

Court File No. 98-CV-158832

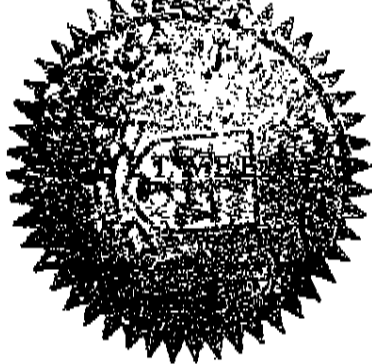
**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

) TUESDAY, THE 19<sup>TH</sup>

MR. JUSTICE CUMMING

) DAY OF OCTOBER, 2004



**ONTARIO  
SUPERIOR COURT OF JUSTICE**

SHELIA WILSON

Plaintiff

-and-

SERVIER CANADA INC., LES LABORATOIRES SERVIER,  
SERVIER AMERIQUE, INSTITUT DE RECHERCHES INTERNATIONALES SERVIER  
("L.R.I.S."), SCIENCE UNION ET CIE, ORIL S.A., SERVIER S.A.S., ARTS ET  
TECHNIQUES DU PROGRES, BIOLOGIE SERVIER, INSTITUT DE DEVELOPEMENT ET  
DE RECHERCHE SERVIER, ORIL INDUSTRIE,  
BIO RECHERCHE SERVIER, INSTITUTO DI RICERCA, IDUX, BIOPHARMA ARTEM,  
SCIENCE UNION S.A.R.L., LABORATOIRES SERVIER INDUSTRIE, L.R.I.S. ET CIE  
DEVELOPEMENT, INFORMATION SERVIER,  
SERVIER MONDE, SERVIER INTERNATIONAL, I.R.L.S. SERVICES S.A.R.L., ADIR,  
SERVIER R&D BENELUX, DR. JACQUES SERVIER and BIOFARMA S.A.

Defendants

*Proceeding under the Class Proceedings Act, 1992*

**ORDER**

**THIS MOTION**, made jointly by the Plaintiff and the Defendants herein for approval of the settlement reached between the Parties hereto was heard on October 18 and 19, 2004 at Toronto, Ontario.

**UPON BEING ADVISED** that the Parties to this action, by their counsel, have entered into an agreement as reflected in the Settlement Agreement executed on September 16 and 17, 2004;

**AND UPON READING** the following:

- (a) the notice of motion and motion record of the Plaintiff;
- (b) the Settlement Agreement, signed September 16 and 17, 2004;
- (c) the affidavits of:
  - (i) Annelis K. Thorsen, sworn September 16, 2004;
  - (ii) Sheila Wilson, sworn September 15, 2004;
  - (iii) Dr. John Granton, sworn September 24, 2004;
  - (iv) Dr. Stephen Raskin, sworn September 22, 2004;
  - (v) Beverly Greenlees, sworn September 30, 2004;
  - (vi) Dana Graves, sworn September 21, 2004;
  - (vii) Allison Phillips, sworn October 19, 2004;
  - (viii) Annelis K. Thorsen, sworn October 19, 2004;
  - (ix) Kerry Frederick Eaton, sworn October 19, 2004; and
  - (x) Dalton Dewar, sworn October 21, 2004.

**AND ON HEARING** the submissions of counsel for all Parties hereto;

1. **THIS COURT DECLARES** that the Settlement Agreement is fair and reasonable and in the best interests of the Class Members, including the Wilson Opt-Outs;
2. **THIS COURT DECLARES** that the Settlement Agreement be and is hereby approved pursuant to section 29 of the *Class Proceedings Act, 1992*;
3. **THIS COURT ORDERS** that publication of the Approval Notice shall be commenced, as provided for in section 6 of the Settlement Agreement, within thirty (30) days of Final Court Approval;
4. **THIS COURT ORDERS** that the certified common issues be amended to incorporate all of the Defendants named in the style of cause herein;
5. **THIS COURT DECLARES** that Crawford Class Action Services be and is hereby appointed as Settlement Administrator for the settlement;
6. **THIS COURT DECLARES** that Dr. John Granton and Dr. Allan Sniderman are approved as the initial Claims Adjudicators;
7. **THIS COURT DECLARES** that the Settlement Agreement be and is hereby approved on behalf of parties under a disability;
8. **THIS COURT DECLARES** that any Party to the Settlement Agreement or the Settlement Administrator may bring a motion to Mr. Justice Warren K. Winkler at

any time for directions with respect to the implementation or interpretation of the Settlement Agreement including without limitation any changes or additions to the roster of Claims Adjudicators. Any such motion shall be on notice to the other Parties and, where applicable to the Settlement Administrator


9. **THIS COURT DECLARES** that Mr. Justice Warren K. Winkler shall hear all Challenges brought under the settlement, pursuant to the applicable provisions of the Settlement Agreement and the Exhibits thereto;

10. **THIS COURT DECLARES** that if, for any reason, Mr. Justice Warren K. Winkler is unable to fulfill any of the duties set out in the Settlement Agreement and the Exhibits thereto, another Justice of the Ontario Superior Court of Justice shall be appointed in his place;

11. **THIS COURT ORDERS** that Servier Canada Inc. shall pay all reasonable costs incurred by, or in relation to, the Settlement Administrator and the Claims Adjudicators, as well as the reasonable costs of the Notices (as defined in the Settlement Agreement and the Exhibits thereto);

12. **THIS COURT DECLARES** that any claims commenced by Ontario Class Members are hereby dismissed in their entirety on a without costs basis and all Class Members with individual actions commenced outside of Ontario and within Canada will provide such co-operation and assistance as may be required to obtain dismissals of their actions on a without costs basis in the jurisdictions in which they were commenced;

13. **THIS COURT ORDERS** that Servier Canada Inc. shall pay \$3,000,000.00 in respect of Class Counsel's partial indemnity costs and \$1,000,000.00 in respect of Class Counsel's disbursements to the Settlement Administrator within forty-eight (48) hours of Final Court Approval, to be distributed by the Settlement Administrator in accordance with directions from Class Counsel or from this Court, if required.

  
 Justice Peter A. Cumming

ENTERED AT/INSCRIT À TORONTO  
 ON/BOOK NO:  
 LE/DANS LE REGISTRE NO.:

NOV 03 2004

AS DOCUMENT NO.:  
 À TITRE DE DOCUMENT NO.:

PER/PART:  


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WILSON v. SERVIER CANADA INC. et al.

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TOTAL P. 07

TOTAL P. 06

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SUPERIOR COURT OF JUSTICE  
PROCEEDINGS COMMENCED AT  
TORONTO

ORDER

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