

NOTICE OF AUTHORIZATION/CERTIFICATION, SETTLEMENT APPROVAL HEARINGS, AND RIGHT TO EXCLUDE YOURSELF FROM THE SETTLEMENT OF CANADIAN ACTOS®/PIOGLITAZONE LITIGATION

PLEASE READ CAREFULLY. IGNORING THIS NOTICE WILL AFFECT YOUR LEGAL RIGHTS

NOTICE OF THE AUTHORIZATION/CERTIFICATION AND PROPOSED SETTLEMENT HEARING

A Canada-wide settlement has been reached in five proposed class actions relating to the prescription drugs ACTOS®, APO-Pioglitazone and SANDOZ-Pioglitazone (collectively referred to as "PIO"). These lawsuits sought damages on behalf of Canadians for harm allegedly related to the use of PIO, including bladder cancer. The defendants deny the allegations made in these lawsuits, make no admission as to the truth of these allegations, and deny any wrongdoing. Copies of the claims that are subject to the Settlement may be accessed from the settlement website: www.piosettlement.ca.

This Notice advises you that, as part of the settlement process, the following lawsuits have been authorized/certified as class actions: *Whyte v. Takeda Pharmaceutical Company Limited et al.* No. 500-06-00618-120 (the "Québec Action") and *Casseres et al. v. Takeda Pharmaceutical Company Limited et al.* Court File No. CV-11-44258400CP and *Carrier et al. v. Apotex Inc. et al.* Court File No. CV-13-491534-00CP (the "Ontario Actions").

This Notice also advises you of the Canadian ACTOS®/Pioglitazone Settlement Agreement ("the Settlement") and of the hearings that will be held to decide whether the Settlement should be approved. You may attend the Settlement Approval Hearing(s). Unless otherwise indicated herein, capitalized terms have the meanings set out in the Settlement Agreement. You can review the originating processes, the Certification/Authorization Orders, as well as the Settlement Agreement and related documents at the settlement website: www.piosettlement.ca. This Notice contains a summary of some of the terms of the Settlement. If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

WHO IS INCLUDED?

The Québec and Ontario Courts have authorized/certified the following classes for settlement purposes:

Québec Class: All persons resident in Québec who purchased and/or used ACTOS® from August 17, 2000 to the date the Settlement is finally approved by the Courts (the "Class Period"), and their estates, administrators or other legal representatives, heirs, or beneficiaries;

Québec Family Class: All family members and/or dependents of Québec Class Members who would have been entitled to assert a claim for compensation in the Québec Action;

Ontario National Class: All persons resident in Canada, excluding residents of Québec, who purchased and/or used ACTOS®, and all persons resident in Canada who purchased and/or used APO-Pioglitazone and/or SANDOZ-Pioglitazone, during the Class Period, and their estates, administrators or other legal representatives, heirs, or beneficiaries; and

Ontario National Family Class: All persons who on account of a personal relationship to an Ontario National Class Member are entitled to assert a derivative claim for damages pursuant to the applicable provincial and/or territorial family law legislation.

If you fall within any of the above Class definitions, you will be bound by the terms of the Settlement if it is approved by the Courts and you will not be able to continue or commence an individual action relating to the use of PIO, unless you Opt Out in accordance with the procedure set out below. CA2 Inc. has been appointed by the Québec and Ontario Courts as the Claims Administrator for various pre-approval purposes and will be proposed as the Claims Administrator for the Settlement. You can review the certification/authorization Orders, as well as the Settlement Agreement and related documents in both English and French at the settlement

website: www.piosettlement.ca or you can contact the Claims Administrator in either English or French at the addresses and/or the phone number listed later in this Notice.

WHAT IS THE PROPOSED SETTLEMENT?

The plaintiffs and defendants have reached a settlement, which is subject to approval by the Courts. The proposed Settlement provides for the creation of a \$25 million (CDN) Settlement Fund which will be used to pay compensation for Approved Claims, the claims of the Public Health Insurers, the costs of notice and administration, and Class Counsel Legal Fees, disbursements, and taxes. Payments will be made to Class Members who show that they suffered from bladder cancer, as described in greater detail in the Settlement Eligibility Criteria/Compensation Grid, which are all subject to various eligibility criteria and maximum payment values. Not all Class Members will be eligible for compensation. Compensation may also be paid to qualified Family Class Members. Any undistributed balance of the Settlement Fund will be allocated as between Class Members with Approved Claims and the Public Health Insurers based on the directions to be sought from the Courts. For more information on the eligibility criteria and maximum individual payment values, you can review the Settlement Agreement and related documents which are posted at www.piosettlement.ca or contact Class Counsel.

OPTING OUT

If you are a member of the Québec Class or the Ontario National Class and you wish to be excluded from any future Orders made in these Actions and/or from the Settlement, should it be approved, you must take active steps by "Opting Out". To Opt Out, you must fully complete and submit an Opt Out Form and deliver it to the Claims Administrator by the Opt Out Deadline of **January 26, 2021**. Opt Out Forms are available at the settlement website or may be requested by mail or telephone. **If you Opt Out, you will NOT be able to make a claim for compensation under the Settlement if it is approved by the Courts.**

THE PROPOSED SETTLEMENT REQUIRES COURT APPROVAL

In order for the Settlement to become effective, it must be approved by the Courts in Québec and Ontario. Each of the Courts must be satisfied that the Settlement is fair, reasonable, and in the best interests of Class Members. The dates for the Settlement Approval Hearings in Ontario and Québec have been scheduled with the respective Courts as follows:

In the Québec Action, on **January 27, 2021 at 10:00 a.m.** at the Superior Court of Québec, 1 Notre-Dame East, Montreal, Québec. In the Ontario Actions, on **January 28, 2021 at 10:00 a.m.** at the Ontario Superior Court of Justice, 361 University Avenue, Toronto, Ontario.

If either or both of the Settlement Approval Hearings are adjourned and/or if the hearings are to be held virtually, details will be posted on the settlement website, www.piosettlement.ca. In the event that the Settlement Agreement is not approved by both the Ontario and Québec Courts in a form agreed to by the Parties, the Settlement Agreement shall terminate and its terms shall no longer be binding on Class Members. In that case, all Parties shall be restored to their pre-Settlement Agreement positions and the Certification/Authorization Orders shall be set aside.

OBJECTING TO THE PROPOSED SETTLEMENT AND OPPORTUNITY TO APPEAR

If you wish to object to the proposed Settlement, you must submit a written objection to the Claims Administrator by **no later than**

January 7, 2021 at the address listed in this Notice. The Claims Administrator will file copies of all objections with the Courts. **Do NOT send an objection directly to the Courts.** You may also attend the hearings on the dates noted above, and if you have submitted a written objection to the Claims Administrator, you may make oral submissions to the Court(s).

PARTICIPATING IN THE SETTLEMENT – SUBMITTING CLAIMS

If the proposed Settlement is approved by the Québec and Ontario Courts, Claimants will have a limited amount of time within which to submit a claim for compensation. A downloadable version of the Claim Package will be made available online at www.piosettlement.ca if the proposed Settlement is approved or, alternatively, a Claim Package can be requested from the Claims Administrator via e-mail at: piosettlement@classaction2.com by telephone at 1-800-538-0009 or by regular mail at the address listed below. If you intend to submit a claim under the proposed Settlement, you must do so on or before the expiry of the Claim Period, which will be posted on the Claims Administrator's website.

WHO REPRESENTS ME? CLASS COUNSEL ARE:

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LEGAL FEES

At or following the Settlement Approval Hearings, Class Counsel will request approval for payment of their fees, disbursements, and applicable taxes. Class Counsel has pursued this lawsuit on a contingency basis and will seek approval from the Courts for Class Counsel Fees in the amount of 30% of the \$25 million Settlement, plus disbursements, and applicable taxes in accordance with the terms of their retainer agreements with the Representative Plaintiffs. Individual Class Members may be responsible for legal fees incurred in advancing their claims under the Settlement, in accordance with any retainer agreements they may have entered into.

FOR MORE INFORMATION:

If you have questions about the Settlement and/or would like to obtain more information and/or copies of the Settlement Agreement and related documents in both English and French, please visit the settlement website at www.piosettlement.ca or contact the Claims Administrator at:

Canadian ACTOS®/Pioglitazone Settlement, c/o CA2 Inc.
9 Prince Arthur Ave., Toronto, ON, M5R 1B2
piosettlement@classaction2.com, 1-800-538-0009

PLEASE DO NOT CALL THE DEFENDANTS OR THE COURTS ABOUT THESE ACTIONS.

This Notice has been approved by the Superior Court of Québec and the Ontario Superior Court of Justice