

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No: 500-06-000966-198

DATE: January 16, 2019

PRESENT: THE HONOURABLE PIERRE-C. GAGNON, J.S.C.

KAREN BASAL

Applicant

v.

ALLERGAN PLC & OTHERS

Respondents

JUDGMENT AUTHORIZING SERVICE BY POSTAL CHANNELS

[1] The Applicant Karen Basal seeks authorization to serve by Fedex her *Application to authorize the bringing of a class action and to appoint the status of representative plaintiff* upon Allergan PLC, in the Republic of Ireland.

[2] Article 494 of the *Code of Civil Procedure* dictates that such international notification must be made in accordance with the *Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters* ("The Hague Convention"), when performed in states party to The Hague Convention.

[3] Ireland is a signatory country¹.

[4] Regarding sub-article 10(a) of The Hague Convention, Ireland declares having no objection to service by postal channels.

¹ <https://www.hcch.net/en/states/authorities/details3/?aid=259>.

[5] In various countries applying The Hague Convention, caselaw is undecided whether the Convention (concluded in 1965) when allowing service by postal channels, allows relying on private couriers (such as Fedex), or only on state-operated postal entities (such as Canada Post).

[6] It is preferable to err on the side of caution, so the Court will authorize service to Allergan PLC by Canada Post and its counterpart in Ireland.


WHEREFORE, THE COURT:

[7] **AUTHORIZES** Applicant to serve her *Application to authorize the Bringing of a Class Action and to Appoint the Status of Representative Plaintiff*, as well as all other proceedings in this file, upon the Defendant Allergan PLC by Canada Post and its counterpart in the Republic of Ireland, to its address listed below, until it is represented by an attorney:

ALLERGAN PLC, at its head office : Clonsaugh Business and Technology Park, Coolock, Dublin, Republic of Ireland, D17 E400;

[8] **REQUIRES** Applicant to file diligently a copy of the proof of delivery confirmation from Canada Post as proof of service of the said proceedings to Allergan PLC;

[9] **WITHOUT COSTS.**



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