



Mann-Campbell v JUUL Labs Canada, Ltd., 2025 BCSC 2679 (CanLII)

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IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Mann-Campbell v. JUUL Labs Canada, Lt d.*,
2025 BCSC 2679

Date: 20251219
Docket: S1910927
Registry: Vancouver

Between:

Owen Mann-Campbell and Robert Osborn

Plaintiffs

And:

JUUL Labs Canada, Ltd., JUUL Labs, Inc. and Altria Group, Inc.

Defendants

Before: The Honourable Justice Giaschi

Oral Reasons for Judgment

In Chambers

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Place and Date of Hearing:

Vancouver, B.C.
December 19, 2025

Place and Date of Judgment:

Vancouver, B.C.
December 19, 2025

[1] **THE COURT:** This matter is a proposed class action against the defendants related to JUUL-branded e-cigarette devices.

[2] A certification hearing was held over several days in December 2023 and May 2024. On May 14, 2025, reasons were released, indexed as [2025 BCSC 771](#). In those reasons I addressed in detail the various certification requirements set out in the *Class Proceedings Act*.

[3] I also addressed in detail the evidence and the submissions of the parties. I identified various issues with the further amended notice of civil claim (“FANOCC”), the class definition and the common issues.

[4] Those issues I identified in the reasons required amendment of the FANOCC and the common issues. Ultimately, I adjourned the certification application to “permit the plaintiffs to make the amendments” set out in the reasons.

[5] Following the release of the reasons, the parties could not agree on the content of the formal order and a hearing was held to settle the terms of that order. I determined that the final order should include only that the application was adjourned. I declined to include various individual findings and determinations in the order as requested, in particular, by JUUL. I did, however, make it clear that those findings and determinations were not open to re-argument.

[6] The JUUL defendants now apply for me to disqualify and recuse myself from hearing any further steps in this action. I decline to do so for the reasons as set out in the application response of the plaintiffs.

[7] The application response of the plaintiffs has been somewhat expanded upon before me in written submissions filed by the plaintiffs today. I have not had a great deal of time to review those written submissions, but based on what we have gone through this afternoon and what I looked at over the lunch period, they seem to mirror the plaintiffs' application response and add to it in some particulars, especially in an attached appendix that identifies and addresses various cases involving adjournments of certification hearings in circumstances similar to those in which I adjourned this certification hearing.

[8] In particular, I agree with the plaintiffs, and emphasize, that the premise of the argument of the JUUL defendants is that I have not yet decided any issues in this matter. The JUUL defendants say this is so because the entered order merely adjourns the certification hearing. This premise, in my view, is fundamentally incorrect. The reasons are full of findings and determinations that were made after hearing full argument and considering all of the evidence of the parties. The fact that the order merely adjourns the hearing does not negate these findings and determinations. They are not open to further argument on the continuation of the hearing except insofar as they may be affected by amendments. The continuation will primarily address whether the amendments have been made and are sufficient to correct the deficiencies noted. I do not foreclose the possibility that there could also be other issues that arise as a consequence of the amendments. If there are, it will be necessary to address those issues. But it is not a matter of things having been prejudged or predetermined. Matters were judged and determined after full argument.

[9] In my view, this application is merely an attempt to eventually relitigate my various findings and determinations before a new judge. That would be a complete waste of judicial resources and add unreasonably to the expense and the delay in this matter. The proper course is for the JUUL defendants to challenge my findings and determinations in the Court of Appeal in due course.

[10] Altria supports JUUL's application for recusal but presents quite different arguments from JUUL as to why I should recuse myself. It alleges, among other things, that I have given no or insufficient consideration to:

- a) arguments it has raised;
- b) authorities it has submitted; and
- c) evidence it has submitted.

[11] These particular arguments all appear to be matters that should properly be brought before the Court of Appeal. Moreover, Altria has not bought its own application for my recusal. In my view, if it wishes to make the arguments it has, it ought to have filed its own application for recusal. It cannot piggyback on JUUL's application. That is simply

not fair to the plaintiffs who have not had full opportunity to respond to the new submissions.

[12] Accordingly, the application by JUUL is dismissed.

“Giaschi J.”