

NOTICE OF SETTLEMENT APPROVAL FOR CANADIAN MEDTRONIC DEFIBRILLATORS CLASS ACTION

PLEASE READ CAREFULLY. IGNORING THIS NOTICE WILL AFFECT YOUR LEGAL RIGHTS

NOTICE OF SETTLEMENT APPROVAL

A Canada-wide settlement has been reached in a Class Action related to certain Defibrillators manufactured by Medtronic, Inc. and/or Medtronic of Canada Ltd. This lawsuit alleged that the Defendants were negligent in the design and manufacturing of the Defibrillators and sought damages on behalf of Canadians for harm related to alleged defects in these medical devices. The defendants deny the allegations made in the lawsuit, make no admission as to the truth of the allegations and deny any wrongdoing.

This Notice advises you that, following publication of a notice program, a hearing was held in the Ontario Superior Court of Justice on March 2, 2020 (“the Approval Hearing”) and the Court issued an Order approving the Settlement, finding that the Settlement was fair, reasonable and in the best interests of Class Members. The Approval Order can be reviewed at the settlement website, www.medtronicdefibsettlement.ca.

WHO IS THIS NOTICE FOR?

The Settlement applies to all persons who were implanted in Canada with one of the following Medtronic Defibrillators (“the Defibrillators”) and who did not opt out of the lawsuit:

Defibrillator	Model	Manufactured Before
Marquis VR	7230	December 31, 2003
Marquis DR	7274	December 31, 2003
Maximo VR	7232	December 31, 2003
Maximo DR	7278	December 31, 2003
InSync Marquis	7277	December 31, 2003
InSync III Marquis	7279	December 31, 2003

WHAT IS THE SETTLEMENT?

The Settlement provides for the creation of a \$3.072 million (CDN) Settlement Fund which will be used to pay Approved Claims, \$500,000.00 towards the claims of the Public Health Insurers, as well as the costs of notice, administration and Court-approved Class Counsel Legal Fees, disbursements and taxes.

Subject to the total number of Approved Claims, payments of up to \$5,000 will be made to Class Members who establish that they had their Defibrillator(s) explanted prematurely as a result of an advisory that was issued in February 2005. Further compensation may be paid to Class Members who suffered from certain complications following the explant surgery. The quantum of compensation will depend on the total number of Approved Claims and all payments will be inclusive of all Family Class Members’ claims.

Not all Class Members will be eligible for compensation. If money remains in the Settlement Amount after the payment of all Approved Claims, the payment to the Public Health Insurers, the costs of notice and administration and Class Counsel Fees, disbursements and applicable taxes, the balance will be split on a 50/50 basis between Class Members with Approved Claims and the Public Health Insurers.

PARTICIPATING IN THE SETTLEMENT

To be entitled to a payment pursuant to the Settlement, you must file a claim with the Claims Administrator on or before the end of the Claim Period which expires on **SEPTEMBER 28, 2020**. Downloadable versions of the Claim Package are currently available online at the settlement website: www.medtronicdefibsettlement.ca or, alternatively, Claim Packages can be requested from the Claims Administrator.

TO BE ELIGIBLE FOR ANY COMPENSATION FROM THE SETTLEMENT, CLAIMANTS MUST SUBMIT THEIR CLAIM DOCUMENTATION TO THE CLAIMS ADMINISTRATOR BEFORE THE EXPIRY OF THE CLAIM PERIOD ON SEPTEMBER 28, 2020. If, for any reason, this deadline is extended, any extension and new deadline will be posted at the settlement website.

WHO REPRESENTS ME? CLASS COUNSEL ARE:

Rochon Genova LLP

Barristers • Avocats
900-121 Richmond St. W.
Toronto, ON M5H 2K1
Joel P. Rochon
Tel: (416) 363-1867
Fax: (416) 363-0263
jrochon@rochongenova.com

Kim Spencer McPhee

Barristers PC
1200 Bay St., Suite 1203
Toronto, ON M5R 2A5
Megan B. McPhee
Tel: (416) 596-1414
Fax: (416) 598-0601
mbm@complexlaw.ca

LEGAL FEES

At the Approval Hearing, Class Counsel requested and received the Court’s approval for payment of their fees, disbursements and applicable taxes in the amount of \$1,057,939.97. Claimants may retain their own lawyers to assist them in making individual claims under the Settlement Agreement and will be responsible for any fees charged by such lawyers.

FOR MORE INFORMATION:

RicePoint Administration Inc. has been appointed by the Court as the Claims Administrator for the Settlement. If you have questions about the Settlement and/or would like to obtain more information and/or copies of the Settlement Agreement and related documents, please visit the settlement website or contact the Claims Administrator at:

Medtronic Defibrillators Class Action Claims Administrator

P.O. Box 4454, Toronto Station A
25 The Esplanade, Toronto, ON M5W 4B1
info@medtronicdefibsettlement.ca
1-888-625-8718

This Notice contains a summary of some of the terms of the Settlement. If there is a conflict between this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

This Notice has been approved by the Ontario Superior Court of Justice