

**COURT OF APPEAL OF ALBERTA**

**Form AP-1**  
[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: **2201-0305AC**

TRIAL COURT FILE NUMBER: 1201-12838

REGISTRY OFFICE: CALGARY

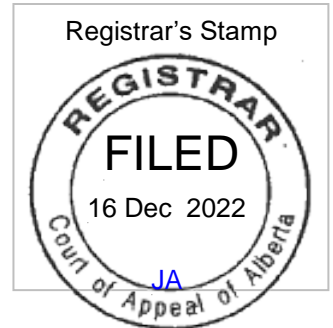
PLAINTIFFS/APPLICANTS: FIONA SINGH and MUZAFFAR HUSSAIN by his litigation representative FIONA SINGH

STATUS ON APPEAL: RESPONDENTS

DEFENDANTS/RESPONDENTS: GLAXOSMITHKLINE INC.  
GLAXOSMITHKLINE LLC and  
GLAXOSMITHKLINE PLC.

STATUS ON APPEAL: APPELLANTS

DOCUMENT: **CIVIL NOTICE OF APPEAL**



APPELLANT'S ADDRESS FOR SERVICE AND CONTACT INFORMATION:

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Clint Docken, K.C.

Counsel for the Respondents, Fiona Singh and Muzaffar Hussain  
by his litigation representative Fiona Singh

**WARNING**

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

**1. Particulars of Judgment, Order or Decision Appealed From:**

Date pronounced: November 17, 2022

Date entered: Not yet entered

Date served: Not yet served

Official neutral citation of reasons for decision, if any:

(do not attach copy) *Singh v Glaxosmithkline*, 2022 ABKB 762

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

**2. Indicate where the matter originated:**

**Court of King's Bench**

Judicial Centre: Calgary

Justice: The Honourable Associate Chief Justice J. D. Rooke

On appeal from a King's Bench Master or Provincial Court Judge?: No

**3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).**

Permission to Appeal Not Required.

**4. Portion being appealed (Rule 14.12(2)(c)):**

The whole decision is being appealed.

**5. Provide a brief description of the issues:**

Reviewable errors were made by the Court below in deciding to certify the Plaintiffs' claim as a class action for the following reasons:

- a. The Court erred in law in finding the Amended Amended Statement of Claim filed January 9, 2019 disclosed a cause of action for the purpose of class

certification pursuant to section 5(1)(a) of the *Class Proceedings Act*, S.A. 2003, C C-16.5 ("*Class Proceedings Act*").

- b. The Court erred in fact and in law in finding the existence of an identifiable class of two or more persons pursuant to section 5(1)(b) of the *Class Proceedings Act*.
- c. The Court erred in fact and in law in finding that the claims of the prospective class members raised any common issues pursuant to section 5(1)(c) of the *Class Proceedings Act* given the scope and breadth of the prospective class and the nature of the proposed common issues and claims being advanced.
- d. The Court erred in fact and in law in finding the class proceeding would be a preferable procedure for the fair and efficient resolution of any common issues that might exist pursuant to section 5(1)(d) of the *Class Proceedings Act* and in doing so failed to give proper consideration to the provisions of section 5(2) of the *Class Proceedings Act*.
- e. The Court erred in fact and in law in finding the proposed representative plaintiff met the requirements pursuant to section 5(1)(e) of the *Class Proceedings Act*.

**6. Provide a brief description of the relief claimed:**

The Defendants respectfully seek:

- a. an Order dismissing the Plaintiffs' application to certify the within proceedings as a class proceeding under the *Class Proceedings Act*,
- b. such further and other relief as this Honourable Court may direct.

**7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)**

No

**8. Does this appeal involve the custody, access, guardianship, parenting time, decision-making responsibility, contact or support of a child? (Rule 14.14(2)(b))**

No

**9. Will an application be made to expedite this appeal?**

No

**10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)**

No

**11. Could this matter be decided without oral argument? (Rule 14.32(2))**

No

**12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 6.29, 14.12(2)(e), 14.83)**

No

**13. List respondent(s) or counsel for the respondent(s), with contact information:**

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**Attention: Clint Docken, K.C.**

Counsel for the Respondents, Fiona Singh and Muzaffar Hussain by his litigation representative Fiona Singh

**14. Attachments (check as applicable)**

N/A Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

N/A Earlier order of Master, etc. (Rule 14.18(1)(c))

N/A Order granting permission to appeal (Rule 14.12(3)(a))

N/A Copy of any restricted access order (Rule 14.12(2)(e))

*If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.*