NOTICE OF ASR HIP IMPLANT SETTLEMENT APPROVAL HEARING

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, is pending in the Ontario Superior Court of Justice regarding allegations that the DePuy ASR™ XL Acetabular Hip System or ASR™ Hip Resurfacing System was defective, and that they failed, requiring premature revision surgery ("*Crisante* Action"). An ASR Implant Class and Family Class have previously been certified, covering residents in Canada except for British Columbia and Québec. The Defendants, while not admitting liability, have agreed to a settlement of the *Crisante* Action. For a copy of the Settlement Agreement or Claims Protocol, or for more information, please contact Class Counsel or the Claims Administrator listed below.

Who is a Class Member and Potentially Eligible to Receive a Settlement Award?

The certified ASR Class includes all persons resident in Canada other than British Columbia or Québec who underwent the surgical implantation of the DePuy ASR™ XL Acetabular Hip System or ASR™ Hip Resurfacing System (collectively "ASR Implant Systems") in a surgery occurring in Canada ("ASR Index Surgery"). The ASR Class also includes eligible family members of those class members who underwent implantation. Eligibility to receive a settlement award will be determined on the basis of factors set out in the Claims Protocol to be approved by the Court. Please contact Class Counsel for additional information.

PLEASE NOTE that if you have already participated in related settlements in British Columbia and Quèbec or any other class action related to the ASR Implant Systems, 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 to be approved by the Court, including legal fees and disbursements. The amount of compensation per Eligible Claimant will depend on how many Eligible Claimants submit claims under the Settlement. Please refer to the Settlement Agreement and Claims Protocol or contact Class Counsel for additional information on specific terms and conditions.

Court Hearings and Your Right to Participate

A motion to approve the Settlement Agreement is scheduled to be heard virtually by the Ontario Superior Court of Justice in Toronto on **May 11, 2021** at **10 am**. Class Counsel will also ask the court to approve an award of fees and disbursements for their work in connection with the *Crisante* Action during the hearing.

Persons who are Class Members who do not oppose the settlement need not appear at the hearings or take any other action at this time to indicate their desire to participate in the Settlement.

The ability to opt out of the ASR Implant Class in the *Crisante* Action already has expired. There is no further ability to opt out of the Class or Settlement. However, all persons who are Class Members have the right to present arguments to the Ontario Court as regards the Settlement, or to object to the Settlement, by delivering a written submission to Class Counsel on or before **May 7, 2021**. A Class Member who wishes to object to the Settlement shall provide in his or her objection:

(a) The full name, current mailing address, telephone number, and email address of the person who is objecting;

(b) A brief statement of the nature and reasons for the objection;

(c) A declaration that the person believes he or she is a Class Member of the ASR Implant Class, or its related Family Class, and the reason for that belief including, if available, the catalogue and lot numbers of his/her ASR™ XL Acetabular Hip System or ASR™ Hip Resurfacing System; and

(d) Whether the person intends to appear at the Approval Hearing or intends to appear by counsel and if by counsel, the name, address, telephone number, and email address of counsel, and

(e) A declaration under the penalty of perjury that the foregoing information is true and correct.

For Additional Information and a Copy of the Settlement Agreement:

We encourage you to email Class Counsel or check the website www.DepuyASRClassAction.ca after May 11, 2021 to learn whether the Settlement has been approved and the process for making claims.

Please contact Class Counsel or the Claims Administrator below:

Class Counsel in *Crisante* Action:

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