

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE STRATHY

) Mon DAY, THIS
) 5th DAY OF MARCH
) ~~FEBRUARY~~, 2012

BETWEEN:

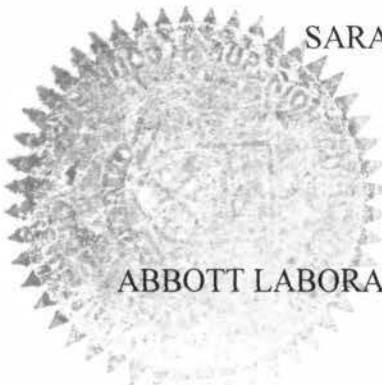
SARAH TURON and DIANE WILLIAMS

Plaintiffs

- and -

ABBOTT LABORATORIES, LTD. AND ABBOTT LABORATORIES

Defendants



Proceedings under the Class Proceedings Act, 1992

ORDER

THIS MOTION, made by the Defendants, for an order, *inter alia*, permanently staying this Action, a putative class action, was heard this day at 393 University Ave., Toronto, ON.

✓ THIS COURT HAVING ORDERED ON JUNE 27, 2011 GRS

~~ON REVIEWING my Endorsement dated June 27, 2011, in which I ordered~~ that the Plaintiffs deliver their motion record for certification by August 31, 2011, failing which the Plaintiffs' putative class proceeding would be permanently stayed, subject to the right of the Plaintiffs to continue this proceeding as an individual action and subject to a further order, if any, with respect to notice to the putative class;

AND ON BEING ADVISED by Plaintiffs' counsel that they have not delivered, and will not be delivering, their certification motion record in accordance with my order;

1. THIS COURT ORDERS that the class action aspect of this proceeding is permanently stayed and that this proceeding ^{may} ~~can~~ proceed only as an individual action; 6/25 J

2. AND THIS COURT ORDERS that no notice shall be required of the stay, but that Plaintiffs' counsel shall be permitted to give notice in the form attached as Schedule "A" as follows:

(a) ^{By} Post ² the notice on its website at 6/25 J
<http://merchantlaw.com/classactions/meridia.php>; and 6/25 J

(b) ^{by} Send the notice by email or regular mail where an email address has not been provided to any individual putative class members who are resident in Ontario and have actually contacted the Plaintiffs or Plaintiffs' counsel regarding this putative class action.

3. THIS COURT FURTHER orders that within thirty (30) days of the order, plaintiffs' counsel shall file an affidavit certifying compliance with para 2(a) and 2(b) and setting out the names of the persons to whom notice has been sent pursuant to para 2(b) ✓

G. R. Strathy J

Mr. Justice Strathy

ENTERED AT / INSCRIBÉ À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

MAR 08 2012

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR: C. J. [Signature]

100

SCHEDULE A

To Ontario Residents:

This is an important notice for individuals who took Meridia® that may affect their legal rights.

A proposed class action against the makers of Meridia®, Abbott Laboratories, Ltd. and Abbott Laboratories, was commenced in Ontario on October 13, 2010, arising from the drug's alleged adverse health effects. Proposed class actions were also commenced in British Columbia on February 16, 2011 on behalf of B.C. residents and any non-residents who choose to opt in, and in Saskatchewan on February 4, 2011 on behalf of all Canadian residents. The Ontario class action has been permanently stayed because the plaintiffs are not willing to move forward in Ontario at this time. This means the Ontario class action will not be going forward.

When a proposed class action is commenced, the limitation period is suspended for class members until the action is dismissed, stayed, or discontinued. The law is uncertain, but the general consensus of Ontario lawyers is that the filing of the actions in B.C. or Saskatchewan suspended the limitation period for residents of Ontario as well. If this is correct, Ontario class members will be able to opt into the B.C. action if it is certified (or automatically be included in the Saskatchewan action, unless they opt out). The B.C. proceeding is moving forward, but it is uncertain when, or if, it will be certified.

Former users of Meridia® who wish to commence an individual claim or who do not want to risk being unable to join a class action in another province should immediately seek the advice of a lawyer licensed to practice in Ontario.