

## ALLERJECT® RECALL CLASS ACTIONS SETTLEMENT NOTICE

### Important Legal Notice of a Class Action Settlement

If you purchased or used an **Allerject®** epinephrine auto-injector after December 11, 2012, your rights could be affected by a proposed national class action settlement

#### The Class Actions

An Allerject® epinephrine auto-injector (“**Allerject Device**”) is a medical device that is used in emergency situations as a first-line response to severe allergic reactions, either through self-injection or with the assistance of a caregiver. Class action lawsuits were commenced in Quebec and Saskatchewan (collectively, the “**Class Actions**”) against, *inter alia*, Sanofi-Aventis Canada Inc. and Medivative Technologies LLC (the “**Defendants**”) following a voluntary recall in 2015 of Allerject Devices sold in Canada (the “**Recalls**”).

The Plaintiffs in the Class Actions allege that the Allerject Devices were defective and that the Defendants failed to timely and properly implement the Recalls. The Plaintiffs seek damages and other relief from the Defendants. The Defendants deny any wrongdoing or liability. Nonetheless, a national settlement has been reached whereby all claims by those who purchased, used, ingested or acquired the Allerject Devices between December 11, 2012 and the present date will be settled (the “**Settlement**”). A full copy of the Settlement Agreement is available at [www.allerjectrecallsettlement.com](http://www.allerjectrecallsettlement.com) or by contacting Trilogy Class Action Services at the address below.

The Settlement is subject to approval of the courts in Quebec and Saskatchewan (the “**Courts**”) and individuals who purchased, used, ingested or acquired an Allerject Device, or those claiming through them, have an opportunity to Opt-Out of the Settlement by April 8<sup>th</sup>, 2019. The Class Actions have been certified for the purposes of approving the Settlement.

The Settlement provides for the following benefits for the Settlement Class Members (as defined below) who, in exchange for a full release of claims against the Defendants and other related entities, will be entitled to the following:

- a) Individuals who: (1) having used a non-expired Allerject Device due to an allergic reaction; (2) allege they suffered personal injury; and (3) can establish they required additional medical treatment as a result of the Allerject Device not functioning properly, will be entitled to obtain either \$2,000 or \$4,000 (or such lesser amount that may be available on a pro-rata basis from the settlement proceeds) upon filing a proof of claim which establishes their entitlement to recovery within the claims deadline; and
- b) Individuals who: (1) were not required to use their Allerject Device; (2) that have not already obtained a replacement device in furtherance of the Recalls; and (3) still have their Allerject Device, will be entitled to participate in an extended exchange program (the “**Extended Exchange Program**”) as described in the press releases issued by Sanofi at the time of the voluntary recalls wherein they will be provided a replacement device at no cost, provided that the Allerject Device is exchanged during an additional period of 12 months after the Settlement has been approved by the Courts.

If the Settlement is approved, the lawyers from Merchant Law Group who are advancing the Class Actions will ask the Courts to approve the deduction of certain amounts from the Settlement Fund, including costs incurred to distribute this notice, process opt-out requests and run the claims process and other disbursements. The Settlement also provides for legal fees of up to \$300,000, as may be approved by the Courts, payable to Merchant Law Group independently from the Settlement Fund with additional amounts that may also be available to

Merchant Law Group. If the Settlement is approved by the Courts, this will bring an end to the Class Actions and the Settlement Class Members will not be entitled to claim any other remedy or relief from the Defendants in relation their purchase, use, ingestion or acquisition of an Allerject Device.

### **RIGHT TO PARTICIPATE OR OPT-OUT**

You are a **Settlement Class Member** if at any time after December 11, 2012, you purchased, used, ingested or acquired an Allerject Device in Canada or are the spouse, child or relative of anyone who purchased, used, ingested or acquired an Allerject Device, and by reason of your relationship with that person are entitled to advance a claim.

If you qualify as a Settlement Class Member and wish to participate in the Settlement, you do not need to do anything at this time. Settlement Class Members who **do not opt out** will be bound by the Settlement and the releases in it, and will be entitled to share in any of the benefits that may become available to them as Settlement Class Members, provided that they proceed within the timeframes provided for in the Settlement Agreement to advance their claims or obtain a replacement device.

**If you are a Settlement Class Member and you do not wish to participate in the Settlement, then you must opt out. Opt-out forms are available at [www.allerjectrecallsettlement.com](http://www.allerjectrecallsettlement.com) or by contacting Trilogy Class Action Services at the address below.** The deadline to opt out of the Settlement and the Class Actions is April 8<sup>th</sup>, 2019. By opting out, you are choosing:

- 1) **not** to take part in the Settlement;
- 2) **not** to participate in any way in the Class Actions, AND
- 3) **not** to participate in any benefits arising from the Settlement or the Class Actions.

Settlement Class Members **who opt out** will not be bound by the Settlement or the releases in the Settlement, but will also not be entitled to share in any of the proceeds that may become available to Settlement Class Members as part of the Settlement. The Class Actions will be dismissed as part of the Settlement. **There will be no further opportunity to opt out of the Settlement or the Class Actions.**

### **Settlement Approval Hearings**

Hearings to approve the Settlement and the fees of Merchant Law Group are scheduled for April 10, 2019 at 2:00pm before the Superior Court of Quebec (in Montreal, in room 2.08 [or any other courtroom, which will be indicated by the posting of a sign outside of room 2.08]) and April 11, 2019 at 10:00am before the Court of Queen's Bench for Saskatchewan (in Regina). Anyone can attend the hearings. If you wish to provide written comments on the Settlement or if you are a Settlement Class Member and object to the Settlement, you must provide your written comments or notice of objection by sending a copy to either the Superior Court of Quebec (in Montreal) or the Court of Queen's Bench for Saskatchewan (in Regina) and to Merchant Law Group at the address below by no later than April 3, 2019. Comments or objections will be considered by the Courts to determine whether to approve or reject the Settlement.

### **Claiming from the Settlement Fund and Implementation of the Extended Exchange Program**

If the Settlement is approved by the Courts, further information about how to make a claim or obtain a replacement device as part of the Extended Exchange Program will be made available.

A further notice to the Settlement Class Members will also be published containing all the relevant information at [www.allerjectrecallsettlement.com](http://www.allerjectrecallsettlement.com). If you would like to receive direct notice of the claims process and any distribution efforts, please register at [www.allerjectrecallsettlement.com](http://www.allerjectrecallsettlement.com), or with Trilogy Class Action Services at the address below.

### **Authorization/Certification as Class Proceedings for Settlement Purposes**

In order to implement the Settlement, the Courts have authorized/certified the Class Actions as class proceedings against the Defendants for settlement purposes only. If the Courts do not approve the Settlement, the benefits to the Settlement Class Members will not be available and the litigation between the parties will resume.

### **DO YOU REQUIRE MORE INFORMATION?**

FOR MORE INFORMATION on the status of the approval hearings or on how to opt out of the Class Actions, comment or object to the Settlement, or to view the Settlement Agreement and a list of other definitions that apply to this Notice, visit [www.allerjectrecallsettlement.com](http://www.allerjectrecallsettlement.com), which will be periodically updated with information on the Settlement approval process and the Class Actions.

This notice is a summary of the Settlement. You should consult the Settlement Agreement at [www.allerjectrecallsettlement.com](http://www.allerjectrecallsettlement.com) or contact Trilogy Class Action Services for specific details as to your rights and obligations under the Settlement.

<b>FOR MORE INFORMATION</b> <a href="http://www.allerjectrecallsettlement.com">www.allerjectrecallsettlement.com</a>		
<b><u>Trilogy Class Action Services</u></b> Allerject Recall Class Action Settlement 117 Queen Street, PO Box 1000 Niagara-on-the-Lake, ON L0S 1J0  Tel: 1-877-400-1211 Fax: 1-416-342-1761 <a href="mailto:inquiry@trilogyclassactions.ca">inquiry@trilogyclassactions.ca</a>	<b>Merchant Law Group LLP (Class Counsel)</b>	
	<b><u>For Quebec Residents</u></b> 200-10 Notre-Dame Est Montreal, QC H2Y 1B7  Roch Dupont / Erik Lowe Tel: (514) 248-7777 Fax: (514) 842-6687 <a href="mailto:allerject@merchantlaw.com">allerject@merchantlaw.com</a>	<b><u>For Non-Quebec Residents</u></b> 2401 Saskatchewan Drive Regina, SK S4P 4H8  E.F. Anthony Merchant, Q.C. Tel: (306) 359-7777 Fax: (306) 522-3299 <a href="mailto:allerject@merchantlaw.com">allerject@merchantlaw.com</a>

This notice has been approved by the Superior Court of Quebec and the Court of Queen's Bench for Saskatchewan