

ARE YOU A RESIDENT OF CANADA OTHER THAN BRITISH COLUMBIA OR QUÉBEC WHO UNDERWENT SURGERY TO IMPLANT A DEPUY ASR™ XL ACETABULAR HIP SYSTEM OR ASR™ HIP RESURFACING SYSTEM?

This notice may affect your rights. Please read carefully.

A class action lawsuit entitled *Crisante, et al., v. DePuy Orthopaedics, Inc., et al.*, Civil Action No. CV-10-415777-00CP, was initiated in the Ontario Superior Court of Justice regarding allegations that the DePuy ASR™ XL Acetabular Hip System or the ASR™ Hip Resurfacing System was defective, and that they failed, requiring premature revision surgery (“*Crisante Action*”). The Ontario Court certified an ASR Class covering residents in Canada except for British Columbia and Quebec as a class action on August 27, 2013. The Defendants, while not admitting liability, have agreed to a settlement of the *Crisante Action*. The Ontario Court approved the Settlement Agreement on May 11, 2021.

The Settlement Agreement and Claims Protocol defines the terms used in this Notice. For a copy of the Settlement Agreement and Claims Protocol, please contact Class Counsel or the Claims Administrator at the address below.

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

The ASR Class includes:

- (a) all persons resident in Canada other than British Columbia and Québec who have been implanted with DePuy ASR XL Acetabular Hip Systems and/or the DePuy ASR Hip Resurfacing System (the “ASR Implants”) which were variously designed, developed, tested, manufactured, licensed, assembled, labeled, marketed, distributed and/or sold by one or more Defendants; and
- (b) all persons residents of Canada who by virtue of a personal relationship to one or more members of the ASR Implant Class have standing pursuant to section 61(1) of the *Family Law Act*, R.S.O. 1990, c. F.3 as amended (or the similar legislation in the other provinces and territories).

An Eligible Claimant under the Settlement is a member of the ASR Implant Class above who (a) underwent an ASR Index Surgery, and (b) either has undergone or been recommended by their physician to undergo a Revision Surgery of their ASR Implant as defined in the Claims Protocol, or has been unable to undergo a Revision Surgery of their ASR Implant for medical reasons, and who has not timely and validly opted out of the class action. Eligible Claimants include family members of Eligible Claimants and the duly appointed estate or personal representatives of Eligible Claimants who had ASR Revision Surgery, but who are now deceased or otherwise incompetent to act on their own behalf. Under the Claims Protocol, ASR Implant Class Members who did not undergo a Revision Surgery but nonetheless meet specific requirements under the Claims Protocol may also be eligible to claim compensation under the Settlement.

PLEASE NOTE that if you have already participated in related settlements in British Columbia and Québec or any other class action related to the ASR Implants, you are not an Eligible Claimant for the purposes of this Settlement.

PLEASE NOTE FURTHER that any individuals who are members of both this *Crisante* Ontario ASR Class Action and the *Wilson* British Columbia ASR Class Action and who are Eligible Claimants can only obtain one recovery and must seek settlement recovery from this *Crisante* Ontario ASR Class Settlement Program even if the settlement payment will be made later than the settlement payment in the *Wilson* British Columbia ASR Settlement Program. Please contact Class Counsel below if you are uncertain whether you are a member of both classes.

The Terms of Settlement

The settlement provides certain compensation to Class Members who are Eligible Claimants and who timely submit all forms and documentation required under the Settlement Agreement, less certain deductions approved by the Court, including legal fees, disbursements, and the Class Proceedings Fund’s statutory 10% levy. The claim form and exact documentation required to make a claim and potential award amounts will be set forth on Class Counsel’s website and the Claim Administrator’s website. The total amount of compensation per Eligible Claimant who is approved will depend on how many Eligible Claimants submit claims under the Settlement and are approved, and will not be known until after the expiry of the Claims Period. Amounts may also be payable to family members of approved claimants.

Please refer to the Settlement Agreement for specific terms and conditions. The Settlement Agreement is posted at www.DepuyASRClassAction.ca. You may also contact the Claims Administrator or Class Counsel for additional information.

To Make a Claim

To be entitled to a payment pursuant to the Settlement Agreement, Class Members must be Eligible Claimants and submit all required forms and documentation to the Claims Administrator on or before the expiration of the Claims Period.

The Claims Period expires on Monday, March 14, 2022. Please see the Settlement Agreement and Claims Protocol for all terms.

For More Information or to Obtain a Claim Form

Please contact Class Counsel or the Claims Administrator below:

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Claims Administrator:

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