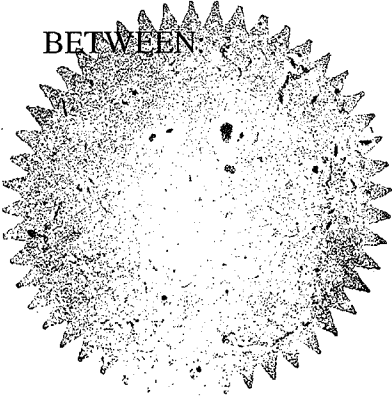


ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE ) THURSDAY, THE 7<sup>TH</sup> DAY  
JUSTICE STRATHY ) OF JANUARY, 2010

BETWEEN



**Brian Singer**

Plaintiff

- and -

**Schering-Plough Canada Inc.**

Defendant

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

**THIS MOTION** made by the Plaintiff seeking to certify this action as a class proceeding was heard between October 14-16, 2009, at Osgoode Hall, 130 Queen Street West, Toronto, Ontario, in conjunction with a motion by the Plaintiff to certify action CV-08-00359523-0000CP as a class proceeding;

**UPON HEARING** the submissions of counsel for the Plaintiff and counsel for the Defendants in both actions, and upon reading the materials filed, and upon receiving written submissions by counsel for the Plaintiff and counsel for the Defendants concerning costs of the motion; *and the Reasons for Decision on Costs having been released on March 26, 2010* ✓ *RL*

**THIS COURT ORDERS:**

1. That the Plaintiff's motion for certification of this action as a class proceeding is dismissed;
2. That the Defendant, Schering-Plough Canada Inc., is awarded costs in respect of the motion to certify this action as a class proceeding in the amount of \$200,000 inclusive.

#1220672

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

APR 16 2010

AS DOCUMENT NO.:  
À TITRE DE DOCUMENT NO.:  
PER / PAR:



Rm. Ittleman 2010/04/16

**R. Ittleman, Registrar**  
Superior Court of Justice

**BRIAN SINGER**  
Plaintiff

v. **SCHERING-PLOUGH CANADA INC.**  
Defendant

Court File No: CV-08-00-3595310000CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**ORDER**

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Solicitors for the Plaintiff