

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE **RADY**

Tri, THE 11th DAY
OF March, 2022.

BETWEEN:

TESSIE MONTOUR and CATHERINE DESCHENES

Plaintiffs

- and -

COVIDIEN CANADA ULC and MEDTRONIC OF CANADA LTD.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by the Plaintiffs, for the dismissal of the action was ^{read} ~~heard~~ ^{JR} this day in writing at the London Courthouse, located at 80 Dundas Street, London, Ontario.


ON READING the motion record of the Plaintiffs filed, including the Consent of the Parties,

THIS COURT ORDERS THAT:

1. The within action is hereby dismissed, with prejudice and without costs, pursuant to section 29.1 of the *Class Proceedings Act, 1992*.
2. Within 10 days of the date of this Order, McKenzie Lake Lawyers LLP ("McKenzie Lake"), counsel for the Plaintiffs, shall publish a copy of this Order and the letter

attached hereto as Schedule "A" (the "Letter") on McKenzie Lake's website, as part of the hernia mesh class proceeding webpage (<https://www.mckenzielake.com/hernia-mesh/>), and the Order and Letter shall remain in place for at least six months from the date of this Order.

3. Within 10 days of the date of this Order, McKenzie Lake shall send a copy of this Order and the Letter by email (or, if no email address was provided, by direct mail) to each individual who has contacted McKenzie Lake with respect to this action.
4. McKenzie Lake 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. There shall be no costs with respect to this proceeding.



The Honourable Justice **RADY**

Schedule "A"



MCKENZIE LAKE

LAWYERS

Please send reply to: Christina Noble
Noble@mckenzielake.com
Our File No. 22131-87755

DATE

Personal & Confidential

[Potential Class Member]
[Potential Class Member Address]

Dear [Potential Class Member]:

**Re: Covidien Hernia Mesh Class Action
Notice of Dismissal & Alternate Class Action Information**

You are receiving this letter as you have previously contacted McKenzie Lake Lawyers LLP, to represent you in your potential claim within the Covidien Hernia Mesh Class Action.

This letter is to advise you of the dismissal of this particular action, as it is no longer necessary in light of *Colleen Brunelle, et. al. v. Medtronic Canada, et. al.*, Court File No. CV-17-577976-00CP (Brunelle Action), which involves similar claims and defendants. As plaintiffs' counsel in this action and the Brunelle Action have agreed to work cooperatively, nothing is required from you at this time, as your potential claim will be pursued in the Brunelle Action.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,

McKenzie Lake Lawyers LLP

Christina Noble
Law Clerk