

CERTIFIED

E. Wheaton

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COURT FILE NO. 1201-12838
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFFS FIONA SINGH and
MUZAFFAR HUSSAIN by his litigation representative
FIONA SINGH
DEFENDANTS GLAXOSMITHKLINE INC.,
GLAXOSMITHKLINE LLC, and
GLAXOSMITHKLINE PLC.



Brought under the Class Proceedings Act

DOCUMENT ORDER

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF
PARTIES FILING THIS
DOCUMENT



1900, 144 – 4th Avenue S.W.
Calgary, Alberta
T2P 3N4

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DATE ORDER WAS PRONOUNCED: November 17th, 2022

JUDGE WHO MADE THIS ORDER: Hon. Assoc. Chief Justice J.D. Rooke

DATE OF ENTRY December ____, 2022

ORDER
(Class Certification)

UPON THE APPLICATION of the Plaintiffs:

AND UPON READING and **HEARING** the submissions of counsel for the
Plaintiffs and of counsel for the Defendants,

AND UPON HAVING CONSIDERED the *Amended Amended Statement of Claim*, filed January 9th, 2019, and *Affidavits of*:

- (a) *Marianne Auch*, sworn April 23rd, 2019 and October 26th, 2020;
- (b) *Paul Battaglia*, sworn May 30th, 2013;
- (c) *Anick Bérard*, sworn September 10th, 2015, and *Questioning* thereon;
- (d) *Mark Braham*, sworn October 15th, 2013, and *Questioning* thereon;
- (e) *Robin Cardillo*, sworn March 7th, 2017 and March 13th, 2019;
- (f) *Pierre Chue*, sworn January 11th and December 19th, 2013;
- (g) *Mario D'Angelo*, sworn January 3rd, 2019 and *Questioning* thereon;
- (h) *Mario D'Angelo*, sworn November 24th, 2020;
- (i) *Karen Feltrate*, sworn October 15th, 2013 and March 6th, 2017, and *Questioning* thereon;
- (j) *David Healy*, sworn September 7th, 2016 and *Questioning* thereon;
- (k) *Amy Kerrivan*, sworn February 11th, 2020;
- (l) *Marc Kestenber*, sworn October 10th, 2013;
- (m) *Edward Lammer*, sworn October 10th, 2013 and August 29th, 2014;
- (n) *Adam Peavy*, sworn September 23rd, 2016;
- (o) *Anthony Scialli*, sworn October 11th, 2013, August 27th, 2014, and March 8th, 2017 and *Questioning* thereon;
- (p) *Gary Shaw*, sworn March 6th, 2017, and *Questioning* thereon;
- (q) *Fiona Singh*, sworn October 10th, 2012, December 19th, 2012, August 12th, 2016, and October 12th, 2016, and *Questioning* thereon;
- (r) *Fiona Singh*, sworn February 7th, 2020 and November 24th, 2020; and
- (s) *Randy C. Sutton*, sworn March 13th, 2013;

IT IS HEREBY ORDERED:

1. For the purposes of this Order, capitalized terms used but not defined herein

shall have the meanings given to them in the Plaintiff's *Amended Amended Statement of Claim*, filed January 9th, 2019, a copy of which is attached hereto as Schedule 'A'.

2. The requirements of section 5(1) of the *Class Proceedings Act*, SA 2003, c C-16.5 are met, and the within proceeding is hereby certified as a class proceeding.

3. The Class is defined as:

Women who were prescribed Paxil® in Canada and subsequently aborted, delivered, or miscarried children with congenital malformations after ingesting Paxil® while pregnant, family members who may make claims under *Family Compensation Legislation* following the death of, or injury to such children, children born alive to such women, and provincial and territorial governments who paid Health Care Costs on their behalf.

4. Fiona Singh is appointed as the Representative Plaintiff for the Class.

5. The nature of the claims asserted on behalf of the Class is the following:

On behalf of Class members, the Representative Plaintiff sues the Defendants in negligence and pursuant to *Family Compensation Legislation* for breach of the duty to warn that paroxetine is teratogenic.

6. The relief sought by the class is aggravated, compensatory, punitive, and statutory damages.

7. The common issues are:

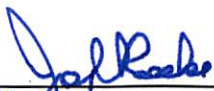
(a) Is paroxetine teratogenic?

(b) If so, did the Defendants breach a duty to warn physicians and patients that paroxetine is teratogenic?

(c) Did the Defendants' conduct in the marketing of Paxil® to pregnant women merit an award of punitive damages?

8. Case management of this proceeding, including any matters arising out of the Certification Decision, is transferred to Justice D.B. Nixon.

9. The Defendants shall pay the Costs of this Application to the Plaintiff in such amounts as may be agreed between Counsel, or as may be assessed by an assessment officer under the Rules.


Associate Justice
CLERK OF THE COURT OF
KING'S BENCH OF ALBERTA
Dec 16/22

APPROVED as to form and content as the Order granted:



1900, 144 – 4th Avenue S.W.
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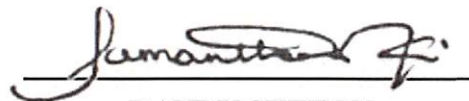
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Per:



CASEY R. CHURKO
Co-Counsel for the Plaintiffs,
Fiona Singh and
Muzaffar Hussain

Per:



RANDY SUTTON
Lawyer for the Defendants,
GlaxoSmithKline Inc.,
GlaxoSmithKline LLC, and
GlaxoSmithKline plc.