



Court File No. 17-72462-CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE HOOPER

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)

FRIDAY, THE 16th
DAY OF SEPTEMBER, 2022

B E T W E E N:

PATRICK MCWILLIAMS

Plaintiff

- and -

BARD CANADA INC., C.R. BARD, INC., BARD ASDI, INC., DAVOL INC.,
GENZYME CANADA INC. and GENZYME CORPORATION (also doing
business as Genzyme Biosurgery)

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by the defendants, Bard Canada Inc., C.R. Bard, Inc., Bard ASDI, Inc. and Davol Inc. (the “**Bard Defendants**”) for the dismissal of this proceeding under section 29.1(1) of the *Class Proceedings Act, 1992* and associated relief, was rendered on the written record.

ON READING the material filed and on being advised that the parties consent to the form and content of this Order:

1. **THIS COURT ORDERS** that this proceeding is hereby dismissed.

2. **THIS COURT ORDERS** that under section 29.1(3) and 20(3) of the *Class Proceedings Act, 1992*, the form of notice of the dismissal of this proceeding attached to this Order as Schedule “A” is hereby approved.

3. **THIS COURT ORDERS** that counsel for the Plaintiff shall forthwith give the notice of the dismissal of this proceeding by:

- (a) publishing the notice of dismissal and a copy of this Order on counsel for the Plaintiff’s website; and
- (b) sending the notice of dismissal and a copy of this Order to every class member who has contacted counsel for the Plaintiff to express an interest in this proceeding.

4. **THIS COURT ORDERS** that counsel for the Plaintiff shall bear the costs of giving notice in the manner set out at paragraph 3 of this Order.

5. **THIS COURT ORDERS** that there shall be no costs of this motion or of this proceeding.

A handwritten signature in black ink, appearing to read "Justice J. Hooper", is written over a horizontal line. The signature is stylized and cursive.

Justice J. Hooper

Issued on September 16 2022

SCHEDULE “A”

Notice Regarding Hernia Mesh Products Class Proceeding (Ontario Superior Court of Justice Court File No. CV-17-72462-CP)

On April 28, 2017, Patrick McWilliams (the “**Plaintiff**”) commenced a proposed class proceeding against Bard Canada Inc., C.R. Bard, Inc., Bard ASDI, Inc., Davol Inc., Genzyme Canada Inc. and Genzyme Corporation (also doing business as Genzyme Biosurgery) (the “**Defendants**”). The proposed class proceeding involved all of the Defendants’ hernia mesh products designed with polypropylene, including, but not limited to the Kugel™ Hernia Mesh Patch, the 3D Max™ Mesh, the PerFix™ Plug, the Ventralex™ Hernia Mesh, the Ventralex™ ST Hernia Mesh, and the Sepramesh™ Composite.

The Defendants deny all of the allegations made against them in the proceeding.

The proceeding was never advanced to certification and, as a result, the Ontario Superior Court of Justice has ordered that, effective [●], the proceeding is dismissed for delay pursuant to s. 29.1 of the *Class Proceedings Act, 1992*.

TAKE NOTICE THAT while this proposed class action was pending, limitation periods (time limits) for starting individual claims against the Defendants regarding matters alleged in *McWilliams* were suspended. The Defendants’ hernia mesh products are the subject of other ongoing proposed class actions, which may maintain this suspension for certain claims. 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 Consumer Law Group P.C. at info@clg.org (<http://www.clg.org>) or call (613) 627-4894.

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

PATRICK MCWILLIAMS
Plaintiff

-and-

BARD CANADA INC. and others
Defendants

Court File No. 17-72462-CP

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
OTTAWA

Proceeding under the *Class Proceedings Act, 1992*

ORDER

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Davol Inc.