

SCHEDULE F — NOTICE OF CLASS CERTIFICATION AND SETTLEMENT APPROVAL

Did you, or a family member, undergo a surgery to implant a DePuy ASR™ XL Acetabular Hip System or ASR™ Hip Resurfacing System in Canada?

This notice may affect your rights. Please read carefully.

A proposed class action lawsuit captioned *Wilson v. DePuy International Ltd., et al.*, Action No. S-116652, was filed in the Supreme Court of British Columbia regarding allegations that the DePuy ASR™ XL Acetabular Hip System or ASR™ Hip Resurfacing System was defective, and that they failed prematurely, requiring revision surgery (“*Wilson* Action”). While not admitting liability, the Defendants have agreed to consent to its certification as a class action and to settle the case. The BC Court certified the *Wilson* Action as a class action (“BC Class”) on July 16, 2018 and approved the Amended Settlement Agreement on March 3, 2021 (“Settlement Agreement”).

Who is in the BC Class and Potentially Eligible to Participate in the Settlement?

The BC Class is defined as follows:

- (a) BC Resident Opt-Out Subclass: all persons resident in British Columbia who underwent the surgical implantation of the ASR™ XL Acetabular Hip System or ASR™ Hip Resurfacing System in a surgery occurring in Canada (“ASR Index Surgery”).
- (b) Non-BC Resident Opt-In Subclass: all persons who previously were members of the Ontario ASR Class Action but who opted out of the Ontario ASR Class Action and who affirmatively opt into this BC ASR Class Action.
- (c) All residents of Canada asserting the right to sue the Defendants independently or derivatively by reason of their familial relationship to a Class Member under either the common law of Family Compensation Act applicable to the BC Resident Opt-Out Subclass, or for Non-BC Resident Opt-In Subclass members, those defined pursuant to section 61(1) of the Family Law Act, R.S.O. 1990, c. F.3 ;as amended (or any similar legislation in any of the Canadian provinces and territories or the Civil Law of Quebec).

An Eligible Claimant under the Settlement means a member of the BC Class (either as a member of the BC Resident Opt-Out Subclass or Non-BC Resident Opt-In Subclass) who (a) was a Canadian Patient, (b) underwent an ASR Index Surgery, and (c) underwent an ASR Revision Surgery. The Settlement Agreement defines the terms used in this Notice.

For BC Residents Only: Excluding Yourself from the BC Class Action and Settlement

If you are a resident of British Columbia who meets the BC Class definition and you wish to exclude yourself from the BC Class Action and Settlement, you must deliver a written submission declaring your intention to opt out of the class action to the Claims Administrator by registered or certified mail at the addresses below on or before **June 25, 2021**. Your submission must include your name and address and the statement “I wish to be excluded from the BC Class.” If you

exclude yourself from the class action, you will not be able to seek compensation under the Settlement Agreement. If you opt out of the BC Class Action but later file a claims form prior to the expiration of the Claims Period, your opt-out will be revoked and you will be a member of the BC Class and subject to the terms of the Settlement Agreement. The deadline for you to exclude yourself from the BC Class and Settlement is **June 25, 2021**.

Non-BC Residents Only: Joining the BC Class Action and Settlement

If you have opted out of the Ontario ASR Class action and meet the BC Class definition you may opt into the BC Class Action and Settlement by delivering a copy of the Ontario opt-out form and a completed and Signed Opt-In Form (Schedule J to the Settlement Agreement) to the Claims Administrator by mail or email at the address below on or before **August 24, 2021**.

The Terms of Settlement

The settlement provides certain compensation to class members who are or become Eligible Claimants and who timely submit all forms and documentation under the Settlement Agreement, less deductions for legal fees. Class members who are eligible and submit approved claims could receive \$100,000 if they have undergone a single revision or \$120,000 if they have undergone a bilateral revision, subject to reductions for length of time the device was in place and other things outlined in the settlement agreement. Eligible class members who have undergone either a single or bilateral revision and have experienced certain additional complications, including extraordinary income loss, may receive additional funds up to \$40,000 as set out in the settlement agreement. Amounts may also be payable to spouses of approved claimants. Details on eligibility and the amounts approved claimants may receive are in the settlement agreement which can be viewed on class counsel's website.

For any individuals who are members of both the *Crisante* Ontario ASR Class Action and this *Wilson* British Columbia ASR Class Action and who are Eligible Claimants in this BC class action: the Ontario court will shortly be asked to approve a settlement in the *Crisante* Ontario class action. A person who is a member of both class actions will only obtain one recovery. They will need to seek settlement recovery from the *Crisante* Ontario ASR Class Settlement Program unless the *Crisante* Ontario ASR Class Settlement Program is not approved before the last payment has to be made under the *Wilson* British Columbia ASR Settlement Program. Please contact Class Counsel below if you are uncertain whether you are a member of both classes.

Please refer to the Settlement Agreement for specific terms and conditions. It may be found at <https://DePuyASRclassactionBC.ca> or call the Claims Administrator.

The Settlement Agreement includes a "Most Favoured Class" clause which may provide for enhanced compensation. Please consult with Class Counsel to inquire as to whether this clause impacts your claim.

To Make a Claim

To be entitled to a payment pursuant to the Settlement Agreement, Class Members, including Opt-Ins, must be Eligible Claimants and submit all required forms and documentation to the Claims

Administrator on or before the expiration of the Claims Period. Class counsel is available to assist class members in filling out the required claim form.

An Eligible Claimant under the Settlement means a member of the BC Class (either as a member of the BC Resident Opt-Out Subclass or Non-BC Resident Opt-In Subclass) who (a) was a Canadian Patient, (b) underwent an ASR Index Surgery, and (c) underwent an ASR Revision Surgery on or before August 24, 2020. See the Settlement Agreement for terms relating to Last Eligible Date and Claims Period.

For Eligible Claimants who had ASR Revision Surgery, the Claims Period expires **October 25, 2021 at 5:00 p.m. Vancouver time.**

For More Information or to Obtain a Claim Form

Please contact Class Counsel or the Claims Administrator below:

Class Counsel in *Wilson* Action:

Klein Lawyers LLP
Suite 400
1385 West 8th Avenue
Vancouver, BC V6H 3 V9
Telephone: 604-874-7171
Facsimile: 604-874-7180
www.callkleinlawyers.com

Claims Administrator:

DePuy BC ASR Class Action Settlement
c/o Epiq Class Action Services Canada Inc.
P.O. Box 507 STN B
Ottawa ON K1P 5P6
Telephone: 1-877-797-6678
Fax: 1-888-842-1332
Email: DePuyASRclassactionBC@epiqglobal.ca
Website: <https://DePuyASRclassactionBC.ca>