

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) THURSDAY, THE
JUSTICE PERELL)
) 25TH DAY OF MARCH 2021
)

B E T W E E N :

GERARDA M. BARDOUL, PATRICIA HILL,
GERTRUDA METZGER and TIM METZGER

Plaintiffs

- and -

NOVARTIS PHARMACEUTICALS CANADA INC.

Defendant



Proceeding under the *Class Proceedings Act*, 1992

ORDER

THIS MOTION made by the Plaintiffs, on consent, for an Order approving the discontinuance of the within action, without costs, and with prejudice, on consent of the Defendant, was heard this day at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

ON READING the materials filed, including the consent of the Parties:

1. **THIS COURT ORDERS** that the within action be and is hereby discontinued without costs to the Parties.
2. **THIS COURT ORDERS** that the discontinuance of this action is a defence to a subsequent action by the Plaintiffs against the Defendant arising from the subject matter of the within action.

3. **THIS COURT ORDERS** that the Notice of Discontinuance, substantially in the form attached hereto as Schedule "A", is hereby approved;

4. **THIS COURT ORDERS** that Plaintiffs' Counsel shall provide notice of the discontinuance of this action by:

- (a) sending a copy of the Notice of Discontinuance by mail or email the last known address of all putative Class Members who contacted Plaintiffs' Counsel with respect to this action; and
- (b) posting a copy of this Order and the Notice of Discontinuance on Plaintiffs' Counsel's websites.

Reed, J.

SCHEDULE “A”

NOTICE OF DISCONTINUANCE OF ZELNORM CLASS ACTION

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 purchased and/or ingested the prescription medication Zelnorm are advised that:

In November, 2008, a proposed class proceeding was commenced in Ontario against Novartis Pharmaceuticals Canada Inc. (“Novartis”), alleging that Zelnorm was negligently designed, manufactured, and distributed, and that inadequate warnings were given with respect to an alleged increased risk of ischemic cardiovascular events.

Novartis denies the allegations. The Plaintiffs have decided that they no longer wish to proceed with the proposed class action and filed motion materials with the Ontario Superior Court of Justice to obtain approval to discontinue the lawsuit. By Order dated **MARCH 25, 2021**, the Court granted the Plaintiffs’ motion and approved the discontinuance of the proposed class proceeding.

YOU SHOULD TAKE NOTICE THAT the limitation period for bringing a claim, if there is any time left within it, recommenced on the date of the Order approving the discontinuance. On the expiry of the limitation period a right to sue may be extinguished.

Plaintiffs’ Counsel will answer questions about the discontinuance, the recommencement of the running of any limitation periods, or about pursuing a claim against Novartis at no charge. Please contact Plaintiffs’ Counsel at:

<p>ROCHON GENOVA LLP Barristers • Avocats 121 Richmond Street West, Suite 900 Toronto, ON, M5H 2K1</p> <p>Joel P. Rochon (416) 363-1867 jsloan@rochongenova.com</p>	<p>HIMELFARB PROSZANSKI LLP Barristers & Solicitors 480 University Avenue, Suite 1401 Toronto, ON M5G 1V2</p> <p>David B. Himelfarb (416) 820-1210 dhimelfarb@himprolaw.com</p>
---	--

GERARDA M. BARDOUL, PATRICIA
HILL, GERTRUDA METZGER and
TIM METZGER
Plaintiffs

and

NOVARTIS PHARMACEUTICALS
CANADA INC.
Defendant

Court File No.: CV-08-365460CP

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at Toronto

ORDER
(MOTION TO DISCONTINUE)

ROCHON GENOVA LLP
Barristers · Avocats
121 Richmond Street West, Suite 900
Toronto, ON M5H 2K1

Joel P. Rochon
L.S.O.# 28222Q
Tel: (416) 363 1867
Fax: (416) 363-0263

HIMELFARB PROSZANSKI LLP
Barristers & Solicitors
480 University Avenue, Suite 1401
Toronto, ON M5G 1V2

David B. Himelfarb
L.S.O.# 029520F
Tel: (877) 820-1210
Fax: (416) 599-3131

Lawyers for the plaintiffs