

ACTION NUMBER 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
DOCUMENT **CHAMBERS ENDORSEMENT**



Order arising from the procedural hearing on November 8, 2024

Background

[1] On September 12, 2024, Mr. Churko filed an application seeking the Court’s approval of the class action settlement agreement (the Settlement Application). On September 24, 2024, the Settlement Application was granted in relation to the global settlement (the Settlement Fund) with the defendants (collectively, GSK).

[2] The portion of the Settlement Application relating to: (a) legal costs, disbursements and taxes (collectively, the Proposed Legal Costs); and (b) an honorarium for the representative plaintiff, Ms. Fiona Singh, (the Proposed Honorarium), was not heard.

Costs Application

[3] On November 8, 2024, a procedural hearing was held to organize and set deadlines for the applications relating to the Proposed Legal Costs and the Proposed Honorarium, together with an anticipated application to be brought by Mr. Docken relating to legal costs, disbursements and taxes (collectively, the Alternate Proposed Legal Costs).

[4] The hearing relating to the Proposed Legal Costs, Proposed Honorarium and the Alternate Proposed Legal Costs (collectively, the Costs Application) shall be scheduled and heard as a full day hearing, together with an additional one day judicial reading time, on:

- (a) on January 27, 2025 at 10:00 a.m.; or
- (b) subject to the availability of this Court, December 6th, 2024 at 10:00 a.m., and if this earlier date becomes available, the Trilogy Class Action Services (Trilogy) website will be updated to reflect the change in date.

[5] The issues to be decided at the Costs Application are:

- (a) the global amount of legal costs, disbursements and taxes and the Proposed Honorarium, if any; and

- (b) the appropriate allocation of the legal fees, disbursements and taxes as amongst counsel.

Notice

[6] Notice of the Costs Application shall be provided to the parties served with notice of the Settlement Application by:

- (a) posting of this Endorsement on the applicable section of the Trilogy website, together with all documents filed for the Costs Application as they become available;
- (b) sending by email to the known class claimants where they have provided an email address; and
- (c) Mr. Docken to the previous partners of Guardian Law Firm with notice via email.

Filing Dates and Guidelines

[7] The previously filed briefs by Mr. Docken, Mr. Churko, and Mr. Merchant on the Costs Application contained evidence and are not acceptable. Affidavits and new briefs must be filed.

[8] Mr. Docken shall submit his application for filing in relation to the Alternate Proposed Legal Costs, together with any supporting affidavits, no later than November 20, 2024.

[9] All opposing affidavits shall be submitted for filing no later than November 26, 2024.

[10] Except for the documents referred in paragraph 11, the body of each affidavit shall not exceed 10 pages in length and the attached exhibits shall not exceed 40 pages, for a total of 50 pages, each page to be numbered.

[11] The legal brief and affidavits filed in advance of the September 24, 2024 hearing, and the affidavit of Nadine Covill filed November 8, 2024, by Merchant Law Group, are accepted as part of the record in relation to the Costs Application.

[12] Legal briefs in support of the Alternate Proposed Legal Costs shall be filed no later than December 2, 2024.

[13] Legal briefs in support of the Proposed Legal Costs and the Proposed Honorarium (to the extent that addition materials are relied upon) and in opposition of the Alternate Proposed Legal Costs shall be filed no later than December 4, 2024.

[14] Except for the documents referred to in paragraph 11, legal briefs shall not exceed 10 pages, excluding attached authorities. Legal briefs may not include evidence.

[15] In addition to the affidavits and legal briefs being submitted for filing as set out in the paragraphs above, they, together with the legal brief and affidavits filed in advance of the September 24, 2024 hearing and the affidavit of Nadine Covill, shall be:

- (a) provided by email to counsel and this Court on the deadline, with a follow-up email with filed copies; and
- (b) filed copies shall be provided by Mr. Churko to Trilogy, upon receipt by Mr. Churko, and shall be promptly uploaded to the Trilogy website.

Trust funds

[16] Mr. Sutton is to provide to the Court with confirmation of the capacity of Norton Rose Fulbright LLP to hold the Settlement Funds in an interest-bearing trust account pending distribution. If Norton Rose Fulbright LLP is unable to hold the Settlement Funds, the money will be deposited to the Court of King’s Bench in an interest-bearing account.

[17] Mr. Churko shall advise the Court, and other counsel, by email, of the full corporate name of Trilogy.

DATE OF DECISION: November 8, 2024

Justice Signature: 
Justice EJ Sidnell

Counsel:

For the Plaintiffs and the Class

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For the Defendants

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