

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
JUSTICE PERELL )  
)

DAY, THE  
DAY OF APRIL, 2017

B E T W E E N:

KENNETH R. PARKER

Plaintiff

-and-

PFIZER CANADA INC. and PFIZER INC.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

**THIS MOTION**, made by the Representative Plaintiff, on consent of the Defendants, for approval of the discontinuance of this certified class proceeding pursuant to s.29(1) of the *Class Proceedings Act* was heard in writing to this day in Toronto.

**UPON READING** the Representative Plaintiff's motion record, and factum,

**THIS COURT ORDERS** that:

1. This action is discontinued on a without costs basis, with such discontinuance effective 60 days from the date of this order;
2. Notice of the discontinuance shall be substantially in the form attached as Schedule A (the "Notice"); and
3. Class Counsel shall disseminate the Notice as follows by promptly:

- (a) emailing or mailing the Notice to the last known address provided by class members who registered for this class action;
  - (b) posting the Notice to Class Counsel's webpage; and
  - (c) filing a copy of this order with the Canadian Bar Association National Class Action Database.
-

## Schedule A

### Notice of Discontinuance of Class Action

By order of the Ontario Superior Court of Justice, dated [date], the certified class action, *Parker v. Pfizer Canada Inc*, (Ontario Court File No: CV-08-368950) has been discontinued, effective (date +60 days).

The effect of this discontinuance is that this lawsuit is concluded, and it will not be proceeding further, and there will be no judgment or settlement in favour of the class. Furthermore, any limitation periods that had been suspended in favour of class members under s.28(1) of the *Class Proceedings Act* will commence running again from the effective date of the discontinuance.

#### An Account of the Proceeding

This lawsuit had been certified by Ontario Superior Court of Justice, dated June 21, 2012, in respect of the following class:

“All persons in Canada: (a) who took Champix during the period from April 2, 2007 to May 31, 2010 and (b) who, while taking or after taking Champix to help quit smoking, experienced any of the psychiatric adverse events or symptoms listed below:

- thoughts about suicide or dying
- attempts to commit suicide
- new or worse depression, anxiety or panic attacks
- feeling very agitated or restless
- acting aggressive, being angry or violent
- acting on dangerous impulses
- an extreme increase in activity and talking (mania)
- abnormal thoughts or sensations
- seeing or hearing things that are not there (hallucinations)
- feeling people are against you (paranoia)
- feeling confused
- other unusual changes in behaviour

(the “Class”);

All persons who by reason of his or her relationship to a member of the Class are entitled to make claims under any of the Dependants Statutes in Canada as a result of the death of personal injury of such member of the Class (the “Family Class”);

All provincial or territorial health insurers who are entitled to assert a claim pursuant to the *Hospitals Act*, R.S.A. 2000, c. H-12, s.62 and related provincial and territorial legislation (“Health Insurer Class”).”

Class Counsel has determined that the class would not be successful at a common issues trial, and that the available scientific and regulatory evidence does not support the representative plaintiff's allegations. In particular, a large randomized double-blinded, active- and placebo-controlled trial to compare the risk of clinically significant neuropsychiatric events, including but not limited to suicidality, in individuals using varenicline, and other smoking cessation products did not find an increased risk of neuropsychiatric adverse events associated with Champix. See: Anthenelli et al, "Neuropsychiatric safety and efficacy of varenicline, buropropion, and nicotine patch in smokers with and without psychiatric disorders (EAGLES): a double-blind, randomized, placebo controlled clinical trial", *Lancet*, Vol 387, No. 10037, pp.2507-2520, 18 June 2016.

For More Information:

You can contact class counsel at the following addresses:

Ontario

McPhadden Samac Tuovi  
Suite 300 – 8 King Street East  
Toronto, ON, M5C 1B5  
Tel: 416-601-1020  
[www.mcst.ca](http://www.mcst.ca)

Quebec

Trudel Johnston Lespérance  
Suite 90 - 750, Côte de la Place d'Armes  
Montreal, QC H2Y 2X8  
Tel: 514-871-8385  
[www.tjl.quebec](http://www.tjl.quebec)

British Columbia

Klein Lawyers  
Suite 400 - 1385 West 8th Ave  
Vancouver, BC V6H 3V9  
Tel: 604-874-7171  
[www.callkleinlawyers.com](http://www.callkleinlawyers.com)

Alberta

Docken & Company  
Suite 101 – 440 2<sup>nd</sup> Ave SW  
Calgary, AB T2P 5E9  
Tel: 403-269-8246  
[www.docken.com](http://www.docken.com)

Kenneth Parker  
Plaintiff

- and -

Pfizer Canada Inc. and Pfizer Inc.  
Defendants

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDINGS COMMENCED AT  
TORONTO**

*Proceeding under the Class Proceedings  
Act, 1992*

---

**ORDER**

---

**KLEIN LAWYERS**  
Barristers & Solicitors  
100 King Street West, Suite 5600  
Toronto, Ontario M5X 1C9

Douglas Lennox  
L.S.U.C. #40540A  
Tel: (416) 506-1944  
Fax: (416) 506-0601

Co-Counsel for the Plaintiff