

INVOKANA® INVOKAMET® INVOKAMET XR® LITIGATION: NOTICE OF SETTLEMENT APPROVAL

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

This Notice contains a summary of some of the terms of the Settlement Agreement. All capitalized terms not otherwise defined have the meaning ascribed to them in the Settlement Agreement. If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

NOTICE OF SETTLEMENT APPROVAL

This is a notice for Class Members in the following Proceedings: *Estate of Raymond Duck v Janssen Inc. et al.*, Ontario Superior Court of Justice (London) Court File No. CV-18-00000570-00CP; *Ronald Allen Fiddler v Janssen Inc. et al.*, Court of King's Bench for Saskatchewan (Regina) Court File No. QBG-RG-02809-2015; and *Steven Varnai and Joanne Giroux v Janssen Inc. et al.*, Superior Court of Quebec (District of Montreal – Class Actions) Court File No. 500-06-000906-186. The Proceedings raised various allegations against the Defendants and sought damages on behalf of Canadians for harm and injuries which were allegedly related to the use of Invokana®, Invokamet®, and Invokamet XR®. The Settlement of the Proceedings has been approved by the Courts.

WHO IS INCLUDED?

The Settlement applies to: (i) all persons resident in Canada on or before the dates between June 15 and 21, 2022 who were prescribed Invokana®, Invokamet®, and/or Invokamet XR® in Canada at any time on or before June 15, 2022 (in the case of a Saskatchewan Class Member), on or before June 16, 2022 (in the case of an Ontario Class Member), or on or before June 21, 2022 (in the case of a Quebec Class Member); and (ii) all persons who by virtue of a personal relationship to one or more of such persons described in (i) above have claims for common law or statutory damages.

SUMMARY OF THE SETTLEMENT

The Settlement provides for the payment of \$1,500,000 which will be used to pay approved claims, the related claims of the Provincial Health Insurers, the costs of notice and administering the settlement, and Class Counsel legal fees, disbursements, and applicable taxes.

The defendants deny all allegations and deny any wrongdoing or liability. The Court has not taken any position on the merits of the arguments of either the plaintiffs or the defendants, but has determined that the Settlement Agreement is fair, reasonable, and in the best interests of the Class Members. A term of the settlement is that the Proceedings will be dismissed or discontinued, which means that the lawsuit has come to an end, and there will be no trial.

PARTICIPATING IN THE SETTLEMENT

Class Members who satisfy the eligibility criteria set out in the Compensation Protocol may be entitled to benefits that will be calculated in accordance with the points system detailed in the Compensation Protocol.

Until all claims have been adjudicated it will not be possible to determine the exact value of the compensation that may be paid to eligible claimants.

The types of medical conditions that may qualify Class Members for compensation include acute kidney injury, diabetic ketoacidosis, and lower limb loss. You may be eligible for compensation under the Compensation Protocol if you began using or filled a prescription for Invokana®, Invokamet®, or Invokamet XR® prior to the dates below and experienced the relevant medical conditions prior to the dates below:

- for acute kidney injury, January 25, 2016;
- for diabetic ketoacidosis, May 31, 2016; and
- for lower limb loss, September 6, 2017.

You may also be eligible for compensation if you experienced the relevant medical conditions listed above within three (3) months after the corresponding dates above if (i) you started using Invokana®, Invokamet®, or Invokamet XR® at least 30 days before said dates, and (ii) you used it continuously from that date to the time of the medical condition, without having either attended your prescribing physician or had your prescription renewed.

Compensation will also be paid to eligible Class Members estates.

10% of the Settlement Amount will be allocated to a Provincial Health Care Recovery Fund for the recovery of costs of insured health or medical services by the Provincial Health Insurers.

Any undistributed balance of the settlement amount as determined by the Claims Administrator will be donated, *cy près* to an organization(s) to benefit diabetic health and research, as approved by the Courts and advised by Class Counsel, subject to any amounts payable to the *Fonds d'aide aux actions collective*.

MAKING A CLAIM

To make a claim under the Settlement, you must complete and submit a Claim Form (including the necessary supporting Injury Evidence and Prescription Evidence detailed in the Compensation Protocol) to the Claims Administrator before the **Claims Bar Deadline of August 14, 2023 at 11:59 pm EST**. If you do NOT submit your Claim on time, you will not be eligible for any benefits under the Settlement Agreement.

For further details on how claims will be evaluated, you should refer to the Compensation Protocol available at <http://www.invokanacanadasettlement.com/>.

The claim form requires that you provide medical records which can be time consuming to retrieve. **It is very important that you start this process as soon as possible, if you or your lawyer have not already done so.** You may wish to retain a lawyer to assist you in this process. You can retain Class Counsel or a lawyer of your choice.

LEGAL FEES

The Courts approved Class Counsel's legal fees in the amount of \$375,000.00 plus applicable taxes and disbursements in the amount of \$51,545.82 plus applicable taxes. Class Counsel were retained on a contingency basis and were responsible for funding all expenses incurred in pursuing this litigation.

FOR MORE INFORMATION

If you have questions about the Settlement or would like to obtain more information or copies of the Settlement Agreement, Compensation Protocol or other related documents, in English or French, please visit the settlement website at <http://www.invokanacanadasettlement.com/>, or contact the Claims Administrator or Class Counsel.

This Notice is a summary of the Settlement. You should consult the Settlement Agreement or contact Class Counsel or Trilogy Class Action Services for specific details as to your rights and obligations under the Settlement.

CLAIMS ADMINISTRATOR

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

This Notice has been approved by the Ontario Superior Court of Justice, the Court of King's Bench for Saskatchewan, and the Superior Court of Quebec