

Were you implanted with a Zimmer Durom® Hip Implant?

This notice may affect your rights. Please read carefully.

The Ontario Superior Court of Justice has certified a class action for people who were implanted with a **Durom® acetabular hip implant or “Durom Cup”** (“the Durom Cup”). If you, or a family member, were implanted with a Durom Cup, you may be a class member.

Who are the Class Members?

The Class is defined as: “All persons who were implanted with the Durom acetabular hip implant in Canada, excluding residents of British Columbia and Quebec, and those persons who opt into the class certified by the British Columbia Supreme Court in *Jones et al. v. Zimmer GMBH et al.*” (the “Class”), and “All persons who by reason of his or her relationship to a member of the Class are entitled to make claims under any of the Dependants Statutes in Canada as a result of the death or personal injury of such member of the Class” (the “Family Class”).

The Durom® acetabular hip implant or “Durom Cup” is a device used in hip surgery. It is a prosthetic shell meant to be implanted into a patient’s hip socket, as a component of total hip replacement surgery or hip resurfacing surgery.

What the Class Action is About?

The lawsuit seeks compensation for class members. It is alleged that the Defendants were negligent in researching, developing, testing, manufacturing, distributing and selling the Durom Cup. The court has not yet made any finding as to the merits of this lawsuit. The Defendants deny the allegations made in the lawsuit.

The representative plaintiff is Gloria McSherry. The law firm representing the Class is Klein Lyons (“Class Counsel”). The Defendants are Zimmer GmbH, Zimmer, Inc. and Zimmer of Canada Limited.

How Do I Participate, or Exclude Myself?

If you are a class member you do not need to do anything to participate – you are automatically included in the class action. If you *do not* want to be part of this lawsuit, you must notify Class Counsel at the address below, by letter or email, no later than **December 17, 2014** providing your name and address and indicating that you do not want to be part of this lawsuit. If you are a class member and do not exclude yourself by that date, you will be bound by a judgment on the common issues, whether favourable or not.

What are the Financial Consequences?

Class members will be entitled to the benefit of a successful judgment on the common issues. If the action is not successful on the common issues, no class member will be responsible for legal fees or costs.

If the class is successful at the common issues trial, individual class members must prove their respective claims for damages. Class members may be responsible for the costs of proving their respective claims, and may wish to hire a lawyer to assist with damages proceedings. Class Counsel is available to be hired by class members on a contingency basis, but class members may hire another lawyer of their own choosing.

Do I Need to Pay Anything?

The representative plaintiff has entered into a fee agreement providing that Class Counsel’s legal fee for work on the common

issues will be one-third of the amount that class members recover, plus applicable taxes, disbursements and interest. If the class action does not succeed, class members are not responsible for any legal fees or disbursements. The fee agreement must be approved by the court.

For More Information

Visit www.kleinlyons.com or telephone 1-800-468-4466