

Court File No. CV-11-437880-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE AKBARALI

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)  
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Thursday....., THE 24th...  
DAY OF November, 2022

B E T W E E N:

(Court Seal)

BARBARA ADKIN, EDWARD PREBINSKI  
and ANDREA POWELL

Plaintiffs

- and -

JANSSEN-ORTHO INC., JOHNSON & JOHNSON INC., JOHNSON &  
JOHNSON, JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH &  
DEVELOPMENT, LLC, ORTHO-MCNEIL PHARMACEUTICALS INC.,  
BAYER INC., BAYER CORPORATION, BAYER HEALTHCARE  
PHARMACEUTICALS, INC., BAYER HEALTHCARE, LLC, and  
RANBAXY PHARMACEUTICALS CANADA 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 on this day at the courthouse, 330 University Avenue, in Toronto, Ontario.

**ON READING** the materials filed and taking notice of the consent of the parties:

1. **THIS COURT ORDERS** that the action is dismissed, with prejudice, effective 60 days from the date of this Order.
  
2. **THIS COURT ORDERS** that Merchant Law Group LLP (“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/levaquinciproavelox-class-actions/>), 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, by direct mail if a postal address was provided) 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 there be no costs of this motion or this proceeding.



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*(Signature of judge, officer or registrar)*

**SCHEDULE “A” – NOTICE OF DISMISSAL OF ACTION**

**Important Notice Regarding the Levaquin®/Cipro®/Avelox® Class Action (Ontario Superior Court of Justice Court File No. CV-11-437880-00CP)**

On October 24, 2011, Barbara Adkin, Edward Prebinski and Andrea Powell (the “**Plaintiffs**”) commenced a proposed class proceeding, with Merchant Law Group as counsel, against Janssen-Ortho Inc., Johnson & Johnson Inc., Johnson & Johnson, Johnson & Johnson Pharmaceutical Research & Development, LLC, Ortho-McNeil Pharmaceuticals Inc., Bayer Inc., Bayer Corporation, Bayer Healthcare Pharmaceuticals, Inc., Bayer Healthcare, LLC, and Ranbaxy Pharmaceuticals Canada Inc. (the “**Defendants**”). The proposed class proceeding involved fluoroquinolone antibiotics, a medication indicated for the treatment of various bacterial infections, and alleged they caused tendon injuries. 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 November 24, 2022, 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 resume running again as of November 24, 2022. 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.

**OTHER LEGAL PROCEEDINGS:** Please note, a similar proposed class action on behalf of certain Canadian residents is being litigated before the Saskatchewan Court known as ALLISON et. al. v JANSSEN-ORTHO INC. et. al. (Court File No. KBG-RG-02361-2010), which is ongoing class action litigation against the same defendants in relation to the same fluoroquinolone antibiotics and tendon injuries.

The plaintiffs in the Allison class action continue to pursue that litigation and the outcome may not be known for some time.

If you have any questions about any of the information in this notice, please contact Merchant Law Group LLP (<https://www.merchantlaw.com/>) at [info@merchantlaw.com](mailto:info@merchantlaw.com) or 647-558-8894.

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