

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
N° 500-06-001004-197

(Class Action)
SUPERIOR COURT

RICCARDO CAMARDA

Plaintiff

v.

ABBOTT LABORATORIES, LIMITED, et al.

Defendants

**ARALEZ PHARMACEUTICALS CANADA INC.'S APPLICATION
TO SUBMIT RELEVANT EVIDENCE
(Article 574 CCP)**

**TO THE HONOURABLE GARY D.D. MORRISON, S.C.J., DESIGNATED TO HEAR
THE PRESENT CLASS ACTION, THE DEFENDANT, ARALEZ PHARMACEUTICALS
CANADA INC. ("ARALEZ"), STATES AS FOLLOWS:**

1. The plaintiff seeks this Court's authorization to institute a class action against 34 defendants, including Aralez, on behalf of the following class:

All persons in Quebec who have been prescribed and consumed any one or more of the opioids manufactured, marketed, distributed and/or sold by the Defendants between 1996 and the present day ("**Class Period**") and who suffer or have suffered for Opioid Use Disorder, according to the diagnostic criteria herein described.

The Class includes the direct heirs of any deceased persons who met the above-mentioned description.

The Class excludes any person's claim, or any portion thereof, subject to the settlement agreement entered into in the court file no 200-06-000080-070, provided that such settlement agreement becomes effective as a result of the issuance of the requisite court approvals.
2. The conclusions sought include non-pecuniary damages of \$30,000 per member on a solidary basis, punitive damages of \$25,000,000 per defendant, and pecuniary damages to be determined on an individual basis.
3. In regards to his personal claim, the plaintiff alleges being in early remission from opioid use disorder after having been prescribed a combination of long-acting Hydromorph Contin and short-acting Dilaudid over a period of 12 years to treat his chronic pain.

4. Though the plaintiff's Application is 54 pages long, Aralez is mentioned only once, at paragraph 2.7:
 - 2.7 Defendant Aralez Pharmaceuticals Canada Inc. ("**Aralez**"), formerly Tribute Pharmaceuticals Canada Inc., is an Ontario corporation which, during the Class Period, manufactured, marketed and/or sold opioids in Quebec including Fiorinal C1/2 and Fiorinal C1/4.
5. Aside from this bare allegation, the record before this Court contains no factual information on Aralez or Fiorinal C.
6. As for the remainder of the allegations, they are either made against individual defendants other than Aralez, or they consist of general assertions that refer to "the Defendants" as a group, without, however, ever alleging any specific fact against Aralez.
7. In light of this factual vacuum, Aralez seeks leave to submit as relevant evidence a sworn statement from Dr. Bernard Chiasson, Vice President Operations and Chief Scientific Officer of Nuvo Pharmaceuticals Inc., the parent company of Aralez.
8. Dr. Chiasson's statement, which is provided in draft form for the purposes of this application, addresses the following topics:
 - Aralez's acquisition of the rights to Fiorinal C in 2014;
 - A description of the medication and its intended use;
 - The Product Information and Consumer Information for Fiorinal C over the relevant time period;
 - The distribution of Fiorinal C over the relevant time period.
9. The information contained in Dr. Chiasson's statement and its Schedules (**Exhibit APC-1**) provides the necessary context to properly assess whether the plaintiff's Application meets the requirements set out at article 575 CCP with respect to Aralez.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

- A. **GRANT** the present Application;
- B. **ALLOW** Aralez to submit the sworn statement of Dr. Bernard Chiasson and its Schedules (Exhibit APC-1) as relevant evidence;
- C. **THE WHOLE** with costs to follow.

MONTREAL, this March 31, 2021



Audren Rolland LLP

Attorneys for Aralez Pharmaceuticals Canada Inc.

NOTICE OF PRESENTATION

TO: See attached service list.

TAKE NOTICE that Defendant's *Application to submit relevant evidence* will be presented before the Superior Court at 1 Rue Notre-Dame E., Montreal, Quebec, H2Y 1B6, on the date set by the Honourable Gary D.D. Morrison, J.C.S.

GOVERN YOURSELVES ACCORDINGLY.

MONTREAL, this March 31, 2021



Audren Rolland LLP
Attorneys for Aralez Pharmaceuticals Canada Inc.

(Chambre des actions collectives)
COUR SUPÉRIEURE
District de Montréal
N° de dossier : 500-06-001004-197

RICCARDO CAMARDA

Demandeur

c.

ABBOTT LABORATORIES, LIMITED

ET AL.

Défenderesses

**ARALEZ PHARMACEUTICALS CANADA INC.'S
APPLICATION TO SUBMIT RELEVANT
EVIDENCE AND EXHIBIT APC-1
(Art. 574 CCP)**

ORIGINAL

AUDREN | ROLLAND

Audren Rolland s.e.n.c.r.l.
393, Saint-Jacques, bureau 248
Montréal, Québec, H2Y 1N9
Tél. 514.284.0770
Télec. 514.284.7771
maudren@audrenrolland.com

Me Marie Audren

BA1391