



Court File No. CV-10-413632 CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

JUSTICE BENJAMIN GLUSTEIN

)
)
)

Thursday..... DAY, THE 13th..

DAY OF July..., 2023

B E T W E E N:

SANDRA FISCHER and JORDYN TAYLOR FISCHER, a minor, by her Litigation
Guardian ALLAN JOHN FISCHER

Plaintiffs

- and -

~~GLAXOSMITHKLINE INC., GLAXOSMITHKLINE PLC,
GLAXOSMITHKLINE CONSUMER HEALTHCARE, INC. and
PROCTER & GAMBLE INC. and PROCTER & GAMBLE COMPANY~~

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by the Defendants for an Order dismissing this action on consent,
was read this day at Toronto, Ontario.

ON READING the Notice of Motion of the Defendants, the Affidavit of Robin Cardillo
sworn July 18, 2022, and the Consent filed by the parties,

1. **THIS COURT ORDERS** that:

(a) This uncertified action is dismissed without costs; and

- (b) Pursuant to section 29.1(2) of the Ontario *Class Proceedings Act, 1992*, S.O. 1992, c. 6, Merchant Law Group LLP, as counsel for the proposed representative plaintiffs, shall provide a Notice of Dismissal (attached hereto as Schedule "A"), by:
- (i) publishing the Notice of Dismissal and a copy of this Order on the website of Merchant Law Group LLP (which will be displayed on its website for not less than 180 days); and
 - (ii) sending by email the Notice of Dismissal and a copy of this Order to every potential class member who has contacted Merchant Law Group LLP to express an interest in this proceeding.



Justice Benjamin Glustein

SCHEDULE “A”

Notice of Dismissal – Poligrip® and Fixodent® Class Action

This is an important legal Notice for individuals in Canada who have used the denture adhesive products Poligrip® or Fixodent®.

A proposed class action was commenced in Ontario on November 4, 2010 by the Plaintiffs (Sandra Fischer et al.) against the makers of Fixodent® (Procter & Gamble Inc.) and Poligrip® (GlaxoSmithKline Consumer Healthcare, Inc.) regarding alleged adverse health effects. A court ruling has not occurred regarding the merits of those allegations or any issues of liability. Instead this proposed class action was dismissed by the Ontario Superior Court Order on July 13, 2023 as the proposed class action was not advanced in a timely manner. This means that this proposed class action is not being litigated and will not be pursued further.

When a proposed class action is commenced, the limitation period(s) is suspended for potential class members until the class action is adjudicated, dismissed, or discontinued. In the result, as of July 13, 2023, the limitation period(s) is no longer suspended. Users of Fixodent® or Poligrip® who wish to commence an individual lawsuit should seek legal advice without delay.

No further steps concerning this matter are being undertaken by Merchant Law Group LLP.

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

Avis de désistement – Action collective concernant les produits Poligrip^{MD} et Fixodent^{MD}

Ceci est un Avis légal important adressé à toute personne au Canada qui a utilisé les produits d'adhésifs pour dentier Poligrip^{MD} ou Fixodent^{MD}.

Une action collective avait été intentée le 4 novembre 2010 par les Demandeurs (Sandra Fischer et al.) contre les manufacturiers de Fixodent^{MD} (Procter & Gamble Inc.) et Poligrip^{MD} (GlaxoSmithKline Consumer Healthcare, Inc.) en lien avec les effets indésirables allégués sur la santé des utilisateurs. Aucune décision n'a été rendue par le Tribunal quant au bien-fondé de ces allégations ni sur la responsabilité des Défenderesses. L'action collective proposée a plutôt été rejetée par l'Ordonnance de la Cour Supérieure de l'Ontario datée du 13 Juillet, 2023, considérant que le dossier de l'action collective proposée n'a pas progressé en temps opportun. Cela signifie que l'action collective proposée ne sera pas plaidée et ne continuera pas son cours.

Lorsqu'une action collective est intentée, tout délai de prescription est suspendu à l'égard des membres potentiels du groupe, et ce jusqu'à ce que l'action collective soit accueillie, rejetée ou abandonnée. Ainsi, depuis le 13 Juillet, 2023, lesdits délais de prescription ne sont plus suspendus. Toute personne ayant utilisé les produits Poligrip^{MD} ou Fixodent^{MD} qui souhaite intenter un recours judiciaire devrait consulter un avocat sans délai.

Aucune autre démarche concernant cette action collective ne sera entreprise par le Cabinet Juridique Merchant/Merchant Law Group LLP.

Le présent Avis a été approuvé par la Cour Supérieure de l'Ontario.

SANDRA FISCHER et al.

-and-

Court File No./N° du dossier du greffe : CV-10-00413632-0000
COURT OF JUSTICE OF ONTARIO
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PROCEEDING COMMENCED AT
TORONTO

Proceeding under the *Class Proceedings Act, 1992*

ORDER

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