

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
JUSTICE A.D. GRACE)

FRIDAY, THE 1st DAY
OF OCTOBER, 2021

✓ dg



VEN:

MARIE ANNE TONASKET DENOMMEE

Plaintiff

- and -

**ENDO PHARMACEUTICALS SOLUTIONS INC., ENDO INTERNATIONAL PLC,
ENDO PHARMACEUTICALS, INC., VALEANT PHARMACEUTICALS
INTERNATIONAL, INC., VALEANT CANADA LIMITED, VALEANT CANADA LP
(aka VALEANT CANADA S.E.C.), VALEANT INTERNATIONAL BERMUDA (formerly
Valeant International (Barbados) SRL), ROGAN HOLDING CORPORATION,
BROOKWATER VENTURES INC. (formerly Meta Health Services Inc.), THERAMED
CORPORATION, INDEVUS PHARMACEUTICALS INC., SAB-PHARMA INC.,
NOVARTIS PHARMA CANADA INC., SANDOZ CANADA INC., SAVIENT
PHARMACEUTICALS INC., BRISTOL-MYERS SQUIBB CANADA CO., BRISTOL-
MYERS SQUIBB INTERNATIONAL CORPORATION, and BRISTOL-MYERS
SQUIBB COMPANY**

Defendants

(Proceeding under the *Class Proceedings Act, 1992*, SO 1992, c C.6)

ORDER

THIS MOTION made by the Plaintiff for an Order approving the discontinuance of the within proceeding on the terms below was heard in writing at the Superior Court of Justice, 80 Dundas Street, London, Ontario N6A 6K1.

ON READING ^{motion record dg} the materials ^{including dg} filed by counsel for the Plaintiff, and on being advised that ^{dg} the Defendants consent to the motion:

1. **THIS COURT** hereby approves the discontinuance of the within proceeding against the Defendants.

2. **THIS COURT ORDERS** that the Notice of Intention to Discontinue, in the form of the attached Schedule "A", is approved pursuant to section 19 and section 29 of the *Class Proceedings Act, 1992*, SO 1992, c 6 ("CPA").
3. **THIS COURT ORDERS** that the Plan of Notice, attached as Schedule "B", is approved pursuant to section 19 and section 29 of the CPA.
4. **THIS COURT ORDERS** that the Notice of Intention to Discontinue shall be disseminated in accordance with the Plan of Notice attached as Schedule "B".
5. **THIS COURT ORDERS** that the Plaintiff through her solicitors file a Notice of Discontinuance in the court file in which this proceeding was commenced 90 days following the first publication of the Notice of Intention to Discontinue as described in the Notice Plan.
6. **THIS COURT ORDERS** that any limitation period applicable to people in Canada, including their estates, who were prescribed and used Delatestryl and to people in Canada who, by reason of their relationship to a person who was prescribed and used Delatestryl, are entitled to make claims pursuant to the *Family Law Act*, RSO 1990, c F 3, s 61 or analogous legislation in other provinces or at common law, to the extent that it was suspended by the filing of this proposed action, shall continue to be suspended until, but only until, the date ninety (90) days following the first publication of the Notice of Intention to Discontinuance.

7. **THIS COURT ORDERS** that there will be no costs of this motion and of this proceeding, and that the plaintiff will bear the costs of the publication and filing of the notices described herein.

Date: 28

A. D. Grace
The Honourable Justice A. D. GRACE.

Schedule "A"

**NOTICE OF INTENTION TO DISCONTINUE DELATESTRYL CLASS ACTION –
TESTOSTERONE REPLACEMENT THERAPY FOR MALES WITH LOW TESTOSTERONE**

Please Read This Notice Carefully. It May Affect Your Legal Rights.

By Order of the Ontario Superior Court of Justice, all persons resident in Canada who have been prescribed and used Delatestryl are advised that:

In July 2014, Siskinds LLP commenced a proposed class proceeding in Ontario alleging that Delatestryl, a form of testosterone replacement therapy, intended to treat conditions associated with a deficiency or absence of endogenous testosterone (hypogonadism). The proposed class proceeding alleged that Delatestryl increased the risk of cardiovascular events and conditions. The various defendants in the action deny these allegations.

Siskinds is of the opinion that the proposed Delatestryl class proceeding is no longer viable. On this basis, Siskinds filed motion materials with the Ontario Superior Court of Justice to obtain approval of the discontinuance of the class proceeding. The discontinuance was approved by the Court and it will be filed and take effect on [date to be inserted: 90 days after publication of the intention to discontinue].

The discontinuance relates to the proposed Delatestryl class action only. It does not relate to claims against various other manufacturers of testosterone replacement therapy products. If you do not know which brand of testosterone replacement therapy you were prescribed, you can retrieve your medical and pharmacy records, which will typically note the brand.

YOU SHOULD TAKE NOTICE THAT THE limitation period for bringing a claim, if there is any time left within it, could be impacted when the notice of discontinuance is filed with the Ontario Superior Court of Justice on [date to be inserted: 90 days after publication of the intention to discontinue]. On the expiry of a limitation period a right to sue may be extinguished.

TAKE NOTICE THAT because the limitation period for bringing a claim could be impacted by the filing of the notice of discontinuance, if you wish to pursue a court claim arising from Delatestryl in relation to cardiovascular events and conditions, you should take steps before [date to be inserted 90 days after publication of the intention to discontinue].

Siskinds will answer questions about the discontinuance or the running of the limitation period. Please contact Siskinds at:

SISKINDS LLP 680 Waterloo Street P.O. Box 2520 London, ON N6A 3V8 Jill McCartney Sharla Stroop (800) 461-6166 (226) 213-7353 jill.mccartney@siskinds.com sharla.stroop@siskinds.com	SISKINDS, DEMEULES sencl Les Promenades du Vieux, Québec 43, rue Buade, bur 320 Québec, QC, G1R 4A2 Caroline Perrault (418) 694-2009 caroline.perrault@siskindsdesmeules.com
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It is recommended that you obtain legal advice from Siskinds or a lawyer of your choice.

**PUBLICATION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR
COURT OF JUSTICE**

Schedule "B"

PLAN OF NOTICE

- (1) The Notice of Intention to Discontinue will be sent by email or direct mail by Plaintiffs' counsel, within 1 week after the order approving the discontinuance is made, to any person who has contacted Siskinds LLP about the proposed Delatestryl class action or who has registered to receive updates on Siskinds LLP's website. Where the person is located in Quebec (or otherwise specifically requests), the Notice of Intention to Discontinue will be sent in English and French;
- (2) The Notice of Intention to Discontinue will be posted by Plaintiffs' counsel, in English and French, on their website, within 1 week after the order approving the discontinuance is made;
- (3) The Notice of Intention to Discontinue will be sent by email or direct mail by Plaintiffs' counsel to any other Plaintiffs' counsel representing testosterone replacement therapy claimants, within the knowledge of Plaintiffs' counsel, within 1 week after the order approving the discontinuance is made;
- (4) The Notice of Intention to Discontinue will be provided by Plaintiffs' counsel to any person who requests it.

DENOMMEE and VALEANT PHARMACEUTICALS INTERNATIONAL, INC.,
et al

Court File No: 3704-CP-14

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London, ON

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
Discontinuance**

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