

Court File No. CV-22-00690262-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE LEIPER

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WEDNESDAY, THE 14th
DAY OF MAY, 2025

BETWEEN



V.T.

Plaintiff

-and-

AURORA CANNABIS INC., AURORA CANNABIS ENTERPRISES INC., and
MEDRELEAF CORP.

Defendants

Proceeding under the Class Proceedings Act, 1992

**ORDER
(Certification)**

THIS MOTION, made by the Plaintiff for an Order certifying this proceeding as a class proceeding against Aurora Cannabis Inc. and Aurora Cannabis Enterprises Inc., approving the publication of the condensed form, short-form, and long-form notices of certification, and the notice plan, was heard this day by judicial videoconference at Osgoode Hall courthouse, 130 Queen Street West, Toronto, Ontario.

ON READING the materials filed by the parties, and on hearing the submissions of the lawyers for the Plaintiff and Defendants,

AND ON BEING ADVISED that the Defendants consent to this Order;

1. THIS COURT ORDERS that this action is certified as a class proceeding under the *Class Proceedings Act, 1992*, SO 1992, c 6, as amended;

2. THIS COURT ORDERS that Sotos LLP are hereby appointed as Class Counsel;

3. THIS COURT ORDERS that the Class shall be defined as:

All persons in Canada who purchased a Cannabis Product from one or more of the Defendants on or after February 1, 2014 to the date the order for certification of this action becomes final (the “**Class Period**”) who were diagnosed or differentially diagnosed with cannabinoid hyperemesis syndrome during the Class Period after consuming one or more Cannabis Products, where “Cannabis Products” or “Cannabis Product” means cannabis and/or synthetic cannabinoid resins, pills, lozenges, concentrates, oils, edibles, beverages, vapours, and raw and adulterated plant material cultivated, designed, manufactured, packaged, labeled, distributed, marketed, and/or sold by the Defendants.

4. THIS COURT ORDERS that V.T. shall be appointed as the representative plaintiff;

5. THIS COURT ORDERS that the Plaintiff is granted leave to amend her Statement of Claim in the form attached hereto as Schedule “A”;

6. THIS COURT DECLARES that the claim asserted on behalf of the Class is negligence and that statutory subrogated claims are asserted on behalf of the Provincial Health Insurers;

7. THE COURT ORDERS that the Plaintiff's claims under consumer protection legislation and for unjust enrichment and all gains-based remedies including disgorgement and restitution are dismissed, with prejudice;

8. THIS COURT DECLARES that the relief sought is general and aggravated damages, and the costs of the Public Health Insurers' subrogated claims;

9. THIS COURT DECLARES that the common issues are:

Definitions

- i) "Cannabis Products" or "Cannabis Product" means cannabis and/or synthetic cannabinoid resins, pills, lozenges, concentrates, oils, edibles, beverages, vapours, and raw and adulterated plant material cultivated, designed, manufactured, packaged, labeled, distributed, marketed, and/or sold by the Defendants; and
- ii) "CHS" means cannabinoid hyperemesis syndrome;

Liability Issues – Failure to Warn

- 1) Do the Cannabis Products, when used regularly (i.e. at least once per week), cause cannabinoid hyperemesis syndrome (CHS)?
- 2) If the answer to Question #1 is yes, when did the Defendants know, or when ought the Defendants to have known of this causal relationship between the regular use of Cannabis Products and CHS?
- 3) If the answer to #1 is yes, did the Defendants, or any one or more thereof, have a duty to warn the Class Members of the risk of developing CHS associated with the use of the Cannabis Products?

(A) If so, when did the duty to warn arise?

- 4) If the answer to Question #3 is yes, did the Defendants breach their duty to warn the Class Members of the risk of CHS?
 - 5) If the answer to Question #4 is yes, when did that breach start?
 - 6) If the answer to Question #4 is yes, did the breach of the duty to warn cause or contribute to the Class Members suffering from CHS?
 - 7) Are the Class Members “insured persons” who are entitled to recovery from the Defendants for the costs of health care services provided by Provincial Health Insurers (“PHIs”), in relation to which PHIs have a subrogated interest under the applicable health care cost recovery legislation in each Province and Territory?
10. THIS COURT ORDERS that the condensed form, short-form, and long-form notices of certification (“The Notices of Certification”) are hereby approved substantially in the forms attached respectively hereto as Schedules “B”, “C”, and “D”;
11. THIS COURT ORDERS that the plan of dissemination of the Notices of Certification is hereby approved in the manner outlined in the Plaintiff’s Amended Litigation Plan attached hereto as Schedule “E”;
12. THIS COURT ORDERS that CA2 Inc. is appointed as the Notice Administrator to deliver the Notice of Certification to the Class;
13. THIS COURT ORDERS that no person may bring any action or take any proceeding against the Notice Administrator or the parties for sharing information concerning Class Members between the Notice Administrator and the parties for the purpose of implementing the Notice of Certification;

14. THIS COURT ORDERS that Class Members may opt out of this proceeding on the following terms:

- (a) a Class Member may opt out of this proceeding by sending to the Notice Administrator a written election to opt out, or an opt out form, by mail, courier, fax or email on or before 5 pm PST on the day that is 60 days after the date of first publication of the Notice of Certification (the “**Opt-Out Deadline**”);
- (b) the written election to opt out must contain the following information to be valid:
 - (i) the Class Member’s full name and current address;
 - (ii) if a designee is providing the opt out, their full name and current address and a statement that they have the authority to act on behalf of the Class Member, and the nature of that authority; and
 - (iii) a statement that the Class Member wishes to be excluded from the Class Action; and,
 - (iv) the Class Member’s or Designee’s signature (which may be original or an electronic signature);
- (c) no person may opt out of this proceeding after the Opt-Out Deadline without leave of the Court; and
- (d) by 30 days after the Opt-Out Deadline, the Notice Administrator shall report to the court, and to counsel for the parties, the names and addresses of all persons who have opted out of this class proceeding;

15. THIS COURT DIRECTS that no information about this class action other than the Notices of Certification will be disseminated by the Defendants to any Class Member during the opt-out period, unless approved by Class Counsel and, failing the approval of Class Counsel, then as approved by the Court.

16. THIS COURT ORDERS that, within 30 days of the date hereof, the Defendants shall disclose to the Notice Administrator and to Class Counsel the names and last known contact information for all known potential Class members, being all present or former customers of the

Defendants who have purchased Cannabis Products online through the Defendants' (including MedReleaf's) online storefronts (the "Class List").

17. THIS COURT ORDERS that Class Counsel and the Notice Administrator shall use the Class List solely for the purposes of providing potential class members with notice of certification of the class action, and to assist in the prosecution of the Class Action.

18. THIS COURT ORDERS AND DECLARES that the uses of the potential class members' personal information referred to herein do not breach their statutory or common law privacy rights.

19. THIS COURT ORDERS that this Order constitutes an order compelling production of the Class List within the meaning of applicable privacy laws and that this Order satisfies the requirements of s. 41(1)(d)(i) of the *Personal Health Information Protection Act*, 2004 S.O. 2004, c. 3, Sch. A, s. 2(2)(c) of the *Privacy Act*, RSBC 1996, c 373, and s. 7(3)(i) of the *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5.

20. THIS COURT ORDERS that compliance with this Order meets any requirement under any applicable privacy laws for the Defendants to provide any notice to persons of disclosure of the information required in this Order, without consent.

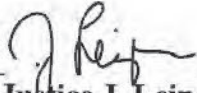
21. THIS COURT ORDERS that the Defendants are released from any and all obligations pursuant to any and all applicable privacy laws, including common law, statutes and regulations in relation to the disclosure of personal information required by this Order.

22. THIS COURT ORDERS that the costs associated with completing the notice plan will be paid by Class Counsel, and may be reimbursed from the proceeds of any court-approved settlement

made in favour of the Class, or reimbursed to Class Counsel from any costs awards made in favour of the Plaintiff as a necessary disbursement in the action without further order of the Court.

23. THIS COURT ORDERS that the Defendants shall pay to the Plaintiff her costs of this motion fixed in the sum of \$40,000 + HST inclusive of disbursements.

Date: May 14, 2025


Justice J. Leiper
WITNESSED MAY 22/2025