES de 160 mg	02384558	160 mg	Tous les lots
VALSARTAN de SIVEM PRODUITS PHARMACEUTIQUES de 320 mg	02384566	320 mg	Tous les lots

15. The applicant seeks to certify a class action against the defendants for manufacturing a defective product which contains a manufacturing defect which

renders the product unsafe and dangerous for consumption because the product is contaminated with NDMA.

16. The applicant states that the defendants were negligent in manufacturing the valsartan as a medication for consumption by the public because the defendants failed to have adequate quality control procedures in place to inspect the valsartan ingredients shipped to the defendants from China.

17. As a result of the defendants' negligence in maintaining appropriate quality control procedures, the defendants failed to detect NDMA in the raw valsartan shipped from China.

18. The applicant states that the defendants made false and misleading representations and failed to disclose to the Class Members that the valsartan drugs subject to the Recall were contaminated with NDMA, in contravention of the *Consumer Protection Act*.

FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY THE APPLICANT

19. The applicant Kenneth is a resident of Beaconsfield, Québec.

20. Kenneth states that he purchased Sandoz Valsartan 80 MG from a pharmacy located in or near Beaconsfield, Québec to regulate his blood pressure. Kenneth began consuming this medication on a daily basis in or about November, 2016.

21. Kenneth states that the valsartan medication was manufactured by the respondent Sandoz and is one of the Lots subject to the Recall.

22. Kenneth states that he has been continuously ingesting the medication until on or about July 14, 2018, when he learned of the Recall.

23. Kenneth pleads that the defendants were negligent in the manufacture of the valsartan drugs in contravention of Article 1457 of the *CCQ*.

24. Kenneth pleads that the defendants made false and misleading representations in failing to disclose that the valsartan drugs that he purchased and ingested were contaminated with NDMA, in contravention of, *inter alia,* section 219 of the *CPA*.

25. By placing their trademark on the medication thereby identifying the defendants as the manufacturers of the drug, the defendants intended to convey to consumers that the drugs were of high quality and were manufactured by a reputable pharmaceutical company.

26. Kenneth claims damages against the defendants for personal injury; increased risk of contracting cancer; anxiety and mental distress; costs of medical monitoring; refund for costs incurred to purchase the medication, including dispensing fees, the cost of medication including the Provincial Government and Federal Government contribution and any contribution by the Provincial drug plan; unjust enrichment/restitution; and punitive damages.

FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY EACH OF THE CLASS MEMBERS

27. Each Class Member purchased and/or ingested one or more of the valsartan products that were manufactured by the defendants that was subject to the Recall.

28. Each of the defendants manufactured valsartan products as a medication for consumption by the public. The defendants owed a duty of care to the Class Members to manufacture a product that was free of defects and safe for consumption as a medication.

29. The defendants failed in its duty by manufacturing a defective product which contains a manufacturing defect which renders the product unsafe and dangerous for consumption because the product is contaminated with NDMA.

30. The defendants were negligent, in contravention of Article 1457 of the *CCQ,* in maintaining appropriate quality control procedures which caused the defendants to fail to detect NDMA in the raw valsartan shipped from China.

31. The defendants made false and misleading representations in contravention of, *inter alia,* section 219 of the *CPA* in failing to disclose to the Class Members that the valsartan drugs which were subject to the Recall were contaminated with NDMA.

32. By placing their trademark on the medication thereby identifying the defendants as the manufacturers of the drug, the defendants intended to convey to consumers

that the drugs were of high quality and were manufactured by a reputable pharmaceutical company.

Damages

33. The applicant and each of the Class Members have suffered damages and loss as a result of the defendants' negligence, breach of the *CPA,* and unjust enrichment/restitution as particularized above.

34. The applicant pleads that he and the Class are entitled to recover damages for the following:

(a) personal injury;

(b) increased risk of contracting cancer;

(c) anxiety and mental distress;

(d) cost of medical monitoring;

(e) Refund for cost incurred to purchase the medication, including dispensing fees, the cost of the medication to the class members including the Provincial Government contribution and the Federal Government contribution as well as any Provincial drug plan;

(f) Unjust enrichment/restitution; and

(g) Punitive damages.

35. The Class Members have sustained a personal injury because they have ingested a drug that is contaminated with NDMA. The Class Members have sustained a personal injury because there is a real possibility in the future that the Class

Members will contract cancer because they consumed a drug contaminated with NDMA, which is a carcinogen. The Class Members have undergone medical examinations and treatments and remain under the care of medical specialists, and the Class Members will continue to suffer and require treatment, therapy and rehabilitation. To date, the full extent of the Class Members' injuries, disabilities and future treatments have not yet been fully determined. The Class Members' will continue to suffer from the effects of their injuries for the rest of their lives. The Class Members' ability to pursue gainful employment and to earn a living has been and will be permanently reduced and restricted. The Class Members' ability to compete in the marketplace will forever be reduced and the Class Members' ability to earn income in the future will forever be diminished.

36. The Class Members have incurred and will continue to incur in the future, special damages for hospital accounts, x-ray accounts, drug accounts, transportation, loss of income, housekeeping, clothing, personal effects and other related expenses. The Class Members have been put to the expense of medical, hospital and nursing care. As some of the Class Members' injuries are permanent, the Class Members will be required to take prescription drugs and undergo courses of treatment and therapy in the future.

37. The Class Members have experienced anxiety and mental distress because, as a result of the notice of the Recall, the Class Members have been informed that they have consumed a drug contaminated with NDMA, which is a carcinogen.

38. The Class Members claim the cost of medical monitoring because of the risk of contracting cancer. Medical monitoring will provide the Class Members with an early stage alert in the event that the NDMA causes adverse changes at a genetic level and will provide some degree of assurance to lessen the anxiety experienced by Class Members.

39. The Class Members purchased a defective medication and therefore are entitled to a refund. Provincial and Federal Government contributions and drug plans have a subrogated interest in recovering the cost of the drugs purchased by the Class Members.

CONDITIONS REQUIRED TO INSTITUTE A CLASS ACTION

40. The composition of the Class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings, with respect to provision 575(3) of the *CCP*, for the following reasons:

(a) Class Members are numerous and are scattered across Québec estimated to be in the thousands;

(b) The applicant is unaware of how many persons throughout Québec had purchased and/or ingested one of the valsartan drugs subject to the Recall;

(c) The names and addresses of the Class Members are not known to the applicant;

(d) Given the costs and risks inherent in an action before the courts, many people will hesitate to institute an individual action against the defendants. Even if the Class Members themselves could afford such individual litigation, the Court system could not as it would be overloaded;

(e) Further, individual litigation of the factual and legal issues raised by the conduct of the defendants would increase delay and expense to all parties and to the Court system;

(f) A multitude of actions risks having contradictory judgments on questions of fact and law that are similar or related to all Class Members;

(g) These facts demonstrate that it would be impractical, if not impossible, to contact each and every Class Member to obtain mandates and to join them in one action; and

(h) In these circumstances, a class action is the only appropriate procedure for all of the Class Members to effectively pursue their respective rights and have access to justice.

41. The claims of the Class Members raise identical, similar or related questions of fact or law namely:

(a) Did the defendants owe a duty of care to the Class Members to manufacture a product free of manufacturing defects which renders the product unsafe and dangerous for consumption?

(b) Did the defendants breach the duty of care, in contravention of Article 1457 of the *CCQ*, by failing to have adequate quality control procedures in place to inspect the valsartan ingredients to prevent the product from being contaminated with NDMA? If so, how?

(c) Did the defendants make, approve, and or authorize representations that were false or misleading pursuant to section 219 of the *CPA?* If so, what are the representations and how were they made to the Class Members?

(d) If so, are the Class Members entitled to damages pursuant to section 272 of the *CPA,* including for punitive damages?

(e) Are any of the defendants liable to the Class Members for unjust enrichment and liable to Class Members to make restitution?

(f) Can any or all of the claims be assessed on an aggregate basis?

(g) Are the Respondents liable for punitive damages?

42. The interests of justice weigh in favour of this application being granted in accordance with its conclusions.

NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

43. The action that the applicant wishes to institute for the benefit of the Class Members is an action in damages.

44. The conclusions that the applicant wishes to introduce by way of an application to institute proceedings are:

> **GRANT** the applicant's action against the defendants;
>
> **DECLARE** that the defendants are liable to the Class Members for the following:
>
> (i) negligence / breach of article 1457 the *CCQ*;
>
> (ii) breach of the *CPA*; and
>
> (iii) unjust enrichment/restitution.
>
> **CONDEMN** the Respondents to pay the Class Members damages;
>
> **GRANT** an order directing reference or giving such other directions as may be necessary to determine issues not determined at the trial of the common issues;
>
> **GRANT** the class action of the applicant on behalf of all the Class Members;
>
> **ORDER** collective recovery in accordance with articles 595-598 of the *CCP*;
>
> **ORDER** the treatment of individual claims of each Class Member in accordance with articles 599 to 601 of the *CCP*; and

THE WHOLE with interest and additional indemnity provided for in the *CCQ* and with full costs and expenses including expert fees and notice fees and fees relating to administering the plan of distribution of the recovery in this action.

JURISDICTION

45. The applicant suggests that this class action be exercised before the Superior Court in the District of Montreal because the Class Members and defendants reside everywhere in the Province of Québec;

46. The applicant, who is requesting to obtain the status of representative will fairly and adequately protect and represent the interest of the Members of the Group for the following reasons:

(a) He understands the nature of the action;

(b) He is available to dedicate the time necessary for an action to collaborate with Class Members; and

(c) His interests are not antagonistic to those of other Class Members.

47. The present application is well-founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the applicant's action against the defendants;

AUTHORIZE the bringing of a class action in the form of an application to institute proceedings in damages;

ASCRIBE the applicant the status of representative of the persons included in the group herein described as:

All persons in Québec who purchased or ingested one or more of the valsartan products identified by Health Canada in the Recall List dated July 9, 2018, as described in paragraph 14;

IDENTIFY the principle questions of fact and law to be treated collectively as the following:

(a) Did the defendants owe a duty of care to the Class Members to manufacture a product free of manufacturing defects which renders the product unsafe and dangerous for consumption?

(b) Did the defendants breach the duty of care, in contravention of Article 1457 of the *CCQ*, by failing to have adequate quality control procedures in place to inspect the valsartan ingredients to prevent the product from being contaminated with NDMA? If so, how?

(c) Did the defendants make, approve, and or authorize representations that were false or misleading pursuant to section 219 of the *CPA?* If so, what are the representations and how were they made to the Class Members?

(d) If so, are the Class Members entitled to damages pursuant to section 272 of the *CPA,* including for punitive damages?

(e) Are any of the defendants liable to the Class Members for unjust enrichment and liable to Class Members to make restitution?

(f) Can any or all of the claims be assessed on an aggregate basis?

(g) Are the Respondents liable for punitive damages?

IDENTIFY the conclusions sought by the class action to be instituted as being the following:

DECLARE that the defendants are liable to the Class Members for the following:

(i) negligence / breach of article 1457 the *CCQ*;

(ii) breach of the *CPA*; and

(iii) unjust enrichment/restitution.

CONDEMN the defendants to pay the Class Members damages;

GRANT an order directing reference or giving such other directions as may be necessary to determine issues not determined at the trial of the common issues;

GRANT the class action of the applicant on behalf of all the Class Members;

ORDER collective recovery in accordance with articles 595-598 of the *CCP*;

ORDER the treatment of individual claims of each Class Member in accordance with articles 599 to 601 of the *CCP*; and

THE WHOLE with interest and additional indemnity provided for in the *CCQ* and with full costs and expenses including expert fees and notice fees and fees relating to administering the plan of distribution of the recovery in this action.

DECLARE that all Class Members that have not requested their exclusion from the Class in the prescribed delay to be bound by any judgment to be rendered on the class action to be instituted;

FIX the delay of exclusion at 30 days from the date of the publication of the notice to the Class Members;

ORDER the publication of a notice to the Class Members in accordance with Article 579 of the *CCP*, pursuant to a further Order of the Court, and **ORDER** Respondents to pay for said publication costs;

THE WHOLE with costs, including the costs of all publications of notices.

Montreal, July 16, 2018

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Attorneys for the Applicant

SUMMONS
(Art. 145 and following C.C.P.)

Filing of a judicial application

Take notice that the Applicant has filed this Application for Authorization to Institute a Class Action and to Appoint the Status of Representative Plaintiff in the office of the Superior Court in the judicial district of Montreal.

Defendants' answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of Montreal situated at 1 Rue Notre-Dame Est, Montreal, Québec, H2Y 186, within 15 days of service of the Application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the Applicant's lawyer or, if the Applicant is not represented, to the Applicant.

Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of answer

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the case required by the Code, cooperate with the Applicant in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Change of judicial district

You may ask the court to refer the originating Application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the plaintiff.

If the application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating application.

Transfer of application to Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Calling to a case management conference

Within 20 days after the case protocol mentioned above is files, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted.

Exhibits supporting the application

Exhibit P-1: *Filed jointly*, Health Canada bulletin published on July 9, 2018 in English and French

The exhibits in support of the application are available upon request.

Notice of presentation of an application

If the application is an application in the course of a proceeding or an application under Book III, V, excepting an application in family matters mentioned in article 409, or VI of the Code, the establishment of a case protocol is not required; however, the application must be accompanied by a notice stating the date and time it is to be presented.

Montreal, July 16, 2018

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Attorneys for the Applicant

NOTICE OF PRESENTATION
(Articles 146 and 574 CCP)

TO:

TEVA CANADA LIMITED
30 Novopharm Ct.,
Toronto, Ontario, M1B 2K9

and

SANDOZ CANADA INC.
110 de Lauzon,
Boucherville, Québec, J4B 1E6

and

PRO DOC LIMITEE
2925 boul. Industrial,
Laval, Québec, H7L 3W9

and

SANIS HEALTH INC.
1 Presidents Choice Circle,
Brampton, Ontario, L6Y 5S5.

and

SIVEM PHARMACEUTICALS ULC
4705 Rue Dobrin,
St-Laurent, Québec, H4R 2P7.

Defendants

TAKE NOTICE that Applicant's *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* will be presented before the Superior Court at 1 Rue Notre-Dame E, Montréal, Quebec, H2Y 1B6, on the date set by the coordinator of the Class Action chamber.

GOVERN YOURSELF ACCORDINGLY.

Montreal, July 16, 2018

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Attorneys for the Applicant

CANADA

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

NO:

(Class Action)
SUPERIOR COURT

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Applicant

v.

TEVA CANADA LIMITED.

and

SANDOZ CANADA INC.

and

PRO DOC LIMITEE

and

SANIS HEALTH INC.

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SIVEM PHARMACEUTICALS ULC

Defendants

LIST OF EXHIBITS

Exhibit P-1: *Filed jointly*, Health Canada bulletin published on July 9, 2018 in English and French

Montreal, July 16, 2018

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NO:

SUPERIOR COURT
DISTRICT OF MONTRÉAL

KENNETH AITCHISON

Applicant

v.

TEVA CANADA LIMITED

and

SANDOZ CANADA INC.

et **als.**

Defendants

APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION AND TO OBTAIN THE STATUS OF REPRESENTATIVE

ORIGINAL

Nature : Class Action		
Mon dossier :	3829	BS2828

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