

October 22, 2009

Le 22 octobre 2009

Coram: McLachlin C.J. and Abella and
Rothstein JJ.

Coram : La juge en chef McLachlin et les
juges Abella et Rothstein

BETWEEN:

ENTRE :

Merck Frosst Canada Ltd. and
Merck & Co. Inc.

Merck Frosst Canada Ltd. et
Merck & Co. Inc.

Applicants

Demandereses

- and -

- et -

Gerald Wuttunee, John Doe I, John Doe II,
John Doe III, John Doe IV, John Doe V,
Jane Doe I, Jane Doe II, Jane Doe III, Jane
Doe IV, Jane Doe V, Dr. John Doe I, Dr.
Jane Doe I, and other John Does & Jane
Does to be added, Attorney General of
Canada and Attorney General of
Saskatchewan

Gerald Wuttunee, John Doe I, John Doe II,
John Doe III, John Doe IV, John Doe V,
Jane Doe I, Jane Doe II, Jane Doe III, Jane
Doe IV, Jane Doe V, Dr. John Doe I, Dr.
Jane Doe I, and other John Does & Jane
Does to be added, Procureur général du
Canada et Procureur général de la
Saskatchewan

Respondents

Intimés

AND BETWEEN:

ET ENTRE :

Gerald Wuttunee, John Doe I, John Doe II,
John Doe III, John Doe IV, John Doe V,
Jane Doe I, Jane Doe II, Jane Doe III, Jane
Doe IV, Jane Doe V, Dr. John Doe I, Dr.
Jane Doe I, and other John Does & Jane
Does to be added

Gerald Wuttunee, John Doe I, John Doe II,
John Doe III, John Doe IV, John Doe V,
Jane Doe I, Jane Doe II, Jane Doe III, Jane
Doe IV, Jane Doe V, Dr. John Doe I, Dr.
Jane Doe I, and other John Does & Jane
Does to be added

Applicants

Demandeurs

- and -

- et -

Merck Frosst Canada Ltd. and
Merck & Co. Inc.

Merck Frosst Canada Ltd. et
Merck & Co. Inc.

Respondents

Intimées

JUDGMENT

JUGEMENT

The applications for leave to appeal and the application to cross-appeal from the judgment of the Court of Appeal for Saskatchewan, Number 1595, 2009 SKCA 43, dated March 30, 2009, are dismissed.

Les demandes d'autorisation d'appel et la demande d'autorisation d'appel incident de l'arrêt de la Cour d'appel de la Saskatchewan, numéro 1595, 2009 SKCA 43, daté du 30 mars 2009, sont rejetées.

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