

CANADA

PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

No.: 500-06-001004-197

SUPERIOR COURT
(Class Action Chamber)

JEAN-FRANÇOIS BOURASSA

Plaintiff

c.

LABORATOIRES ABBOTT, CO *et al.*

Defendants

et

FONDS D'AIDE AUX ACTIONS COLLECTIVES

Mis en cause

DISTRIBUTION PROTOCOL

I- GENERAL PROVISION

1. The distribution of the Settlement Fund will be made in accordance with this Distribution Protocol (hereinafter, the “**Protocol**”).
2. The Protocol is drafted with the objective of efficiency in order to proceed quickly with the distribution of compensation to the Class Members (defined below) and at a lower cost.
3. Any question relating to the interpretation and application of the Protocol will be subject to the jurisdiction of the judge appointed to oversee the Class Action, the Honourable Pierre Nolle, J.S.C. (hereinafter, the “**Judge**”).
4. All costs associated with the administration of the Protocol, including the publication of notices, (hereinafter, the “**Administration Costs**”) will be paid from the Settlement Fund.
5. The Superior Court has defined the group of members covered by the Class Action as follows (hereinafter, the “**Members**”):

All persons in Quebec who have been prescribed and consumed any one or more of the opioid medications identified in Schedule I [Amended] 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.

II- SETTLEMENT FUND

6. The Settlement Fund corresponds to the sum established through the ten settlement agreements (a - c) approved by the Court, as well as eight other settlement agreements (d) that have not yet been approved by the Court, namely:
 - a. The Settlement Agreements with Roxane Laboratories inc., Boehringer Ingelheim (Canada) Itée, Hikma Labs inc., BGP Pharma ULC, Mylan Pharmaceuticals ULC, Merck Frosst Canada Itée et Sanis Health inc., approved on August 9, 2022¹;
 - b. The Settlement Agreements with Aralez Pharmaceuticals Canada, Valeant Canada Limitée, Valeant Canada s.e.c., 4490142 Canada inc. et Corporation Church & Dwight Canada, approved on May 18, 2023²;
 - c. The Settlement Agreements with GlaxoSmithKline inc., Novartis Pharmaceuticals Canada inc. et sanofi-aventis Canada inc. approved on September 6, 2024³; and
 - d. The Settlement Agreements with Laboratoire Atlas Inc., Pfizer Canada Inc., Pro Doc Ltée, Bristol-Myers Squibb Canada Co., Ethypharm Inc., Abbott Laboratoires Co., Apotex Inc., Purdue Pharma et Purdue Frederick Inc., which will be submitted for approval on December 12, 2025.
7. The amount of the Settlement Fund as at September 29, 2025 is a little over \$31 million.⁴ The Settlement Fund shall be distributed in the following order:
 - a. The administration Fees which will be approved by the Court;
 - b. The legal fees and disbursements that will be approved by the Court; and
 - c. The individual liquidation of the Class Members' claims, within the meaning of art. 596 of the *Code of Civil Procedure*, each member being entitled to receive an equal share of the sums to be distributed.

¹ *Bourassa c. Roxane Laboratories Inc.*, [2022 QCCS 2976](#).

² *Bourassa c. Abbott Laboratories, Limited*, [2023 QCCS 1680](#).

³ *Bourassa c. GlaxoSmithKline inc.*, [2024 QCCS 3295](#).

⁴ This after making payments in accordance with the judgment of September 6, 2024 (*Bourassa c. GlaxoSmithKline inc.*, [2024 QCCS 3295](#)).

III- ADMINISTRATOR

8. The Court appointed administrator (hereinafter the “**Administrator**”) will implement the Protocol, submitted claims, verify the claims submitted and administer the distribution of compensation in accordance with the terms of its mandate reproduced in Exhibit P-3 to the Application for approval of the Distribution Protocol, the dissemination plan, the notices to members and the appointment of claims administrator/*Demande d’approbation du protocole de distribution, du plan de diffusion, des avis aux Membres et de la nomination d’un administrateur des réclamations*.
9. In carrying out its mandate, the Administrator shall:
 - a. Hold the Settlement Fund in an interest-bearing trust account;
 - b. Obtain appropriate insurance coverage for the Funds to be transferred to it in trust;
 - c. Publish notices to Class Members in accordance with the dissemination plan;
 - d. Post the relevant documents for the claims process on a webpage, including the claim form to be completed online;
 - e. Set up an online claim form and database collating the information submitted by claimants and the documents obtained;
 - f. Set up a telephone line for claimants to contact the Administrator;
 - g. Assist claimants in preparing their claims and answer their questions;
 - h. Receive and analyze claims;
 - i. Ensure the security and confidentiality of information collected from Class Members and/or, where applicable, from the Class Counsel;
 - j. Inform each claimant of the acceptance or reason(s) for refusal of their claim;
 - k. Maintain a list of accepted claims, which will facilitate the administration of any future distributions;
 - l. Distribute the Settlement Fund to the Class Members;
 - m. Carryout a bank reconciliation following disbursements and receipts;
 - n. Communicate with the Class Counsel throughout the administration process and inform them of any difficulties that may arise in the execution of its mandate;
 - o. Prepare a preliminary administration report and a final report including the content provided for in section 59 para. 2 of the *Regulation of the Superior Court of Quebec in Civil Matters*, as provided for in this Protocol, and, where

Schedule B – Distribution Protocol

applicable, submit the final report to the managing judge of the Class Action;
and

p. Be bilingual in every respect.

10. The Administrator may choose to communicate with a claimant only by e-mail when an e-mail address has been provided by the claimant.

IV- NOTICE TO CLASS MEMBERS

11. The Court appointed Administrator will set up a campaign to publicize and disseminate the notice informing them of the procedure to follow in order to claim (hereinafter the “**Notice**”) in the form provided in Appendix A.
12. The Notice will be published according to the following dissemination plan:
- a. Class Counsel’s website;
 - b. Administrator’s website;
 - c. Personalized email to Class Members who have signed up on the Class Counsel’s list of members;
 - d. Advertising on Meta (Facebook and Instagram);
 - e. Advertising on GoogleAd;
 - f. Advertising on YouTube;
 - g. Digital banners; and
 - h. Creation and transmission of posters to community organizations for publication in their premises;
13. The Administrator will electronically transmit the Notice and Claim Form in the form set out in Schedule C (hereinafter the “**Claim Form**”) to relevant community organizations, including, detoxification clinics in Quebec, safe injection sites in Quebec, halfway houses and native friendship centers, penitentiary institutions and any other location where the Administrator deems appropriate.
14. Notices may be simplified for publication purposes and the Administrator may adapt the Notice to the means of communication used.
15. Class Counsel may apply to the Court at any time to seek approval of additional means of disseminating the Notice, for any reasonable cause.
16. For the purposes of calculating the time limits set out in the Protocol, the publication date will be deemed to be the date of first publication of the Notice (hereinafter, the “**Publication Date**”).

V- CLAIM PROCESS

17. The claimant must submit to the Administrator the duly completed Claim Form and a valid photo ID, or any other proof of identity accepted by the Administrator within 6 months following the Publication Date (hereinafter, the “**Claim Period**”). However, at any time including after the Claim Period, Class Counsel may apply to the Court to extend this Period for any reasonable reason, including that an extension of the period or additional methods of disseminating the Notice are necessary to attempt to increase the number of eligible claims.
18. Claimants must indicate on the claim form:
 - a. The approximate period of time they took opioids;
 - b. The approximate year they were diagnosed with Opioid Use Disorder (“**OD**”) or began treatment for an OD, if applicable; and
 - d. The method of payment of their indemnity, if applicable.
19. In support of the claim, the claimant must provide the following evidence (hereinafter, the “**Supporting Documents**”):
 - a. proof of OD, namely: an extract from a medical or hospital record, including an extract from the registers or databases of the *Ministère de la Santé et des Services sociaux* (“**MSSS**”) or *Régie de l'assurance maladie du Québec* (“**RAMQ**”) registers or databases confirming that the claimant received a diagnosis of OD or a treatment for OD; and
 - b. proof legal consumption of at least one type of opioid listed in Schedule C-1 of the Claim Form during the period covered by the class action (i.e., between January 1996 and the present), (“**Eligible Opioid**”).
20. In the event of the death of an eligible claimant, the executor may claim on behalf of the estate upon presentation of the death certificate and proof that he/she is the executor.
21. Within 30 days of receipt of a Claim Form, the Administrator will determine whether the claim is complete. A claim is considered complete if the Claim Form is duly completed and signed and the Supporting Documents are received.
22. If the Administrator determines that a claim is incomplete, it will send a notice of incomplete file advising the claimant of the missing information or document. The claimant may complete their claim at any time before the end of the Claim Period.
23. Claim Forms and Supporting Documents received by mail, fax, e-mail and online will be accepted by the Administrator.
24. The Administrator will have the discretion to accept late claims submitted no later than 30 days following the end of the Claim Period if valid reasons are submitted in a sworn statement.

VI- CLAIMS ANALYSIS

25. The Administrator determines whether a claimant is a Member by requiring the Supporting Documents mentioned above, namely: (i) legal consumption of at least one Eligible Opioid (see Appendix C-1), and (ii) proof of a diagnosis of OUD or treatment for OUD, if applicable.
26. The first criterion is determined by an analysis of the pharmacological records received or, alternatively, by any other evidence that the Administrator deems sufficiently conclusive to establish the use of at least one type of an Eligible Opioid, in particular:
 - a. A document establishing the prescription of an Eligible Opioid;
 - b. An invoice showing the purchase of an Eligible Opioid; or
 - c. Any written documentation prepared by a healthcare professional, including any note in the medical record, confirming a history of legal use of an Eligible Opioid
27. A Claimant who consumed only OxyContin and/or OxyNeo will not be eligible. A Claimant who has consumed one or more of the Eligible Opioids under this Action as well as OxyContin and/or OxyNeo will be eligible to file a claim but only with respect to the Eligible Opioids.
28. The second criterion, namely the presence of OUD, is determined by analyzing extracts from medical or hospital records – any record demonstrating a diagnosis of OUD or receipt of treatment for OUD will be considered sufficient.
29. The analysis of a claim is made by the Administrator following receipt of the relevant pharmacological and medical records provided by the claimant.
30. The Administrator transmits a notice of acceptance or a notice of rejection to the claimant, at the latest within 60 days of receipt of the relevant pharmacological and medical records.
31. The Administrator's decision on the admissibility of each claim will be final and binding on the Class Members, subject to the supervisory powers of the judge managing the Class Action.

VII- COMPENSATION TO CLASS MEMBERS

32. All claimants considered to be Class Members and who have a valid claim will receive an equal share of the amounts to be distributed as compensation for non-pecuniary damages.
33. Compensation will be paid by cheque or Interac e-Transfer, as per the Class Member's choice.
34. Any compensation not cashed within six months of payment by cheque or within 30 days of Interac payment will be returned to the Settlement Fund. Unclaimed compensation will be held in an interest-bearing trust account of the Administrator

Schedule B – Distribution Protocol

for the benefit of the Class Members and may only be used as directed by the Court. These amounts may, at the Court's discretion, be subject to a new distribution to Class Members as part of other settlement agreements that may be reached with other defendants or following the final judgment to be rendered on the merits of the Class Action.

35. If, after processing all of the claims, Class Counsel are of the opinion that the distribution of the entire Claims Fund would be unreasonable given the small number of admissible claims, they may apply to the Court to propose any appropriate measure, in particular that the compensation per Member be capped and that the balance of the Claims Fund be retained for the purpose of future distribution.