

STADOL NOSE SPRAY (“STADOL NS”) CLASS ACTION

NOTICE OF COURT APPROVAL OF STADOL NS CLASS ACTION SETTLEMENT AGREEMENT

**PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS. YOU
MUST ACT WITHOUT DELAY TO COMPLY WITH DEADLINES AS SET OUT BELOW.**

TO ALL CLASS MEMBERS: To all Canadian residents who purchased or for whom was purchased Stadol NS in Canada (“Stadol NS Recipient”), from July 1, 1994 through July 1, 2004, or their personal representatives, heirs, assigns and trustees (“Representative Claimants”), and any other residents of Canada asserting the right to sue the Defendants or any Released Party independently or derivatively by reason of their familial relationship with a Stadol NS Recipient, including without limitation, spouses, common law spouses, same-sex partners, as well as parents, grandparents, siblings or children, by birth, marriage or adoption (“Derivative Claimants”).

Stadol NS is a prescription nasal spray sold in drug stores for pain relief.

Please be advised that the Ontario Superior Court of Justice and the Superior Court of Quebec have approved the Canada-Wide Stadol NS Litigation Settlement Agreement reached in class actions initiated in Ontario and Quebec alleging that Bristol-Myers Squibb Canada Co. and Bristol-Myers Squibb Company (the “Defendants”), negligently manufactured, marketed and sold Stadol NS without properly warning of the risks of addiction and/or dependence associated with its use.

To be entitled to a payment, Stadol NS Recipients and Derivative Claimants must file a claim with the Claims Administrator by January 31, 2005 in the manner described below.

1 SUMMARY OF THE AGREEMENT

- The Defendants, while not admitting liability, will pay a sum of \$12,457,350.00 to settle the Claims of all Class Members.
- Claimants will be eligible to receive settlement payments if the Stadol NS Recipient purchased four (4) or more bottles of Stadol NS in Canada within any 30 day period during the Class Period.
- The size of the payments will be based on the total number of approved Claims and a number of individual factors, including:
 - The number of bottles of Stadol NS purchased;
 - Participation in one or more treatment programs for Stadol NS addiction and/or dependence;
 - Loss of custody of child(ren) during the period of Stadol NS addiction and/or dependence;
 - Loss of employment during the period of Stadol NS addiction and/or dependence;
 - Loss of professional license during the period of Stadol NS addiction and/or dependence;
 - Suicide attempt(s) during the period of Stadol NS addiction and/or dependence;
 - Criminal conviction(s) related to Stadol NS addiction and/or dependence;
 - Separation or divorce from a spouse, common-law spouse or same-sex partner caused by Stadol NS addiction and/or dependence;
 - Significant health related complications caused by Stadol NS use;
 - Bankruptcy and/or loss of principal residence during period of Stadol NS addiction and/or dependence;

Interruption in post-secondary education during the period of Stadol NS addiction and/or dependence; and

History of drug abuse.

- Any arguments based on statutes of limitations, prescription or repose shall be waived for Class Members participating in the settlement.
- Class Members will have until January 31, 2005 to file a Claim.
- Derivative Claimants may be eligible to receive settlement payments based upon various factors, including the size of the payment made to the relevant Stadol NS Recipient and the total number of approved Claims.
- Provincial Health Insurers will share a fund of \$778,584.00 which shall be in full satisfaction of medical services provided or to be provided to Stadol NS Recipients.

2 OPTING OUT

All persons who come within the class definition will automatically be included in the class unless they exclude themselves from the class ("Opt Out"). To Opt Out, a Class Member will have to complete, sign and return an "Opt Out Form" postmarked or deposited with a courier by October 31, 2004. If a Class Member does not timely and properly Opt Out and does not timely and properly make a Claim under the Settlement Agreement, he or she will be forever barred from receiving any payments under the Settlement Agreement, and from instituting or continuing any action against the Defendants and/or Released Parties related to the use of Stadol NS.

3 LEGAL FEES

The Ontario Superior Court of Justice and the Superior Court of Quebec have awarded legal fees, expenses and applicable taxes to Class Counsel in the total amount of \$2,550,014.68. Class Counsel were retained on a contingent basis such that they were only to be paid if they were successful in the litigation. Class Counsel were responsible for funding all disbursements incurred in pursuing this litigation. The "fee" will be deducted from the settlement fund.

Claimants may, but are not obliged to, retain their own lawyers to assist them in making individual claims under the Settlement Agreement. Claimants are responsible for paying the legal fees of any lawyer they retain. Claimants are advised that submitting a Claim under the Settlement Agreement will be considerably less complex and less expensive than pursuing an individual lawsuit, and as such any percentage fee agreement might be for a lesser percentage than in ordinary circumstances.

4 IMPORTANT DEADLINES

October 31, 2004 Deadline to Opt Out of the Settlement Agreement
January 31, 2005 Deadline to file Claim

Because of the deadlines, you must act without delay.

5 FURTHER INFORMATION

A complete copy of the Settlement Agreement including the detailed instruction package and instructions on how to obtain a Claim Form or Opt Out Form are available on Class Counsel's website at www.classaction.ca. To obtain a paper copy of the detailed instruction package and a Claim Form necessary to file a Claim for settlement benefits or an Opt Out Form necessary to Opt Out, please call the Claims Administrator at **1-866-909-0078**

The law firm of *Siskind, Cromarty, Ivey & Dowler* ^{LLP}, represents the Class in Ontario, along with all Class Members resident outside Quebec. Ontario Class Counsel can be reached toll-free at **1-800-461-6166 ext. 455**.

The law firm of *Siskinds, Desmeules avocats (Desmeules, Eizenga, Strickland, Wright SENC.)* represents the Class Members in Quebec. Quebec Class Counsel can be reached at 418-694-2009.

If there is a conflict between the provisions of this Notice and the Settlement Agreement and any of its exhibits, the terms of the Settlement Agreement shall prevail.