

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

SHEILA WILSON

Plaintiff

- and -

SERVIER CANADA INC., LES LABORATOIRES SERVIER, SERVIER AMERIQUE,  
INSTITUT DE RECHERCHES INTERNATIONALES SERVIER ("I.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, I.R.I.S. ET CIE  
DEVELOPEMENT, INFORMATION SERVIER,  
SERVIER MONDE, SERVIER INTERNATIONAL,  
I.R.I.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*

**NOTICE OF MOTION  
(Motion for Approval of Class Counsel Fees,  
Returnable October 19, 2004)**

**THE PLAINTIFF** will make a motion to the Honourable Mr. Justice Peter A. Cumming, commencing on the 19<sup>th</sup> day of October, 2004, at the courthouse, 361 University Avenue, Toronto, Ontario.

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Plaintiff

- and -

SERVIER CANADA INC., LES LABORATOIRES SERVIER, SERVIER AMERIQUE,  
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**PROPOSED METHOD OF HEARING:**

The motion is to be heard orally.

**THE MOTION is for:**

1. an Order:
  - (a) approving the retainer agreement between Rochon Genova LLP and the Representative Plaintiff, Mrs. Sheila Wilson, dated September 15, 2004;
  - (b) approving Class Counsel fees of \$10,000,000 plus applicable taxes;
  - (c) granting leave to Class Counsel to bring a further application for fees up to a maximum of \$5,000,000 plus applicable taxes at the expiry of the Claim Period;
  - (d) approving payment of \$15,262 to the Representative Plaintiff, Mrs. Sheila Wilson, as compensation for the time spent and expenses incurred in furtherance of the within proceeding;
2. such further or other Order as counsel may request and this Honourable Court may permit.

**THE GROUNDS FOR THE MOTION ARE:**

1. sections 12, 32, 33 and 34(1) of the *Class Proceedings Act, 1992*, S.O. 1992, c.6;

2. rule 12 of the *Rules of Civil Procedure*;
3. the Representative Plaintiff, Mrs. Sheila Wilson signed a retainer agreement with Rochon Genova LLP, National Class Counsel, which provides for an award of legal fees as claimed by Class Counsel, subject to approval by the Court;
4. the fees claimed by Class Counsel are fair and reasonable having regard to the complexities of the proceeding, the time expended and risk assumed by Class Counsel;
5. the Representative Plaintiff, Mrs. Sheila Wilson, rendered active and necessary assistance in the preparation and presentation of the proceeding;
6. such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

1. the affidavit of Annelis Thorsen;
2. the affidavit of Sheila Wilson; and
3. such further and other material as counsel may advise and this Honourable Court may permit.

Date: September 24, 2004

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