



Ontario  
Securities  
Commission

Commission des  
valeurs mobilières  
de l'Ontario

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**IN THE MATTER OF THE SECURITIES ACT,  
R.S.O. 1990, c. S.5, as amended**

**- and -**

**BIOVAIL CORPORATION, EUGENE N. MELNYK,  
BRIAN H. CROMBIE, JOHN R. MISZUK AND KENNETH G. HOWLING**

**ORDER**

**WHEREAS**, on March 24, 2008, the Ontario Securities Commission (the "Commission") issued a Notice of Hearing and related Statement of Allegations (the "Notice of Hearing") against Biovail Corporation ("Biovail"), Eugene N. Melnyk ("Melnyk"), Brian H. Crombie ("Crombie"), John R. Miszuk ("Miszuk") and Kenneth G. Howling ("Howling") (the "OSC Proceeding");

**AND WHEREAS** the Commission has approved settlement agreements reached with Biovail, Miszuk, Howling and Crombie;

**AND WHEREAS** the OSC Proceeding is continuing against Melnyk;

**AND WHEREAS** SmithKline Beecham Corporation d/b/a GlaxoSmithKline ("GSK") brought a motion returnable March 3, 2009 seeking confidential treatment of certain portions of hearing documents to be tendered in evidence in the OSC Proceeding (the "March 3 Motion");

**AND WHEREAS** by order dated March 4, 2009, GSK was afforded the right to appear and be heard at the conclusion of the OSC Proceeding regarding matters arising during the hearing and matters arising out of the hearing, including but not limited to, issues relating to GSK confidentiality, other than those issues determined on the March 3 Motion;

**AND WHEREAS** GSK submits that written submissions, opening briefs and compendia filed by Staff of the Commission ("Staff") and/or Melnyk contain information that raises GSK confidentiality concerns;

**IT IS HEREBY ORDERED** that:

1. Opening briefs and compendia filed with the Commission in the OSC Proceeding shall be made available to the public only at the conclusion of the OSC Proceeding, if so ordered by the Commission, after GSK has been afforded a reasonable opportunity to appear and be heard regarding any confidentiality issues arising therefrom.
2. Staff's written closing submissions filed with the Commission shall be made available to the public with redactions to paragraph 20 as requested by GSK. Staff's unredacted written closing submissions filed with the Commission shall only be made available to the public at the conclusion of the OSC Proceeding, if so ordered by the Commission, after GSK has been afforded a reasonable opportunity to appear and be heard regarding any confidentiality issues arising therefrom.
3. The Commission, Melnyk and his counsel, Staff of the Commission, the United States Securities and Exchange Commission, the parties' experts, GSK and its counsel, as well as counsel for Crombie, Miszuk and Howling, may be provided with a copy of any unredacted written submissions, opening briefs and/or compendia filed with the Commission in the OSC Proceeding throughout the OSC Proceeding. Such unredacted written submissions opening briefs and compendia shall be kept confidential and not disclosed to any other person or entity until GSK has been afforded a reasonable opportunity to appear and be heard regarding any confidentiality issues arising therefrom.

**DATED** at Toronto this 4th day of June, 2009.

*"James E. A. Turner"*

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James E.A. Turner

*"Paulette L. Kennedy"*

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Paulette L. Kennedy

*"David L. Knight"*

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David L. Knight