

# NOTICE OF SETTLEMENT APPROVAL IN CANADIAN ACTOS® / PIOGLITAZONE LITIGATION

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

## NOTICE OF SETTLEMENT APPROVAL

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.

This Notice advises you that, following publication of a notice program, hearings were held in the supervising Courts in Québec and Ontario on January 27 and 28, 2021, respectively (“the Approval Hearings”).

The Courts each issued orders approving the national settlement (“the Settlement Agreement”), and determined that the Settlement Agreement is fair, reasonable and in the best interests of Class Members. The Approval Orders, as well as the Settlement Agreement and related documents, can be reviewed at the settlement website, [www.piosettlement.ca](http://www.piosettlement.ca).

Unless otherwise indicated herein, capitalized terms have the meanings set out in the Settlement Agreement.

## WHO IS INCLUDED?

The Settlement Agreement applies to the following categories of individuals:

**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 are 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, and you did not opt out prior to the Opt Out Deadline of January 26, 2021, you are bound by the terms of the Settlement Agreement.

## WHAT IS THE PROPOSED SETTLEMENT?

The Settlement Agreement 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.

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](http://www.piosettlement.ca) and/or you can contact the Court-appointed Claims Administrator, CA2 Inc. at the address and/or phone number listed later in this Notice.

## PARTICIPATING IN THE SETTLEMENT - SUBMITTING CLAIMS

To be entitled to a payment pursuant to the Settlement Agreement, you must file a claim with the Claims Administrator on or before the end of the Claim Period which expires on **NOVEMBER 29, 2021**. A downloadable version of the Claim Package is currently available online at [www.piosettlement.ca](http://www.piosettlement.ca) or, alternatively, a Claim Package can be requested from the Claims Administrator.

**TO BE ELIGIBLE FOR ANY COMPENSATION FROM THE SETTLEMENT, CLAIMANTS MUST SUBMIT THEIR CLAIM DOCUMENTATION TO THE CLAIMS ADMINISTRATOR BEFORE THE EXPIRY OF THE CLAIM PERIOD ON NOVEMBER 29, 2021.**

If, for any reason, this deadline is extended, any such extension and new deadline will be posted at the settlement website at [www.piosettlement.ca](http://www.piosettlement.ca).

## WHO REPRESENTS ME? CLASS COUNSEL ARE:

<b>Rochon Genova LLP</b> Barristers • Avocats 900-121 Richmond St. W. Toronto, ON M5H 2K1 Joel P. Rochon Tel: (416) 363-1867 Fax: (416) 363-0263 <a href="mailto:jrochon@rochongenova.com">jrochon@rochongenova.com</a>	<b>Kim Spencer McPhee</b> Barristers P.C. 1200 Bay St., Suite 1203 Toronto, ON. M5R 2A5 Megan B. McPhee Tel: (416) 596-1414 Fax: (416) 598-0601 <a href="mailto:mbm@complexlaw.ca">mbm@complexlaw.ca</a>	<b>Merchant Law Group LLP</b> 100-2401 Saskatchewan Dr. Regina, SK S4P 4H8 E.F. Anthony Merchant Q.C. Tel: (306) 359-7777 Fax: (306) 522-3299 <a href="mailto:emerchant@merchantlaw.com">emerchant@merchantlaw.com</a>
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## LEGAL FEES

At the Approval Hearings, Class Counsel requested and received the Courts' approval for payment of their fees, disbursements and applicable taxes in the amount of \$8,066,917.70.

Claimants may retain their own lawyers to assist them in making individual claims under the Settlement Agreement and will be responsible for any fees charged by such lawyers.

## FOR MORE INFORMATION:

The Courts have appointed CA2 Inc. as the Claims Administrator for the Settlement Agreement. 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, please visit the settlement website at [www.piosettlement.ca](http://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](mailto:piosettlement@classaction2.com), 1-800-538-0009

This Notice contains a summary of some of the terms of the Settlement Agreement. If there is a conflict between this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

**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*