

No. 40556

May 25, 2023

Le 25 mai 2023

BETWEEN:

His Majesty the King in Right of the
Province of British Columbia

Applicant / Respondent on cross-appeal

- and -

Apotex Inc., Bristol-Myers Squibb Canada,
Bristol-Myers Squibb Company, Mylan
Pharmaceutical ULC, Janssen Inc., Sandoz
Canada Inc., Teva Canada Limited, Teva
Canada Innovation G.P. – S.E.N.C.,
Actavis Pharma Company, Ranbaxy
Pharmaceuticals Canada Inc.,
Pharmascience Inc., Imperial Distributors
Canada Inc., LPG Inventory Solutions,
McKesson Canada Corporation, Noramco
Inc., Sanis Health Inc., Shoppers Drug
Mart Inc., Valeant Canada LP / Valeant
Canada S.E.C., Bausch Health Companies
Inc., Paladin Labs, Endo Pharmaceuticals
Inc., Endo International PLC and Endo
Ventures Ltd.

Respondents / Applicants on cross-appeal

Apotex Pharmaceutical Holdings, Inc.,
Johnson & Johnson, Ethypharm Inc.,

ENTRE :

Sa Majesté le Roi du chef de la province de
la Colombie-Britannique

Demandeur / Intimé à l'appel incident

- et -

Apotex Inc., La Société Bristol-Myers
Squibb Canada, Bristol-Myers Squibb
Company, Mylan Pharmaceutical ULC,
Janssen Inc., Sandoz Canada Inc., Teva
Canada Limitée, Teva Canada Innovation
G.P. – S.E.N.C., Actavis Pharma Company,
Ranbaxy Pharmaceuticals Canada Inc.,
Pharmascience Inc., Imperial Distributors
Canada Inc., LPG Inventory Solutions, La
Corporation McKesson Canada, Noramco
Inc., Sanis Health Inc., Shoppers Drug Mart
Inc., Valeant Canada LP / Valeant Canada
S.E.C., Bausch Health Companies Inc.,
Paladin Labs, Endo Pharmaceuticals Inc.,
Endo International PLC et Endo Ventures
Ltd.

Intimés / Demandeurs à l'appel incident

Apotex Pharmaceutical Holdings, Inc.,
Johnson & Johnson, Ethypharm Inc., Joddes

Joddes Limited, Pro Doc Limitée, The Jean Coutu Group (PJC) Inc., Purdue Frederick Inc., Purdue Pharma Inc., Purdue Pharma L.P., The Purdue Frederick Company Inc., Sun Pharmaceutical Industries Ltd., Hikma Pharmaceuticals PLC, Hikma Labs Inc., West-Ward Columbus Inc., Roxane Laboratories Inc., Boehringer Ingelheim (Canada) Ltd. / Boehringer Ingelheim (Canada) Ltée., Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Amerisourcebergen Canada Corporation, Kohl & Frisch Distribution Inc., Kohl & Frisch Limited, Procurity Inc., Procurity Pharmacy Services Inc., Unipharm Wholesale Drugs Ltd., McKesson Corporation and Nu-Quest Distribution Inc.

Respondents

JUDGMENT

The application for leave to appeal from the judgments of the Court of Appeal for British Columbia (Vancouver), Numbers CA48049, CA48050, CA48051, CA48052, CA48053, CA48054, CA48055, CA48056, CA48057, CA48058, CA48060, CA48062, and CA48067, 2022 BCCA 366, dated November 2, 2022, is dismissed with costs to the respondents, Apotex Inc., Bristol-Myers Squibb Canada, Bristol-Myers Squibb Company, Mylan Pharmaceutical ULC, Janssen Inc., Sandoz Canada Inc., Teva Canada Limited, Teva Canada Innovation G.P. – S.E.N.C., Actavis Pharma Company, Ranbaxy Pharmaceuticals Canada Inc., Pharmascience Inc., Imperial Distributors Canada Inc., LPG Inventory Solutions, McKesson Canada Corporation, Noramco Inc., Sanis Health Inc., Shoppers

Limited, Pro Doc Limitée, The Jean Coutu Group (PJC) Inc., Purdue Frederick Inc., Purdue Pharma Inc., Purdue Pharma L.P., The Purdue Frederick Company Inc., Sun Pharmaceutical Industries Ltd., Hikma Pharmaceuticals PLC, Hikma Labs Inc., West-Ward Columbus Inc., Roxane Laboratories Inc., Boehringer Ingelheim (Canada) Ltd. / Boehringer Ingelheim (Canada) Ltée., Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Amerisourcebergen Canada Corporation, Kohl & Frisch Distribution Inc., Kohl & Frisch Limited, Procurity Inc., Procurity Pharmacy Services Inc., Unipharm Wholesale Drugs Ltd., McKesson Corporation et Nu-Quest Distribution Inc.

Intimés

JUGEMENT

La demande d'autorisation d'appel des arrêts de la Cour d'appel de la Colombie-Britannique (Vancouver), numéros CA48049, CA48050, CA48051, CA48052, CA48053, CA48054, CA48055, CA48056, CA48057, CA48058, CA48060, CA48062 et CA48067, 2022 BCCA 366, daté du 2 novembre 2022, est rejetée avec dépens aux intimés, Apotex Inc., La Société Bristol-Myers Squibb Canada, Bristol-Myers Squibb Company, Mylan Pharmaceutical ULC, Janssen Inc., Sandoz Canada Inc., Teva Canada Limitée, Teva Canada Innovation G.P. – S.E.N.C., Actavis Pharma Company, Ranbaxy Pharmaceuticals Canada Inc., Pharmascience Inc., Imperial Distributors Canada Inc., LPG Inventory Solutions, La Corporation McKesson Canada, Noramco Inc., Sanis Health Inc., Shoppers Drug Mart

Drug Mart Inc., Valeant Canada LP / Valeant Canada S.E.C., Bausch Health Companies Inc., Paladin Labs, Endo Pharmaceuticals Inc., Endo International PLC and Endo Ventures Ltd.

Inc., Valeant Canada LP / Valeant Canada S.E.C., Bausch Health Companies Inc., Paladin Labs, Endo Pharmaceuticals Inc., Endo International PLC et Endo Ventures Ltd.

The applications for leave to cross-appeal are dismissed with costs to the applicant.

Les demandes d'autorisation d'appel incident sont rejetées avec dépens au demandeur.

Côté and Rowe JJ. took no part in the judgment.

Les juges Côté et Rowe n'ont pas participé au jugement.

C.J.C.
J.C.C.