

**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 filed by Melnyk contain information that raises GSK confidentiality concerns;

**IT IS HEREBY ORDERED** that:

1. Melnyk’s written closing submissions filed with the Commission shall be made available to the public with redactions to paragraphs 52 and 54 as requested by GSK. Melnyk’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.

**DATED** at Toronto this 10<sup>th</sup> day of June, 2009.

*“James E.A. Turner”*

---

James E.A. Turner

*“Paulette L. Kennedy”*

---

Paulette L. Kennedy

*“David L. Knight”*

---

David L. Knight