

Schedule “5”-Media Release

M2a 38, M2a Magnum or ReCap Femoral Resurfacing System Metal-on-Metal Hip Implant Class Action Settlement

Subject to court approval, a settlement has been reached in the certified class actions involving Canadians who were implanted in Canada with the M2a 38, M2a Magnum or ReCap Femoral Resurfacing System hip implants, or any combination thereof, that was used as a metal-on-metal hip implant system (“**Biomet Devices**”). A class action has been certified in Ontario (*Dine v. Biomet et al*) and was filed in Quebec (*Conseil pour la protection des malades c. Biomet Canada inc.*)

The settlement applies to “all persons who were implanted with the Biomet Devices in Canada”, their estates and certain family members.

The defendants do not admit liability, but have agreed to a settlement providing compensation to class members with certain injuries upon approval after receipt of supporting documentation, less deductions for legal fees and levies to public litigation funders. Public health insurers are also entitled to compensation under the settlement agreement. Please refer to the settlement agreement for compensation details.

A motion to approve the settlement agreement will be heard by the Ontario Superior Court of Justice in Toronto on October 25, 2024. At the hearing, Class Counsel will also ask the courts to approve payment of its fees and disbursements for its work in connection with the actions.

Class members who do not oppose the settlement do not need to appear at the hearings to indicate their desire to participate in the settlement. Class members who oppose the settlement or who want to assert contentions relative to the settlement have the right to present arguments to the courts or to object to the settlement, including by delivering a written submission to Class Counsel on or before October 25, 2024. A class member who wishes to object to the settlement or submit contentions should provide in their objection or contention the following information: (a) the full name, current mailing address, telephone number, and email address of the person objecting; (b) a brief statement of the reasons for the objection; (c) a declaration that the person believes he or she is a member of the Class, and the reason for that belief, including, if available, the catalogue and lot numbers of their Biomet Device(s); (d) whether the person intends to appear at the relevant approval hearing or intends to appear by counsel, and, if by counsel, the name, address, telephone number, and email address of his or her counsel; and (e) a declaration that the foregoing information is true and correct.

For additional information and a copy of the settlement agreement, contact:

KOSKIE MINSKY LLP
Barristers and Solicitors
20 Queen Street West
Suite 900
P.O. Box 52
Toronto ON M5H 3R3

**Jonathan Ptak
Jamie Shilton**

Tel: 416.977.8353

Email: jptak@kmlaw.ca
jshilton@kmlaw.ca

STEVENSON WHELTON LLP

Barristers and Solicitors

15 Toronto Street

Suite 200

Toronto ON M5C 2E3

J. Daniel McConville

Tel: 416.599.7900

Email: dmconville@swlawyers.ca

KLEIN LAWYERS

100 King Street West

Suite 5600

Toronto ON M5X 1C9

Brent Ryan

Tel: 604-874-7171

Email: bryan@callkleinlawyers.com

SYLVESTRE PAINCHAUD ET ASSOCIÉS

740, Avenue Atwater

Montréal, Québec, H4C 2G9

Normand Painchaud

Sophie Estienne

Tel: 514.937.2881

Email: n.painchaud@spavocats.ca
s.estienne@spavocats.ca