

Notice to: All persons in Canada who possessed for their potential individual use, an EpiPen auto-injector lot 5GU763 or lot 5GR765, and/or the legal guardian of a minor or incapable, and who returned their auto-injector EpiPen as a result of the recall of March 31 and April 1, 2017 in return of a replacement.

The Superior Court of Québec has authorized this notice.

- Your rights could be affected by a class action that has been authorized against Mylan Specialty L.P. and Pfizer Canada Inc. (the “Defendants”).
- The class action includes all persons in Canada who on or after March 31, 2017 possessed for their potential individual use, an EpiPen auto-injector lot 5GU763 or lot 5GR765, and/or the legal guardian of those persons when minor or incapable, and who returned their auto-injector EpiPen as a result of the recall of March 31 and April 1, 2017 in return of a replacement (The “Class”).
- The court has not yet decided whether the Defendants did anything wrong. The Defendants contest the class action and argue, among other things, that given the expiry or the impending expiry of the lots affected by the recall, there were sufficient replacement EpiPens available in Canada. The action will be going to a hearing. The claims against the Defendants have not been proven. If money or benefits are obtained at the conclusion of the class action, you will be notified about how to claim your share. There is no money available now and there is no guarantee that money will be eventually available. However, your rights are affected, and you must choose one of the following options.

YOUR OPTIONS AT THIS TIME	
DO NOTHING	<p>Remain a part of this class action and await the outcome of the case. Receive a share of the possible money and benefits, if they are awarded.</p> <p>By doing nothing, you have the possibility of getting money or other benefits that may come from a trial or settlement. But, in doing so, you give up any rights you might personally have to sue based on the same legal claims raised in this class action.</p>

<p>EXCLUDE YOURSELF ("OPT-OUT")</p>	<p>Opt-out from this action. Do not get any money or benefits, if any are awarded, but retain your right to pursue a personal action.</p> <p>If you opt-out from the class action and money or benefits are awarded, you won't obtain a share of that money or those benefits. If you want, you could sue on your own behalf based on the same issues that are raised in this class action.</p> <p>To opt-out, you must act before February 10th, 2020</p>
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Your options are explained in detail in this notice.

WHAT THIS NOTICE CONTAINS

1. BACKGROUND INFORMATION	1
(A) What is this class action about?	1
(B) Why is this notice being issued?	1
(C) What is a class action?	1
(D) How do I know if I am a member of the class action?	2
(E) What is the Representative Plaintiff seeking in this action?	2
(F) Is money available to me now?	3
2. YOUR OPTIONS	3
3. THE LAWYERS.....	4
(A) Who represents me in this case?	4
(B) Can I hire my own lawyer to intervene in the class action?	4
(C) How will the lawyers be paid?	4
4. NEXT STEPS.....	5
(A) The Common Issues Trial	5
(B) The Common Questions	5
(C) Will I receive money after the common issues trial?	5
(D) How will I know what is happening?.....	6
5. FOR MORE INFORMATION	6
OPT-OUT FORM	7

1. BACKGROUND INFORMATION

A judge of the Superior Court of Québec will be appointed to oversee this case, known as *Middleton v Mylan Specialty L.P.*, Court File No. 500-06-000909-180 in the District of Montreal.

The person who started this class action, Annie Middleton, is known as the Representative Plaintiff (as she is acting on behalf of herself and everyone else who is included in the class action).

The defendants are Mylan Specialty L.P. and Pfizer Canada Inc.

(A) What is this class action about?

This class action is based on allegations that the Defendants were negligent in ensuring the availability of sufficient replacement EpiPen for lots 5GU763 or 5GR765 after the March 31, 2017 recall.

(B) Why is this notice being issued?

This action has been “authorized” by a Superior Court of Quebec judge. If you meet the definition of the Class, you have certain legal rights and options that you should consider regarding the possibility of opting out of the class action before the Court decides whether the claims being made against the Defendants on your behalf are valid. This notice explains what you need to do to exercise your rights going forward. You may be excluded if you have exercised a personal action regarding this matter with the same cause of action but have not discontinued your action.

(C) What is a class action?

In a class action, one or more people called “representative plaintiffs” launch a claim on behalf of themselves and others who have similar legal claims. Those with similar claims are referred to as the “Class” or “Group” or as “Class members”. The court attempts to resolve as many issues as possible in one “common issues” trial for all the Class members. (There may be some issues which remain to be decided on an individual basis after the conclusion of the common issues trial). Those who have similar claims and do not remove themselves from the Class are bound by the decisions of the court in this case.

To consult the central registry of class actions in Québec, visit:

<http://www.registredesactionscollectives.quebec/>

(D) How do I know if I am a member of the class action?

You are included in this class action if you meet the definition of the Class as authorized by the court:

“All persons in Canada who, on or after March 31, 2017 possessed, for their potential individual use, an EpiPen auto-injector lot 5GU763 or lot 5GR765, and/or the legal guardian of those persons when minor or incapable, and who returned their auto-injector EpiPen as a result of the recall of March 31 and April 1, 2017 in return of a replacement.

If you are a member of the Class and have exercised an individual action having the same subject as the present class action, you will be deemed to have excluded yourself from this class action, unless you discontinue your individual action before the opt-out deadline, on **February 10th, 2020**.

(E) What is the Representative Plaintiff seeking in this action?

The Representative Plaintiff seeks monetary compensation in the form of compensatory and moral damages, plus legal fees and applicable interest, in order to compensate class members for damages allegedly suffered as a result of absence of replacement EpiPen after the March 31, 2017 recall. The Defendants contest this class action.

More specifically, the conclusions authorized by the court are the following:

GRANTS the Application in part;

AUTHORIZES the Plaintiff to commence the following class action:

An action in damages against the Defendants Mylan Specialty L.P. and Pfizer Canada Inc.

ASCRIBES to Annie Middleton the status of representative for the purpose of exercising the class action on behalf the following group:

All persons in Canada who, on or after March 31, 2017 possessed, for their potential individual use, an EpiPen auto-injector lot 5GU763 or lot 5GR765, and/or the legal guardian of those persons when minor or incapable, and who returned their auto-injector EpiPen as a result of the recall of March 31 and April 1, 2017 in return of a replacement.

IDENTIFIES the principal questions of fact and law to be treated collectively as the following:

- a) Was there a shortage of EpiPen auto-injectors at the distribution outlets during the period surrounding the recall of March 31 and April 1, 2017?
- b) Did the Group Members encounter delays in obtaining a replacement of their EpiPen auto-injector?
- c) Were the Defendants at fault or negligent in providing EpiPen auto-injectors to the distributors during the period surrounding the recall?
- d) What damages have been suffered by the Group Members resulting from the delay in obtaining EpiPen auto-injectors replacement?

IDENTIFIES the conclusions sought as being:

CONDEMNNS the Defendants to pay damages to every Group Member in an amount to be determined by the Court, plus interest and the additional indemnity;

ORDERS the treatment of individual claims of each Group Member in accordance with Articles 599 to 601 C.C.P.;

DECLARES that all Members of the Group who have not requested their exclusion from the Group within the prescribed delay will be bound by any judgment to be rendered on the class action as provided by law;

FIXES the delay of exclusion at sixty (60) days from the date of the publication of the notice to the Members;

POSTPONES the approval of the notice to Members at a date to be determined by the Court;

LEGAL COSTS TO FOLLOW.

(F) Is money available to me now?

No. The court has not yet decided whether any of the Defendants did anything wrong. The Defendants deny the allegations made against them in this class action. There is no guarantee that money or benefits will ever be available to you. If they become available, however, you will be notified and advised of how you can ask for a share of those benefits.

2. YOUR OPTIONS

At this point, you must decide whether to stay in the Class or exclude yourself (opt-out) before the opt-out deadline.

If you do nothing and you meet the definition of the Class, you will automatically be included in the class action. You will be bound by any decision of the court, whether it be favourable to you and the Class or not. If benefits are awarded, you will need to take certain actions to claim your benefits. You will only have a right to the benefits if you meet the established criteria regarding the distribution of the benefits to individual Class members.

If you wish to exclude yourself (opt-out), you must complete the Opt-Out Form available at (<https://www.merchantlaw.com/epipen-class>) no later than **February 10th, 2020**. You will not be bound by the decisions of the court in this class action or be eligible to participate in any settlement reached and you also will not receive a share of any money or benefits that may be recovered as a result of this class action. You will retain your right to bring an individual claim against the Defendants regarding the subject matter of this class action, if you so choose.

To opt-out, you must complete the Opt-Out Form included with this notice and send it via certified or registered mail to the following address:

Clerk of the Superior Court of Québec
Palais de Justice de Montréal
Dossier No. 500-06-000909-180
1 rue Notre-Dame Est, Salle 1.120
Montreal, QC H2Y 1B6

Your Opt-Out Form must be received on or before **February 10th, 2020**.

3. THE LAWYERS

(A) Who represents me in this case?

The Representative Plaintiff is represented by Merchant Law Group LLP in this litigation. Merchant Law Group LLP therefore represents the Representative Plaintiff's interests and the interests of Class members, including yourself if you meet the definition of the Class.

(B) Can I hire my own lawyer or intervene in the class action?

If you want to be represented by another lawyer, you may hire one at your own expense. Your lawyer would need to obtain permission from the court to intervene in the class action, which will only be allowed by the court if it is deemed to be useful to the Class members. Note that a member intervening in the class action may be required to submit

to an examination on discovery or a medical examination, or both, at the request of the Defendants. A member who does not intervene in the class action cannot be required to submit to an examination on discovery or a medical examination without a decision rendered by the court. No class member other than the representative plaintiff or an intervenor may be required to pay legal costs arising from the class action.

(C) How will Class counsel be paid?

You are not personally responsible for paying Class counsel fees. The Representative Plaintiff has entered into a contingency fee agreement whereby Class counsel will receive the greater of (i) 30% of the monetary recovery achieved for the Class as a whole or (ii) four times the values of ordinary fees of the lawyers involved, plus disbursements and applicable taxes. If no money is obtained, Class counsel will not receive any amount for money for their fees. Class counsel's fees and disbursements must be approved by the court.

If you hire your own lawyer, you are responsible for paying any fees or charges levied by your lawyer.

4. NEXT STEPS

(A) The Common Issues Trial

If the case is not preliminary dismissed by the court or settled, the Representative Plaintiff will have the burden of proving her claims and the claims of the Class members at trial. During the trial, the court will hear all the evidence and make a decision about whether the Plaintiff is successful in her action or if the action against the Defendants is dismissed.

(B) The Common Questions

The trial will answer the following questions authorized by the court on behalf of all of the members of the Class:

- (a) Was there a shortage of EpiPen auto-injectors at the distribution outlets during the period surrounding the recalls of March 31 and April 1, 2017?
- (b) Did the Group Members encounter delays in obtaining a replacement of their EpiPen auto-injector?
- (c) Were the Defendants at fault or negligent in providing EpiPen auto-injectors to the distributors during the period surrounding the recall?

- (d) What damages have been suffered by the Group members resulting from the delay in obtaining EpiPen auto-injectors replacement?

(C) Will I receive money after the common issues trial?

There is no guarantee that the Representative Plaintiff will obtain financial compensation or benefits on behalf of the Class.

If the Representative Plaintiff obtains money or benefits as a result of a trial or settlement, you will be notified about how to ask for a share or what your other options are at that time.

(D) How will I know what is happening?

Lawyers for the Representative Plaintiff may occasionally transmit court-approved notices to Class members on the status of the action.

If you would like to receive these notices, please call Merchant Law Group LLP at (514) 248-7777 or visit <https://www.merchantlaw.com/epipen-class> to sign up for the notification list.

5. FOR MORE INFORMATION

To view related court documents and information, visit:

<https://www.merchantlaw.com/epipen-class>

You can get more information about this case and opting-out by contacting:

Merchant Law Group LLP
10 rue Notre-Dame Est, Suite 200
Montreal, Québec H2Y 1B7

Tel: (514) 248-7777 or toll-free 1-866-567-7777
Fax: (514) 842-6687

Erik Lowe (elowe@merchantlaw.com)

You can also visit the *Registry of class actions* available at
<http://www.registredesactionscollectives.quebec/>

***THE PUBLICATION OF THIS NOTICE HAS BEEN APPROVED BY
THE SUPERIOR COURT OF QUÉBEC.***

OPT-OUT FORM

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

S U P E R I O R C O U R T
(CLASS ACTION)

No. 500-06-000909-180

ANNIE MIDDLETON
Plaintiff

V.

MYLAN SPECIALTY L.P.
PFIZER CANADA INC.

Defendants

Complete this opt-out form **only** if you are a member of the Class (as described in the Notice) **and** if you wish to be excluded or removed from participating in the class action *Annie Middleton v Mylan Specialty L.P. et al.*, Superior Court of Québec File No. 500-06-000909-180 (District of Montréal). This form must be received by the Clerk of the Superior Court of Québec on or before **February 10th, 2020** at the following address:

Clerk of the Superior Court of Québec
Palais de Justice de Montréal
Dossier No. 500-06-000909-180
1 rue Notre-Dame Est, Salle 1.120
Montreal, QC H2Y 1B6

Your Name: _____

Your Mailing Address: _____

Telephone Number: _____

Email Address: _____

By signing below, I certify that I do not wish to participate in the Annie Middleton v Mylan Specialty L.P. et al. class action and I understand that, by opting out, I will not receive any part of the money or benefits that may be obtained on behalf of Class members by the Representative Plaintiff.

Signature

Date