

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: ***Ritchie-Smith Feeds, Inc. et al. v.
Rhône-Poulenc Canada Inc. et al.,***
2005 BCSC 583

Date: 20050418
Docket: L003124
Registry: Vancouver

Between:

**Ritchie-Smith Feed, Inc., Wendy Weberg
and Top Shelf Feeds Inc.**

Plaintiffs

And

**Rhône-Poulenc Canada Inc.,
Degussa-Hüls AG, Degussa Corporation,
Novus International, Inc., Aventis Animal Nutrition S.A.
and Degussa Canada Inc.**

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

(Methionine)

- and -

Docket: L002690
Registry: Vancouver

Between:

Ritchie-Smith Feeds, Inc., Wendy Weberg

Plaintiffs

And

**BASF Aktiengesellschaft, BASF Corporation,
BASF Canada Inc., Chinook Group, Ltd.,
Chinook Group, Inc., DCV, Inc., Ducoa L.P.,
Akzo Nobel NV, Bioproducts, Inc.,**

**Russell Cosburn, John Kennedy,
Robert Samuelson, Lindell Hilling,
John L. "Pete" Fischer, Antonio Felix and
Akzo Nobel Chemicals BV**

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

(Choline Chloride)

- and -

Docket: L023727
Registry: Vancouver

Between:

Ritchie-Smith Feeds, Inc. and Wendy Weberg

Plaintiffs

And

UCB S.A., UCB Chemicals Corporation and UCB, Inc.

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

- and -

Docket: L003045
Registry: Vancouver

Between:

**Ritchie-Smith Feeds, Inc.
Wendy Weberg**

Plaintiffs

And

**Degussa-Hüls AG, Degussa Corporation,
Reilly Industries Inc., Reilly Chemicals, S.A.,
Vitachem Company, Alusuisse-Lonza Canada Inc.,
Lonza A.G., Nepera, Incorporated, Roger Noack,
David Purpi and Degussa Canada Inc.**

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

(Niacin)

- and -

Docket: L003292
Registry: Vancouver

Between:

Ritchie-Smith Feeds, Inc., Wendy Weberg

Plaintiffs

And

**Roche Holding AG, F. Hoffmann-La Roche Ltd., Hoffmann-La Roche, Inc.,
Roche Vitamins, Inc., Hoffmann-La Roche Limited/Limiteé, Aventis Animal
Nutrision S.A., Aventis Animal Nutrition Canada Inc., BASF Aktiengesellschaft,
BASF Corporation, BASF Canada Inc., Eisai Co. Ltd., Takeda Chemical
Industries , Ltd., Takeda Canada Vitamin and Food Inc., Merck KgaA, Daiichi
Pharmaceutical Company, Ltd., Reinhard Steinmetz, Dieter Suter, Hugo
Strotmann, Andreas Hauri, Kuno Sommer and Roland Brönnimann, Hoechst
Marion Roussel S.A., Roussel Canada Inc.**

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

(Bulk Vitamins)

- and -

Docket: L003307

Registry: Vancouver

Between:

**Ritchie-Smith Feeds, Inc.
Wendy Weberg**

Plaintiffs

And

**Roche Holding AG, F. Hoffmann-La Roche Ltd.,
Hoffmann-La Roche Ltd., Hoffmann-La Roche Inc.,
Roche Vitamins, Inc., Merck KgaA, Lonza A.G.,
Alusuisse-Lonza Canada Inc.,
Sumitomo Chemical Co. Ltd.,
Sumitomo Canada Limited/Limitée,
Tanabe Seiyaku Co., Ltd.**

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

(Biotin)

Before: The Honourable Mr. Justice Maczko

(In Chambers)

Reasons for Judgment

Counsel for the Representative Plaintiffs:

J.J. Camp, Q.C.
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companies:

J.C. Willoughby
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	F. Baril
Counsel for the BASF group of companies:	D.W. Kent A.D. Borrell
Counsel for the Aventis group of companies:	S.A. Forbes M.G. Underhill
Counsel for Lonza group of companies:	D.B. Houston S.A. Griffin (Ms.)
Counsel for the Degussa group of companies:	J.P. Brown E.J. Adair J.S. Twa
Counsel for Merck KgaA:	D.J. Mullan, Q.C.
Counsel for DCV Inc./Ducoa group of companies:	R.W. Lusk, Q.C.
Counsel for the Novus group of companies:	J.K. McEwan
Counsel for the Sumitomo group of companies:	C.P. Dennis V.A. Allard
Counsel for the Reilly group of companies:	R.W. Sieg
Counsel for Eisai Co., Ltd.:	K.L. Kay
Counsel for the Takeda group of companies:	K.E. Clark
Friend of the Court:	A.N. Epstein
Objector Appearing in Person:	B. Henderson
Objector Appearing in Person:	B.E. Boyes
Date and Place of Hearing:	April 6, 2005 Vancouver, B.C.

[1] Notices of Motions with supporting material and the submissions by counsel were heard before me on April 6, 2005, seeking certification of British Columbia class actions, the approval of three national settlement agreements pertaining to vitamin products and the approval of class counsel fees, all pursuant to the provisions of the ***Class Proceedings Act***, R.S.B.C. 1996, c. 50.

[2] Similar class actions have been commenced in Ontario and Quebec. The major portion of the class action has been conducted by Mr. Justice Cumming in the Ontario Superior Court of Justice. He heard essentially these same motions on March 8 and 9, 2005. He delivered lengthy and carefully considered Reasons for Decision on March 23, 2005 and then revised them. I have read and reviewed his reasons and I adopt them.

[3] I certify the British Columbia class actions, approve the three national settlement agreements and approve class counsel fees on the same basis and on the same terms as Mr. Justice Cumming.

F. MACZKO, J.