

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

) *Monday*, the *25<sup>th</sup>* day  
)  
) of *July*, 2018

LESLIE DANCE AND JURGEN SUMANN

Plaintiffs

- and -

COVIDIEN

Defendant

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

**THIS MOTION** made by the Plaintiffs for an Order that the within proceeding be discontinued was heard in writing at the Superior Court of Justice, 361 University Avenue, Toronto, Ontario.

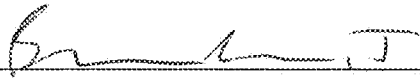
**ON READING** the materials filed by counsel for the Plaintiffs and on being advised that the Defendant takes no position on the motion:

1. **THIS COURT ORDERS** that the Notice of Discontinuance, in the form of the attached Schedule "A", is approved pursuant to section 19 and section 29 of the *Class Proceedings Act, 1992*, SO 1992, c 6 ("CPA").
2. **THIS COURT ORDERS** that the Plan of Notice, attached as Schedule "B", is approved pursuant to section 19 and section 29 of the CPA.

3. **THIS COURT ORDERS** that the Notice of Intent to Discontinue shall be disseminated in accordance with the Plan of Notice attached as Schedule "B".
4. **THIS COURT ORDERS** that the within proceeding be and hereby is discontinued, effective (90) days after publication of the Notice as described in the Notice Plan.
5. **THIS COURT ORDERS** that any limitation period applicable to people in Canada who were implanted with the Defendant's Pelvic Mesh Products (as defined in the Statement of Claim in this proceeding) and to people in Canada who, by reason of their relationship to a person implanted with the Defendant's Pelvic Mesh Products, are entitled to make claims under the *Family Law Act*, RSO 1990, c F 3, s 61 or analogous legislation in other provinces or at common law shall remain suspended until the date ninety (90) days following the publication of the Notice of Intent to Discontinue in print newspapers.
6. **THIS COURT ORDERS** that the Defendant pay costs in the amount of \$100,000.00 inclusive of disbursements, plus HST, allocated from the total settlement amount.
7. **THIS COURT DECLARES** that this Order is contingent upon Dismissal or Discontinuance Orders being made by: i) the Quebec Superior Court in *Sharon Rosemary McKee and Hans McKee v. Tyco Healthcare Group Canada UCL* (Quebec Court File No: 200-06-000173-149); ii) the Court of Queen's Bench of Alberta in *Kathleen Boschman and Robert Boschman v. American Medical Services Inc., AMS Canada Inc., Endo Pharmaceuticals, Boston Scientific Corporation, Boston Scientific Ltd., Coloplast A/S, Coloplast Canada, C.R. Bard, Inc., Bard Canada Inc., Bard Medical Division, Johnson & Johnson, Ethicon Inc., Ethicon Women's Health and Urology, Gynecare Inc., Ethicon Sarl, Johnson & Johnson Medical Companies, Mentor Corporation, Covidien* (Alberta Court File No.: 1203 17913) as against Covidien; and iii) the Court of Queen's Bench for Saskatchewan in *Rosemary Maximovich and Stephan Maximovich v. American Medical Services Inc., AMS Canada Inc., Endo Pharmaceuticals, Boston Scientific Corporation, Boston Scientific Ltd., Coloplast Canada, C.R. Bard Inc., Bard Canada Inc., Bard Medical Division, Johnson & Johnson, Ethicon Inc., Ethicon Women's Health and Urology, Johnson & Johnson Medical Companies Inc., Mentor Corporation,*

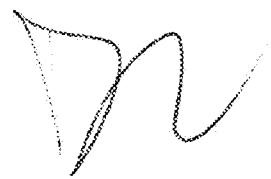
*Covidien LLC, Atrium Medical Corporation* (Saskatchewan Court File No: Q.B. No. 1190 of 2013) as against Covidien and the terms of this Order shall not be effective unless and until such orders are made by the Quebec Superior Court, the Court of Queen's Bench of Alberta and the Court of Queen's Bench for Saskatchewan.

Date: June 25, 2018

  
The Honourable Justice Glustein

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:  
JUN 26 2018

PER / PAR:



**NOTICE OF DISCONTINUANCE OF COVIDIEN CLASS ACTION - TRANSVAGINAL MESH  
FOR STRESS URINARY INCONTINENCE AND PELVIC ORGAN PROLAPSE**

**Please Read This Notice Carefully. It May Affect Your Legal Rights.**

**By Order of the Ontario Superior Court of Justice, all persons resident in Canada who have been  
implanted with a Covidien transvaginal mesh ("TVM") product are advised that:**

In October 2012, a proposed class proceeding was commenced in Ontario alleging that Covidien's TVM products, intended to treat stress urinary incontinence ("SUI") or pelvic organ prolapse ("POP"), were negligently designed, manufactured, and distributed. The plaintiffs allege that this resulted in increased complications as compared to other treatment options. Proposed class proceedings making similar allegations were also commenced in Alberta, Saskatchewan and Quebec.

Covidien denies these allegations.

Although Covidien denies liability, the parties and their counsel have reached an agreement in principle to resolve all known claims. Covidien will continue to consider the settlement of individual claims of which it is given notice by Siskinds until **[insert date]** ("**the settlement program period**"). On this basis, Siskinds filed motion materials with the Ontario Superior Court of Justice to obtain approval of the discontinuance. The discontinuance was approved by the Court and it will be filed and take effect on [date to be inserted: 90 days after publication of the intention to discontinue].

The discontinuance relates to the Covidien transvaginal mesh class action only. It does not relate to claims against various other manufacturers of TVM products. Orders to discontinue or dismiss the proposed class proceedings against Covidien in Alberta, Saskatchewan and Quebec have also been granted.

**YOU SHOULD TAKE NOTICE THAT THE limitation period for bringing a claim, if there is any time left within it, will recommence when the notice of discontinuance is filed with the Ontario Superior Court of Justice on [date to be inserted: 90 days after publication of the intention to discontinue]. On the expiry of the limitation period a right to sue may be extinguished.**

TAKE NOTICE THAT because the limitation period for bringing a claim will recommence with the filing of the notice of discontinuance, if you wish to pursue a court claim against Covidien in relation to a TVM product, you should issue a Notice of Action or Statement of Claim, if you have not already done so, before [date to be inserted 90 days after publication of the intention to discontinue].

**Siskinds will answer questions about the discontinuance, the recommencement of the running of the limitation period, or about pursuing a claim against Covidien during the settlement program period at no charge. Please contact Siskinds at:**

<b>SISKINDS LLP</b> 680 Waterloo Street P.O. Box 2520 London, ON N6A 3V8  Elizabeth deBoer Rachel Pardy (800) 461-6166 x 2367 (519) 672-2121 x 2367	<b>SISKINDS, DEMEULES sncrl</b> Les Promenades du Vieux, Québec 43, rue Buade, bur 320 Québec, QC, G1R 4A2  Caroline Perrault Barbara Ann Cain (418) 694-2009
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It is recommended that you obtain legal advice from Siskinds or a lawyer of your choice. For updated information with respect to the discontinuance or about making a claim, please consult [www.siskinds.com/transvaginal-mesh](http://www.siskinds.com/transvaginal-mesh).

If you do not know what type of transvaginal mesh you were implanted with, you can retrieve your medical records, which will typically note the brand of mesh used. If you need help retrieving your records, Siskinds can assist.

**PUBLICATION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR  
COURT OF JUSTICE**

## Appendix "B"

### PLAN OF NOTICE

- (1) The Notice of Discontinuance will be sent by email or direct mail by Class Counsel to any person who has contacted the firm, about the Class Action or who has registered to receive updates on Class Counsel's website, or who may have an outstanding claim against the Defendant, including any person with transvaginal mesh from an unknown manufacturer. Where the person is located in Quebec (or otherwise specifically requests), the Notice of Discontinuance will be sent in English and French;
- (2) The Notice of Discontinuance will be posted by Class Counsel, in English and French, on their website;
- (3) The Notice of Discontinuance will be sent by email or direct mail by Class Counsel to any Plaintiff Counsel representing transvaginal mesh claimants, within the knowledge of Class Counsel;
- (4) The Notice of Discontinuance will be published by the Defendants once, in English, in The Globe and Mail, national edition;
- (5) The Notice of Discontinuance will be published by the Defendants once, in French, in Le Journal de Montreal;
- (6) The Notice of Discontinuance will be forwarded to all hospitals in Canada that purchased Covidien Transvaginal Mesh Products according to Covidien's records together with a request that the Notice of Discontinuance be prominently displayed on their public bulletin boards (if any) and/or within the urogynecology/gynecology departments, by Class Counsel, with a cover letter approved by the Defendants;

- (7) The Notice of Discontinuance will be sent by email or direct mail by Class Counsel to any news media source that publicized the transvaginal mesh class action;
- (8) The Notice of Discontinuance will be provided by Class Counsel to any person who requests it.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto, ON

Proceeding under the *Class Proceedings Act, 1992*

**ORDER  
Discontinuance**

**Siskinds LLP**  
Barristers & Solicitors  
680 Waterloo Street  
London, ON N6A 3V8

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Lawyers for the Plaintiffs