

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL
N°: 500-06-001004-197

SUPERIOR COURT
(Class Action)

RICCARDO CAMARDA

Plaintiff

v.

ABBOTT LABORATORIES CO. et al.

Defendants

DE BENE ESSE MOTION FOR AUTHORIZATION TO AMEND PLAINTIFF'S RE-AMENDED APPLICATION FOR AUTHORIZATION TO INSTITUTE A CLASS ACTION

(arts. 25, 49, 101, 206 and 585 C.C.P.)

TO THE HONOURABLE GARY D.D. MORRISON, J.S.C., THE PLAINTIFF RESPECTFULLY SUBMITS THE FOLLOWING:

1. By the present *de bene esse* motion (the "**Motion**"), Plaintiff seeks an Order of this Court authorizing an amendment to the Re-amended Application for authorization to institute a class action dated April 29, 2021 (the "**Class Action Application**") in the present court record.
2. On November 22, 2021, representations concerning Plaintiff's request for an adjournment of the hearings scheduled for the week of November 22, 2021 were heard by the Honourable Justice Morrison J.C.S. At that time, Plaintiff's counsel formally advised the Court that an agreement had been entered into between Plaintiff and 14 Defendants regarding the parameters of the requested adjournment (the "**Agreement**"), and that it would benefit and be applicable to all Defendants. The Court took note of the Agreement and ordered the Plaintiff to satisfy the terms thereof.
3. Pursuant to the Agreement, the Plaintiff undertook to serve and file an amended Class Action Application with a new representative plaintiff by December 31, 2021.
4. Concurrently herewith, Plaintiff has served on the Service List a *Re-Amended Application for authorization to institute a class action and to obtain the status of representative (December 17, 2021)*, wherein the only amendments relate to the facts and pleadings of the new representative plaintiff, Jean-François Bourassa (the "**Re-Amended Proceeding**"). A copy of the Re-Amended Proceeding that was served on the Service List is attached to this Motion as Annex A.

5. The present Motion is well-founded in fact and in law, and the amendments to the Class Action Application sought herein fully comply with the terms of the Agreement and meet all requirements justifying such amendments.

WHEREFORE, MAY IT PLEASE THIS HONOURABLE COURT TO:

GRANT the present *de bene esse* Motion;

AUTHORIZE the Plaintiff to amend the Class Action Application and to file the *Re-Amended Application for authorization to institute a class action and to obtain the status of representative (December 17, 2021)*;

VALIDATE the service and filing of the Re-Amended Proceeding and **DISPENSE** the Plaintiff from any further service thereof;

THE WHOLE without costs, unless contested.

MONTREAL, December 17, 2021

(s) Fishman Flanz Meland Paquin

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MONTREAL, December 17, 2021

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AFFIDAVIT

I, **Margo Siminovitch**, Attorney, practicing my profession at 1250, boul. René Lévesque West, Suite 4100, Montréal, Quebec, H3B 4W8, solemnly affirm that:

1. I am one of the attorneys for the Plaintiff in the present matter;
2. I have read the present *de bene esse* Motion for Authorization to Amend Plaintiff's Re-Amended Application for Authorization to Institute a Class Action, and all of the facts alleged therein are true and correct.

AND I HAVE SIGNED:

Margo Siminovitch

SOLEMNLY AFFIRMED BEFORE ME
in the City of Montreal,
this 17th day of December, 2021

Commissioner for oaths for Quebec

NOTICE OF PRESENTATION

To: The Service List

TAKE NOTICE that the *de bene esse* Motion for Authorization to Amend Plaintiff's Re-Amended Application for Authorization to Institute a Class Action will be presented before the Honourable Justice Gary D.D. Morrison, J.C.S., at the Superior Court at the Courthouse of Montréal, located at 1 Notre-Dame Street East, on **January 17, 2022**, in such room and at such time as may be determined by the Court.

DO GOVERN YOURSELVES ACCORDINGLY.

MONTREAL, December 17, 2021

(s) Fishman Flanz Meland Paquin

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MONTREAL, December 17, 2021

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