

SUPERIOR COURT
(Class Action Chamber)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N° : 500-06-001004-197

DATE : February 25, 2022

PRESIDING: THE HONOURABLE GARY D.D. MORRISON, J.S.C.

JEAN-FRANÇOIS BOURASSA

Plaintiff

v.

ABBOTT LABORATORIES, LIMITED et al.

Defendants

JUDGMENT

ON THE APPLICATIONS FOR APPROVAL OF THE NOTICE TO CLASS MEMBERS

- [1] **CONSIDERING** that an *Application for Authorization to Institute a Class Action and to Obtain the Status of Representative* was filed in the Superior Court of Quebec (the “**Initial Application**”) on May 23, 2019 and that said Initial Application was subsequently amended with the Court’s authorization;

- [2] **CONSIDERING** that, on December 17, 2021, Jean-François Bourassa (the “**Plaintiff**”) filed a *Re-Amended Application dated December 17, 2021 for Authorization to Institute a Class Action, and to Obtain the Status of Representative* (the “**Class Action Application**”) and a *de bene esse Motion for Authorization to Amend Plaintiff’s Re-Amended Application for Authorization to Institute a Class Action* (the “**Motion to Amend**”) for the sole purpose of being substituted as proposed class representative;
- [3] **CONSIDERING** that, on January 17, 2022, the Court granted the Motion to Amend;
- [4] **CONSIDERING** that the Class Action Application is made 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 from 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.

(the “**Class**” or “**Class Members**”)

- [5] **CONSIDERING** as at January 14, 2022 that two settlements had been reached between certain defendants and the Plaintiff, which were notified and filed in Court:
- settlement agreement executed on June 16, 2021 by Defendants Roxane Laboratories Inc. (“**Roxane**”) and Boehringer Ingelheim (Canada) Ltd. (“**BI**”) and the Plaintiff, which includes Hikma Labs Inc. as a Releasee (the “**R&B Settlement**”), as fully appears from the court record;

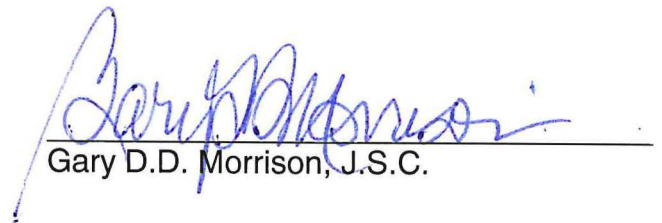
- settlement agreement executed on January 12, 2022 by Defendants BGP Pharma ULC (“**BGP**”) and Mylan Pharmaceuticals ULC (“**Mylan**”) and the Plaintiff (the “**B&M Settlement**”), as fully appears from the court record;
- [6] **CONSIDERING** that on January 17, 2022 the Court had scheduled March 28, 2022 as for the settlements hearing;
- [7] **CONSIDERING** that on February 8, 2022, a settlement agreement between Defendant Merck Frosst Canada & Co. (“**MFC**”) and the Plaintiff was executed (the “**MFC Settlement**”), as fully appears from the court record;
- [8] **CONSIDERING** the Plaintiff’s Application for Approval of the Notice to Class Members, notified and filed in Court on February 9, 2022 together with the MFC Settlement (the “**MFC Pre-Approval Application**”), requesting that the Court consider approving one notice to Class Members (in French and English), announcing the R&B Settlement, the B&M Settlement and the MFC Settlement, abbreviating time delays for communicating and posting the Notice, as well as indicating the date for the hearing to approve such agreements for March 28, 2022 (Schedule B.2 to the MFC Settlement) (the “**Combined Pre-Approval Notice**”);
- [9] **CONSIDERING** that the Plaintiff and Defendants Roxane, BI, BGP, Mylan and MFC agreed to the Combined Pre-Approval Notice and to the modalities respecting the notification and publication of the relevant notices to the Class Members as set out in the MFC Settlement (the “**Notice Plan**”);
- [10] **CONSIDERING** that, on February 16, 2022, a fourth settlement agreement was executed between the Defendant Sanis Health Inc. (“**Sanis**”) and the Plaintiff (the “**Sanis Settlement**”), which was notified and filed in Court on February 17, 2022, as fully appears from the court record;
- [11] **CONSIDERING** the Plaintiff’s Application for Approval of the Notice to Class Members, notified and filed in Court on February 17, 2022, together with the Sanis Settlement (the “**Sanis Pre-Approval Application**”);
- [12] **CONSIDERING** that the modalities respecting the notification and publication of the relevant notices to the Class Members, being the Notice Plan, in the Sanis Pre-Approval Application and in the MFC Pre-Approval Application, are the same (collectively, the “**Notice Plans**”);
- [13] **CONSIDERING** that it would be more efficient to address all four settlements (collectively, the “**Settlement Agreements**”) in a single Pre-Approval Notice;

- [14] **CONSIDERING** that, with the Court's permission, the Combined Pre-Approval Notice was revised to include the Sanis Settlement, substantially in the form provided by Class Counsel, being a revised Schedule B (the "**Revised Combined Pre-Approval Notice**");
- [15] **CONSIDERING** that Defendant Sanis does not object to the Revised Combined Pre-Approval Notice;
- [16] **CONSIDERING** the proposed French and English versions of the Revised Combined Pre-Approval Notice;
- [17] **CONSIDERING** articles 581 and 590 of the *Code of civil procedure* ("**CCP**");

WHEREFORE THE COURT:

- [18] **GRANTS** the Plaintiff's Pre-Approval Applications filed on February 9 and 17, 2022;
- [19] **ORDERS** that for the purposes of this Judgment, the definitions and other defined terms contained, respectively, in the Settlement Agreements apply and are incorporated herein by reference;
- [20] **APPROVES** the form and content of the French and English versions of the Pre-Approval Notice, being the Revised Combined Pre-Approval Notice;
- [21] **AUTHORIZES** the notification and publication of the Pre-Approval Notice as provided for in the Notice Plans together with a copy of the Settlement Agreements in the following manner:
- Within ten (10) days of the date of issuance of the Pre-Approval Order, or on the date fixed by the Court in that regard, Class Counsel shall post the Pre-Approval Notice in both English and French on its Facebook page and website for a period of thirty (30) days, as well as in the online registry of class actions offered by the Superior Court of Québec, and will email the content of the Pre-Approval Notice in both English and French to each person who has registered on Class Counsel's website to receive information regarding the Class Action.
- [22] **DECLARES** that Class Members who wish to object to the Court's approval of the Settlement Agreements must do so on or before March 22, 2022;

- [23] **SCHEDULES** the Settlement Agreements Approval Hearing for **March 28, 2022, at 2:00 PM, in room 15.08 of the Montreal courthouse** as well as by means of a digital hearing;
- [24] **THE WHOLE** without legal costs.



Gary D.D. Morrison, J.S.C.