

**SUPERIOR COURT**  
(Class Action Chamber)

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

N°: 500-06-001004-197

DATE: May 20, 2025

---

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

---

**JEAN-FRANÇOIS BOURASSA**

Applicant

v.

**ABBOTT LABORATORIES LTD.  
APOTEX INC.  
BRISTOL-MYERS SQUIBB CANADA CO.  
ETHYPHARM INC.  
JANSSEN INC.  
JODDES LIMITED  
LABORATOIRE ATLAS INC.  
LABORATOIRE RIVA INC.  
LABORATOIRES TRIANON INC.  
PFIZER CANADA ULC  
PHARMASCIENCE INC.  
PRO DOC LTÉE  
PURDUE FREDERICK INC.  
PURDUE PHARMA  
SANDOZ CANADA INC.  
SANOFI-AVENTIS CANADA INC.  
SUN PHARMA CANADA INC.  
TEVA CANADA LIMITED**

Respondents

---

**RE-RECTIFYING JUDGMENT**  
(on the Re-Amended Application dated September 30, 2022 for authorization to  
institute a class action)

---

[1] **GIVEN** the rectification request by Class Counsel to correct certain language used by the Court in its description of the Class, as found at paragraphs 360 and 420 of the Authorization Judgement dated April 10, 2024;

[2] **GIVEN** that the language in question is found in the second paragraph of the Class description, which reads as follow:

The Class excludes any person whose claim, or any portion thereof, is in relation to the drugs OxyContin and OxyNEO, as well as in relation to opioid drugs that were solely and exclusively available for use in a hospital setting and not prescribed for use in the home.

[3] **GIVEN** that Class Counsel contends that the said language could inadvertently give rise to an erroneous exclusion of a person who was also prescribed and consumed other opioids that are identified on the Schedule I list of medications that do give rise to a person being a Class member;

[4] **GIVEN** that after some consideration, the remaining Defendants have confirmed to the Court that although they do not agree that a correction pursuant to Article 338 C.C.P. is the proper procedural mechanism to be used, they will not object to the request by Class Counsel;

[5] **CONSIDERING** that the Court agrees that the language used by it in the second paragraph of the Class Definition at paragraphs 360 and 420 of its Authorization Judgement could inadvertently give rise to confusion;

[6] **CONSIDERING** that the Court's stated objective was to render class qualification less confusing<sup>1</sup>;

[7] **CONSIDERING** that in the Court's view, a correction to the Class Definition is appropriate, as it did not intend to create a blanket exclusion of a person who has used Schedule I covered medications but also had used OxyContin or OxyNEO, as that

---

<sup>1</sup> Authorization Judgment, par. 309-310.

would contradict what is clearly stated at paragraph 314 of the Authorization Judgement, which reads as follows:

[314] However, any person who has been prescribed and has consumed OxyContin and/or OxyNEO can nonetheless still be a class member in the present matter in relation to any other of the listed opioid medications which he has been prescribed and has consumed during the Class Period, including those manufactured by Purdue, as long as he has met all other criteria set out in the class description.

[8] **CONSIDERING** that the same reasoning also applies in relation to a person who has been prescribed and consumed any Schedule I list of medications although they had also used excluded drugs by reason of the hospital-use carve-out;

[9] **CONSIDERING** Article 338 C.C.P.;

[10] **CONSIDERING** the usefulness and the necessity of correcting wording that could lead to confusion and inadvertent results;

**FOR THESE REASONS, THE COURT:**

[11] **GRANTS** the request to correct the Class Definition wording;

[12] **CORRECTS** paragraphs 360 and 420 of the Authorization Judgement such that the Class Description contained therein is to read as follows:

All persons in Quebec who have been prescribed and consumed any one or more of the opioid medications identified in Schedule I attached hereto, manufactured, marketed, distributed and/or sold by the Defendants between 1996 and the present day ("**Class Period**") and who have been diagnosed by a physician as suffering or having suffered from Opioid Use Disorder.

The Class excludes any person's [...] claim, or any portion thereof, [...] in relation to the drugs OxyContin and OxyNEO, as well as in relation to opioid drugs that were solely and exclusively available for use in a hospital setting and not prescribed for use in the home.

The Class also includes the direct heirs of any deceased person who during his or her lifetime met the above description, subject to the same exclusions.

[13] **CONFIRMS** that a corrected version of the Authorization Judgment will be issued so as to reflect the Court's corrections;

[14] **THE WHOLE** without judicial costs.

---

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

**Attorneys for Applicant:**

Mtre. Mark Meland  
Mtre. Margo R. Siminovitch  
Mtre. Tina Silverstein  
Mtre. Betlehem Endale  
Mtre. Hugo Carrier-L'Italien  
FISHMAN FLANZ MELAND PAQUIN

Mtre. André Lespérance  
Mtre. Zoe Christmas  
Mtre. Marianne Dagenais-Lespérance  
TRUDEL JOHNSTON & LESPÉRANCE

**Attorneys for Respondents:**

Mtre. Michel Gagné  
Mtre. Andrée-Anne Labbé  
McCARTHY TÉTRAULT  
For Abbott Laboratories Ltd.

Mtre. Jean-Michel Boudreau  
IMK  
For Apotex Inc.

Mtre. Harry Radomski  
Mtre. Nando De Luca  
GOODMANS LLP  
For Apotex Inc.

Mtre. Marie Audren  
AUDREN ROLLAND S.E.N.C.R.L.  
For Aralez Pharmaceuticals Canada Inc.

Mtre. Tania Da Silva  
DLA PIPER (CANADA)  
For Bristol-Myers Squibb Canada Co.

Mtre. Myriam Bixi  
LAVERY, DE BILLY  
For Church & Dwight Canada Corp.

Mtre. Meryeme Manar  
WOODS  
For Ethypharm Inc.

Mtre. Guy Poitras  
Mtre. Antoine Van Audenrode  
Mtre. Joëlle Boisvert  
GOWLING WLG  
For GlaxoSmithKline Inc.

Mtre. Robert Torralbo  
Mtre. Ariane Bisailon  
BLAKE, CASSELS & GRAYDON  
For Janssen Inc.

Mtre. Éric Préfontaine  
Mtre. Jessica Harding  
Mtre. Marie-Laure Saliah-Linteau  
OSLER, HOSKIN & HARCOURT  
For Joddes Limited, Pharmascience Inc., Sun Pharma Canada Inc. and Teva Canada Limited

Mtre. Catherine Dubord  
FERNET  
For Laboratoire Atlas Inc., Laboratoire Riva Inc. and Laboratoire Trianon Inc.

Mtre. William McNamara  
Mtre. Marie-Ève Gingras  
Mtre. Christopher Maughan  
TORYS  
For Pfizer Canada ULC

Mtre. Fadi Amine  
MILLER THOMSON  
For Pro Doc Ltée

Mtre. Jean St-Onge  
Mtre. Anne Merminod  
Mtre. Alexis Leray  
BORDEN LADNER GERVAIS  
For Purdue Frederick Inc. and Purdue Pharma

Mtre. Noah Boudreau  
Mtre. Peter J. Pliszka  
Mtre. Mirna Kaddis  
FASKEN MARTINEAU DuMOULIN  
For Novartis Pharmaceuticals Canada Inc. and Sandoz Canada Inc.

Mtre. Sylvie Rodrigue  
Mtre. Corina Manole  
TORYS  
For Sanofi-Aventis Canada Inc.

Mtre. Francis Rouleau  
Mtre. Elizabeth Desrochers  
BLAKE, CASSELS & GRAYDON  
For Valeant Canada Limited, Valeant Canada LP and 4490142 Canada Inc. (fka Meda  
Valeant Pharma Canada Inc.)