

**SUPERIOR COURT**  
**(CLASS ACTION)**

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

N° : 500-06-000544-102

DATE: July 2, 2013

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**PRESIDING : THE HONOURABLE LOUIS J. GOUIN, J.S.C.**

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**MARGARET BÉATRICE OHANA DUNLOP**

*Petitioner*

vs.

**STRYKER CANADA LP**

and

**STRYKER CANADA CORP.**

and

**STRYKER CORPORATION**

and

**STRYKER CANADIAN MANAGEMENT INC.**

and

**HOWMEDICA OSTEONICS CORPORATION**

*Respondents*

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**JUDGMENT ON DISCONTINUANCE**

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[1] CONSIDERING that, on December 10, 2010, the Petitioner instituted a *Motion to Authorize the Bringing of a Class Action & to Ascribe the Status of Representative* (the "**Motion to Authorize**");

[2] CONSIDERING that the group on behalf of which the Motion to Authorize is presented is described as follows:

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*All persons in Canada (including their estates, executors, personal representatives, their dependants and family members), who were implanted with a Stryker Trident PSL Cup or a Stryker Trident Hemispherical Acetabular Cup;*

**ALTERNATELY (OR AS A SUBCLASS):**

*All persons in Québec (including their estates, executors, personal representatives, their dependants and family members), who were implanted with a Stryker Trident PSL Cup or a Stryker Trident Hemispherical Acetabular Cup;*

[3] CONSIDERING that, on May 24, 2013, the Petitioner Margaret Béatrice Ohana Dunlop filed a *Motion for Permission for Discontinuance of a Motion to Authorize the Bringing of a Class Action & to Ascribe the Status of Representative* (the "**Motion for Discontinuance**");

[4] CONSIDERING that the Respondents do not contest the Motion for Discontinuance, but reserve their rights with respect to the allegations set forth therein;

[5] CONSIDERING that the Respondents have waived their right to costs;

[6] CONSIDERING the undertaking by Petitioner's counsel to complete the following steps if the Motion for Discontinuance is granted:


- 1) *Insert a hyperlink on the website of Merchant Law Group (<http://www.merchantlaw.com/>) granting access to a copy of the judgment to be rendered and a paragraph explaining the existence of the said judgment;*
- 2) *Send an e-mail (or a letter) with a copy of the judgment to be rendered with a paragraph explaining the situation to each person that has shared their information with Merchant Law Group through Merchant Law Group's Stryker hip implants database; and*
- 3) *Publish the judgment on the Class Actions Registry of the Superior Court of Quebec and on the Canadian Bar Association Class Action Registry.*

[7] CONSIDERING that it is in the interest of justice to grant the Motion for Discontinuance;

**FOR ALL THESE REASONS, THE COURT:**

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- [8] **GRANTS** the Petitioner's Motion for Discontinuance;
- [9] **GRANTS** the Petitioner permission to discontinue the Motion to Authorize;
- [10] **GRANTS** the Petitioner permission to file a discontinuance of the Motion to Authorize;
- [11] **ORDERS** the Petitioner's counsel to:
1. *Insert a hyperlink on the website of Merchant Law Group (<http://www.merchantlaw.com/>) granting access to a copy of the present judgment and a paragraph explaining the existence of the said judgment;*
  2. *Send an e-mail (or a letter) with a copy of the present judgment with a paragraph explaining the situation to each person that has shared their information with Merchant Law Group through Merchant Law Group's Stryker hip implants database; and*
  3. *Publish the present judgment on the Class Actions Registry of the Superior Court of Quebec and on the Canadian Bar Association Class Action Registry.*
- [12] **THE WHOLE** without costs.

  
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LOUIS J. GOVIN, J.S.C

**Merchant Law Group LLP**  
Me Owen Falquero  
Me Federico Tyrawskyj  
Attorneys for the Petitioner

**Blake, Cassels & Graydon LLP**  
Me Robert Torralbo  
Me Marc-André Landry  
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