

To all persons in Quebec, including their estates, executors, personal representatives, family members, and dependants, who were implanted with the Depuy Pinnacle hip implant metal on metal Acetubular Cup System.

The Superior Court of Québec has authorized this notice.

- You could be affected by a class action that has been authorized against Depuy Orthopaedics Inc., Johnson & Johnson Corp. and Johnson & Johnson Inc. (the “**Defendants**”).
- The class action includes all persons in Quebec, including their estates, executors, personal representatives, dependants and family members who were implanted with the Depuy Pinnacle metal on metal acetubular Cup System (the “**Hip Implants**”).
- The Court has not yet decided whether the Defendants have committed a fault, and the claims against the Defendants have not been proven. The Defendants are contesting the class action and deny that the Hip Implants present any defect. If you are a member of the class and sums of money or benefits are awarded at the end of the class action, you will be informed of how to claim your share. There is no money available now and no guarantee there will be. However, your rights are affected and you have to choose one of the following options at this time.

YOUR OPTIONS AT THIS TIME	
DO NOTHING	<p>Remain a member of this class action and await the outcome of the case. You will take part in the sharing in the possible money and benefits, if any, and if you are eligible.</p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may be awarded following a trial or settlement. However, by doing so, you give up any rights you might personally have to initiate a personal action based on the same allegations as those raised in this lawsuit.</p>

<p>WITHDRAW ("OPT OUT")</p>	<p>Withdraw or exclude yourself from this action. You will not take part in the sharing of any money or benefits, if any awarded, but you will retain your right to pursue an individual action.</p> <p>If you opt-out of the class action and money or benefits are subsequently awarded, you will not have any right to a share of that money or those benefits. If you wish, you initiate an action in your own name based on the same allegations as those raised in this class action.</p>
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Your options are explained more fully in this notice. To opt-out, you must act by January 7th, 2020.

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1. BACKGROUND INFORMATION

The Honourable Paul Mayer, Justice of the Superior Court of Québec, currently acts as case management judge for this case, known as *Melançon v Depuy Orthopaedics Inc.*, Court File No. 500-06-000643-136 in the District of Montreal.

The person who brought this class action, Carole Melançon, is the Representative Plaintiff: she is acting on her own behalf and on behalf of all the other class members.

The Defendants are DePuy Orthopaedics Inc., Johnson & Johnson Corp, and Johnson & Johnson Inc. (the “**Defendants**”).

(A) Who is affected by this class action?

On April 16, 2016, the Applicant filed a *Motion to Authorize the Bringing of a Class Action and to be Ascribed the Status of Representative* on behalf of all persons in the province of Quebec, including their estates, executors, personal representatives, dependants and family members who were implanted with the Depuy Pinnacle metal on metal Acetubular Cup System (the “**Class**”).

(B) Why is this notice being issued?

This lawsuit has been "authorized" to proceed as a class action. If you are a member of the Class, you may have certain legal rights and options 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 same cause of action and if you do not discontinue your action before the Opt-Out Deadline.

(C) What is a class action?

In a class action, one or more people called “representative plaintiffs” launch a claim in their own name and on behalf of others who have similar legal claims. Those with similar claims constitute the “class” and are “class members”. The Court attempts to resolve as many issues as possible in one “common issues” trial for all of 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 opt-out of the class are bound by the decisions of the Court in this case.

To view the register of class actions in Québec, visit the following website:

<http://services.justice.gouv.qc.ca/dgsj/rrc/Demande/DemandeRecherche.aspx>

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

You are included in this lawsuit, and do not need to take any further action at this time, if all of the following is true: you were implanted with the Depuy Pinnacle metal on metal acetubular cup system in Quebec.

You may be excluded from this class action even if you meet the above conditions.

If you have brought an individual lawsuit regarding the same subject matter as this class action, you will be deemed to have “opted out” of this class action if you do not discontinue your individual action prior to the opt-out deadline, January 7th, 2020.

If you are uncertain whether this situation applies to you, please contact class counsel for assistance.

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

The Representative Plaintiff is seeking monetary compensation in the form of compensatory, moral, and punitive damages, plus legal costs and applicable interest. More specifically, the Representative Plaintiff seeks the following conclusions:

GRANT the Petitioner’s, Carole Melançon, action against the Respondents;

CONDEMN The Defendants to pay an amount in compensatory damages to the group members, amount to be determined by the Court, plus interest as well as the additional indemnity;

CONDEMN The Defendants to pay an amount in moral damages to the class members, amount to be determined by the court, plus interest as well as the additional indemnity;

CONDEMN The Defendants to pay an amount in punitive and or exemplary damages to the group members, amount to be determined by the Court, plus interest as well as the additional indemnity;

GRANT the class action of the Petitioner, Carole Melançon, on behalf of all group members;

ORDER the treatment of individual claims of each member of the group in accordance with articles 1037 to 1040 of the Code of Civil Procedure;

THE WHOLE with interest and additional indemnity provided for in the Civil Code of Quebec and with full costs and expenses including experts’ fees and publication fees to advise group members;.

(F) Is money available to me now?

No. The Court has not yet decided whether any of the Defendants have committed a fault, and no settlement has been entered into by the parties. The Defendants deny the allegations made by the Representative Plaintiff. 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 to claim your share of these benefits.

2. YOUR OPTIONS

At this stage, you must decide whether to remain in the Class or to opt-out before the matter proceeds to a trial.

If you do nothing at all, and you meet the definition of the Class, you will automatically be included in the class action. You will be bound by all of the decisions of the Court, whether they are favourable to you and the Class or not. If any benefits are awarded, you will have to take certain actions in order to claim your benefits.

If you wish to opt-out, you must do so on or before January 7th, 2020. You will not be bound by the decisions of the Court in this action, but you also will not share in any money or benefits that are recovered as a result of this action. You will retain your right to pursue an individual claim against the Defendants, if you so choose. Please note that once you have opted-out, you may not change your mind and decide to “re-join” the class action.

To opt-out, fill-out the Opt-Out Form included with this notice and send it via certified or registered mail to:

Clerk of the Superior Court of Québec
Palais de Justice de Montréal
Dossier No. 500-06-000576-112
1 rue Notre-Dame Est, Salle 1.120
Montreal, QC H2Y 1B6

Your Opt-Out Form must be received on or before January 7th, 2020.

3. THE LAWYERS

Who represents me in this case?

Carole Melançon, the Representative Plaintiff, is represented by Merchant Law Group LLP in this litigation. Merchant Law Group LLP therefore represents her interests and the interests of Class members, including yourself.

a. Can I hire my own lawyer?

If you wish to be represented by another lawyer, you may hire one at your own cost. Your lawyer will need to obtain permission from the Court to intervene in the class action. Note that an intervening member you may do so pursuant to section 579(4) of the Code of Civil Procedure and may be subject to 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 Court decision. An intervening member cannot be held liable for the cost of the class action pursuant to section 579(6) of the Code of Civil Procedure.

b. How will the lawyers be paid?

You are not personally responsible to pay for Ms. Melançon's lawyers' work on this class action. Carole Melançon has entered into a contingency fee agreement whereby her lawyers will receive the greater of (i) 30% of any amount recovered for the Class as a whole or (ii) four times the ordinary hourly rates of the lawyers involved, plus disbursements and applicable taxes. If no money is recovered, then they will not be paid anything at all. Moreover, any payments made to the lawyers will be subject to the approval of the Court.

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

4. NEXT STEPS

c. The Common Issues Trial

If the case is not settled or otherwise dismissed by the Court, the Applicant will have to prove her claims and the claims of the class at a trial. Per an order of the Chief Justice, the trial would be held in Montreal, Quebec. During the trial, the Court would hear all of the evidence and make a decision about whether the Representative Plaintiff or the Defendants should win.

d. The Common Questions

Following are the principal questions of law and fact that are to be answered through the common issues trial:

(a) Were the Respondents negligent or did they commit faults in the designing, developing, testing, manufacturing, marketing, distributing, labelling or selling of the Pinnacle Hip Implants?

(b) Additionally or in the alternative, do the Pinnacle Hip Implants suffer from a defect in design or manufacture, poor preservation or presentation, such that they fail to accord to the group members the safety which they were otherwise entitled to expect from the devices?

(c) Are the Respondents liable to pay compensatory damages to the group members, and if so in what amount?

(d) Are the respondents liable to pay exemplary or punitive damages to the group members, and if so in what amount?

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

There is no guarantee that the Representative Plaintiff will win any money or benefits for the Class.

If the Representative Plaintiff obtains a sum of 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. You may be required to prove your individual claim, and may be responsible for the costs of doing so. At that time, you may opt to retain Merchant Law Group LLP to assist, or you may hire another lawyer of your own choosing.

(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/Depuy-Pinnacle> to sign up for the notification list.

FOR MORE INFORMATION

To view related court documents and information, visit:

<http://www.merchantlaw.com/Depuy-Pinnacle>

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, Quebec H2Y 1B7

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

Erik Lowe (elowe@merchantlaw.com)

OPT-OUT FORM

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL
8650160.1

S U P E R I O R C O U R T

(CLASS ACTION)

No. 500-06-000643-136

CAROLE MELANÇON

Applicant

V.

DEPUY ORTHOPAEDICS INC.
JOHNSON & JOHNSON CORP.
JOHNSON & JOHNSON INC.

Defendants

Complete this opt-out form **only** if you are a member of the Class (as described in the Notice of Authorization) **and** you wish to be excluded or removed from participating in the class action *Carole Melançon v Depuy Orthopaedics Inc.*, Superior Court of Quebec File No. 500-06-000643-136 (District of Montreal). This form must be received by the Clerk of the Superior Court of Quebec on or before January 7th, 2020 at the following coordinates:

Clerk of the Superior Court of Québec
Palais de Justice de Montréal
Dossier No. 500-06-000576-112
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 Carole Melançon v Depuy Orthopaedics Inc 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