

NOTICE OF CERTIFICATION AND SETTLEMENT
APPROVAL HEARING IN THE CANADIAN AVANDIA LITIGATION

Read this Notice carefully as it may affect your rights

NOTICE OF CERTIFICATION AND SETTLEMENT

A Canada-wide settlement has been reached in the Avandia Class Action. The Class Action sought compensation for cardiovascular injuries which were allegedly related to the use of Avandia. The Defendants deny the allegations made in the lawsuits and make no admission as to the truth of these allegations. Class Counsel is aware of additional similar Avandia litigation in Canada, a list of which may be accessed online at: www.avandiaclassaction.com. The settlement, if approved, will also resolve these actions.

THE SETTLEMENT REQUIRES COURT APPROVAL

In order for the Settlement to become effective, it must be approved by the Supreme Court of Nova Scotia. The Court must be satisfied that the Settlement is fair, reasonable and in the best interest of the Class. **The Settlement Approval Hearing is scheduled for January 29, 2019 at 9:30 a.m. at The Law Courts Building, 1815 Upper Water Street, Halifax, Nova Scotia.**

WHO IS INCLUDED IN THE CLASS ACTION?

If approved, the Settlement applies to: (a) All persons in Canada, including their estates, who were prescribed and ingested Avandia (the "Primary Class"); and (b) the spouses (including common-law spouses and same-sex spouses), children, grandchildren, parents, grandparents and siblings of deceased members of the Primary Class (the "Family Class").

WHO REPRESENTS THE CLASS?

Albert Carl Sweetland & Barbara Fontaine, c/o Wagners.

WHAT IF I DON'T WANT TO BE IN THE CLASS ACTION?

If you are a Primary or Family Class Member and do not wish to be bound by the Class Action and/or by the Settlement (if approved), you must Opt Out. To Opt Out, you must fully complete and submit an Opt Out Form to Wagners by the Opt Out Deadline of **January 15, 2019**. Opt Out Forms are available at www.avandiaclassaction.com or may be requested from Class Counsel. **If you Opt Out, you will not be able to make a claim for compensation under the Settlement.**

WHAT SETTLEMENT HAS BEEN REACHED FOR THE CLASS ACTION?

The Settlement provides for a Minimum Settlement Amount of \$4,116,666.67 (CND) and up to a Maximum Settlement Amount of \$6,750,000.00 (the "Settlement Payment"), depending on the number of approved claims. The Settlement Payment will be used to pay compensation for Approved Claimants, the claims of provincial health insurers, the costs of notice and administration and Class Counsel Legal Fees. Approved Claimants must satisfy the eligibility criteria set out in the Compensation Protocol. You can review the Settlement documents by contacting Class Counsel or visiting the settlement website at www.avandiaclassaction.com.

Compensation is available for Class Members who used Avandia for at least thirty continuous days commencing before December 2010 and who suffered one of the following injuries within no more than year of such use: myocardial infarction (heart attack), congestive heart failure, coronary artery bypass graft (CABG surgery), and percutaneous coronary intervention with stent placement. Other eligibility considerations described in the Settlement Agreement will affect how much compensation you receive.

PARTICIPATION IN THE SETTLEMENT

If the Settlement is approved, you must submit a Claim Form by the Claims Deadline. Information about how and when to apply for settlement funds will be provided in a future notice and will be posted online at: www.avandiaclassaction.com.

FURTHER DOCUMENTATION AVAILABLE DECEMBER 15, 2018

No later than December 15, 2018 the documents being filed by Class Counsel in relation to the Settlement Approval Hearing and the motion to approve Class Counsel's fees will be available on the settlement website at: www.avandiaclassaction.com.

OBJECTING TO THE SETTLEMENT AND OPPORTUNITY TO APPEAR

If you wish to object to the Settlement, you may submit a written objection, referencing Hfx. No. 315567, to the Supreme Court of Nova Scotia at The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J1S7, with a copy to Wagners at the address below, to be sent no later than **January 15, 2019**. You may also attend the Settlement Approval Hearing and you may make oral submissions to the Court.

LEGAL FEES

At the Settlement Approval Hearing, Class Counsel will make a separate motion requesting approval for payment of fees, disbursements and applicable taxes. Class Counsel have pursued this lawsuit on a contingency basis, which provides for payment of legal fees of 25% of the total value of the settlement plus applicable taxes, as well as recovery of out of pocket expenses, and Class Counsel will seek approval from the Nova Scotia Court for such payment in accordance with the terms of their retainer agreement. The total value of the settlement depends on the number of approved claims. The maximum amount of legal fees for which Class Counsel will seek approval will be \$1,687,500 (25% of the maximum settlement amount of \$6,750,000) plus applicable taxes of 15%. If less than the maximum settlement amount is reached, Class Counsel will seek approval of a lower amount, i.e. 25% of the settlement amount paid, plus applicable taxes of 15%. The estimated maximum amount of disbursements for which Class Counsel will seek approval is approximately \$400,000, representing the out of pocket expenses incurred by Class Counsel. This excludes future costs of notice and claims administration, for which the Defendants have agreed to contribute up to \$250,000 out of the Maximum Settlement Amount.

OBJECTING TO LEGAL FEES AND OPPORTUNITY TO APPEAR

If you wish to object to Class Counsel's fees, you may submit a written objection, referencing Hfx. No. 315567, to the Supreme Court of Nova Scotia at The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J1S7, with a copy to Wagners at the address below, to be sent no later than **January 15, 2019**. You may also attend the hearing to approve Class Counsel's fees, and you may make oral submissions to the Court.

CLASS COUNSEL

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There is **no charge** to speak with Class Counsel.

This Notice has been approved by the Supreme Court of Nova Scotia.