

**Schedule “B” – Notice of Proposed Settlement and Settlement Approval Hearing
(long form)**

NOTICE OF PROPOSED SETTLEMENT AND SETTLEMENT APPROVAL HEARING

**WERE YOU PRESCRIBED AND DID YOU PURCHASE AND INGEST ALYSENA 21 OR 28 IN
CANADA BETWEEN FEBRUARY 9, 2017 AND OCTOBER 31, 2019?**

YOUR LEGAL RIGHTS MAY BE AFFECTED

A class action settlement has been reached in *Emmett v. Apotex Inc. et al.*, S.C.B.C. No. VLC S-189280.

The British Columbia Supreme Court has certified the class action for the purposes of implementing the proposed settlement. The settlement is a compromise of disputed claims and is not an admission of liability or wrongdoing or fault by any of the Defendants. The proposed settlement is subject to Court approval.

The defendants are Apotex Inc. and Laboratorios León Farma.

What are the proceedings about?

The claim alleges that Alysena 21 and 28 distributed by the Defendants in Canada is defective and unfit for its intended purpose of preventing pregnancy. The plaintiffs sought to recover damages for Class Members for alleged losses as a result of the defective nature of the medication. The Defendants deny the allegations, which have not been proven, and are defending the lawsuit.

Who are in the Class and affected by the settlement?

The Class consists of “all women in Canada who were prescribed, purchased and ingested Alysena 21 or Alysena 28 in Canada between February 9, 2017 and October 31, 2019”.

The Court has appointed Holly Nunn (nee Emmett) as Representative Plaintiff. Class Counsel are Rice Harbut Elliott LLP and Merchant Law Group LLP.

What are the terms of the settlement?

The settlement provides for the payment of up to **\$2,030,600** by the Defendants, including costs reimbursement in exchange for a full release of all claims against them by the Class and the public health insurers who have paid for health services for Class members.

A further hearing will be held to seek approval of the Settlement Agreement by the Court. The hearing will take place at 800 Smithe Street, Vancouver, B.C., before the Honourable Madam Justice Lyster.

If approved, the settlement will be binding on all members of the Class who do not opt out of the proceeding.

The full settlement terms and court documents are available at the following link: www.AlysenaClassAction.ca.

How do I participate?

If you want to be a member of this class action and participate in the settlement, you do not need to do anything. You are automatically included as a member of the Class, unless you opt out of the applicable proceeding. After the settlement is approved, a process will be announced for submitting an application for compensation. You may contact Class Counsel if you would like to be notified when this information becomes available.

What if I do NOT want to participate?

If you do not want to participate in the class action, you may exclude yourself (“opt-out”). In order to opt out, you must complete and sign an opt out form and deliver it to Class Counsel by mail, courier, or email no later than May 7, 2023. The opt-out form is available at www.AlysenaClassAction.ca.

The opt-out form must be emailed to info@AlysenaClassAction.ca, or mailed or couriered to:

Epiq Class Action Services Canada Inc.
Attention: Alysena Class Action Administrator
PO Box 507 STN B
Ottawa, ON K1P 5P6
Attention: Dawn McPherson

Will I receive compensation from this settlement?

The amount of compensation each member of the Class is entitled to is dependant on the particular circumstances of each member of the Class and will be determined by reference to a distribution protocol that is subject to Court approval.

What are the fee arrangements?

Under the terms of their retainer agreement with the representative plaintiff, Class Counsel will seek approval of a fee of up to 30% of the settlement amount, plus disbursements and applicable taxes. Class Counsel will also seek payment of up to \$1,500 as an honorarium for the representative plaintiff.

Class Counsel fees, disbursements and any payments to the representative plaintiff are subject to Court approval.

Objections

All members of the Class have the right to let the Court know of any objection they have to the approval of the Settlement Agreement, Distribution Protocol, Class Counsel fees or honorarium to the representative plaintiff by delivering a letter or written objection to Class Counsel on or before

May 7, 2023. If a class member wishes to object, the following information must be included in the letter or written objection delivered to Class Counsel:

- (a) The objector's full name, current mailing address, telephone number and email address;
- (b) A brief statement of the nature and reasons for the objection;
- (c) Confirmation that the objector is a member of the Class;
- (d) Whether the objector intends to appear at the court hearing on their own behalf or through a lawyer, and if by a lawyer, the name, address, telephone number and email address of the lawyer; and
- (e) A statement that the foregoing information is true and correct.

For more information or a copy of the Settlement Agreement, go to the following website:

www.AlysenaClassAction.ca

You may also contact Class Counsel at nbeauprefulton@rhelaw.com or via mail at the address listed at rhelaw.com.

This notice has been authorized by order of the British Columbia Supreme Court.