

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MADAM } THURSDAY , THE 16TH DAY
 }
JUSTICE J. AKBARALI } OF DECEMBER, 2021

BETWEEN:

DOUGLAS CARTER and CALVIN JESSOME

Plaintiffs

and

ASTRAZENECA CANADA INC., BGP PHARMA ULC,
MYLAN PHARMACEUTICALS ULC, and
TAKEDA PHARMACEUTICALS AMERICA INC

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by the Defendants for an Order dismissing this proposed class action for delay pursuant to s. 29.1 of the *Class Proceedings Act, 1992* was read this day at the Courthouse in Toronto, Ontario.

ON READING the materials filed and taking notice of the consent of the Plaintiffs, it being acknowledged that the Plaintiffs have taken no steps to advance the action since filing the Statement of Claim:

1. **THIS COURT ORDERS** that the action is dismissed with prejudice, effective December 31, 2021.
2. **THIS COURT ORDERS** that Merchant Law Group (“MLG”), the lawyers for the Plaintiffs, shall, within 10 days of the date of this Order, publish a copy of this Order and the Notice of Dismissal of Action attached hereto as Schedule “A” on their website (<https://www.merchantlaw.com/class-actions/current-class-actions/nexium-losec-prevacid>), and the Order and Notice shall remain in place for at least six months from the date of this Order.
3. **THIS COURT ORDERS** that MLG shall, within 10 days of the date of this Order, send a copy of this Order and the Notice of Dismissal of Action by email (or if no email address was provided, direct mail) to each individual who has contacted MLG with respect to this matter.
4. **THIS COURT ORDERS** that MLG shall bear the costs of giving notice in accordance with this Order and shall not attempt to recoup any portion of these costs from the proposed class, any proposed class member, or from the Defendants.
5. **THIS COURT ORDERS** that the Plaintiffs shall pay to the Defendants the costs of this motion and of the action, fixed in the amount of \$4,500.00 (being \$1,500 to each Defendant group, as follows: (1) AstraZeneca Canada Inc.; (2) Takeda Pharmaceuticals America Inc.; and (3) Mylan Pharmaceuticals ULC/BGP Pharma ULC), inclusive of all fees, disbursements, and applicable taxes.

THIS ORDER BEARS INTEREST at the rate of 2.0% per year commencing on
December ____16____, 2021.

A handwritten signature in blue ink is positioned above a solid horizontal black line. The signature consists of several loops and a long horizontal stroke extending to the right.

SCHEDULE “A” – NOTICE OF DISMISSAL OF ACTION

**Important Notice Regarding the Proton Pump Inhibitors
(including Nexium®, Prevacid®, Losec®) Class Action (Ontario
Superior Court of Justice Court File No. CV-17-578782-00CP)**

On July 12, 2017, Douglas Carter and Calvin Jessome (the “**Plaintiffs**”) commenced a proposed class proceeding against AstraZeneca Canada Inc., BGP Pharma ULC, Mylan Pharmaceuticals ULC, and Takeda Pharmaceuticals America Inc. (the “**Defendants**”). The proposed class proceeding involved proton pump inhibitor prescription medicines marketed by the Defendants (including Nexium®, Prevacid®, and Losec®). The Defendants deny all of the allegations made against them in the proceeding.

The proceeding was never certified as a class action. As the matter has not advanced since the claim was filed, the Ontario Superior Court of Justice has ordered that, effective December 31, 2021, the proceeding is dismissed for delay pursuant to s. 29.1 of the *Class Proceedings Act, 1992*.

YOU SHOULD TAKE NOTICE THAT while this proposed class action was pending, limitation periods (time limits) for starting individual actions in Ontario against the Defendants were suspended. Those limitation periods will begin running again as of December 31, 2021. Upon the expiry of a limitation period, you may lose any right you might have had to sue. If you wish to pursue your own action against the Defendants, you should consult with your own lawyer, as you may need to take steps to protect your rights.

If you have any questions about any of the information in this notice, please contact Merchant Law Group (<http://www.merchantlaw.com>) or call 306-359-7777.

This notice has been approved by the Ontario Superior Court of Justice.

DOUGLAS CARTER et al. v. ASTRAZENECA CANADA INC. et al.
Plaintiffs Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

ORDER

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