

**Notice to: Women in Québec who were prescribed and used the oral contraceptives Yasmin and/or Yaz between December 10, 2004 (in respect of Yasmin) and January 6, 2009 (in respect of Yaz) and November 30, 2011.**

**A class action may affect your rights.**

- Your rights may be affected by a class action that has been authorized against Bayer, inc. (the “defendant”);
- The class action includes all persons residing in Québec, as well as their successors, assigns, family members and dependants, who were prescribed and used the drugs Yasmin and/or Yaz since their respective introduction on the market (December 10, 2004, in respect of Yasmin and January 6, 2009, in respect of Yaz) and November 30, 2011, and who were diagnosed with deep vein thrombosis, pulmonary embolism, arterial thromboembolism or gallbladder disease (the “Class members” or the “Class”);
- The court has not yet decided whether the defendant has committed a fault and the allegations made against the defendant have not yet been proven. The defendant is contesting the class action and submits, among other things, that the use of the oral contraceptives Yasmin and/or Yaz does not cause an increased risk of deep vein thrombosis, pulmonary embolism, arterial thromboembolism or gallbladder disease compared to other oral contraceptives and that the disclosure of the risks associated with the use of Yasmin and/or Yaz has been adequately made to Class members and/or their physicians;
- If you are a Class member and sums of money or benefits are obtained at the conclusion of the class action, you will be informed of how to claim your share. No amount of money is available at this time and there is no guarantee that money will eventually be available. Nevertheless, your rights are affected and you must choose one of the following options at this time.

| <b>YOUR OPTIONS AT THIS TIME</b> |  |
|----------------------------------|--|
| <b>DO NOTHING</b>                | <p>Remain a member of the class action and await the outcome thereof. You will take part in the sharing of money and benefits, if any.</p> <p>By doing nothing, you retain the possibility of obtaining money or other benefits that could be awarded following a trial or a settlement. However, by doing so, you waive any rights that you may have to institute a personal action based on the same allegations as those raised in this class</p> |

|                |  |
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|                | action.  |
| <b>OPT OUT</b> | <p>Opt-out or exclude yourself from this class action. You will not take part in the sharing of money or benefits, if any, but you will retain the right to bring a personal action.</p> <p>If you opt-out of the class action and money or other benefits are subsequently granted, you will have no right to any share of said money or other benefits. Should you wish, you may institute an action in your own name based on the same allegations as those raised in this class action, at your own cost.</p> <p>To opt-out, you must act before <b>September 4, 2019</b>.</p> |

**Your options are explained in greater detail in this notice.**

### **GENERAL INFORMATION**

The Honourable Guylène Beaugé, judge of the Superior Court of Québec, is in charge of the oversight of this class action, known under the name of *Janie Guindon, Geneviève Gladu and Julien Leboeuf v. Bayer inc.*, Court file no 500-06-000484-093, in the district of Montréal.

The persons who brought this action, Janie Guindon, Geneviève Gladu and Julien Leboeuf (the “plaintiffs”), are the authorized representatives of the Class. They are acting on their behalf and on behalf of all the other Class members.

Bayer, inc. is the only defendant in this action.

#### **A) What is the purpose of this class action?**

This class action is based on allegations regarding alleged increased risks of arterial thrombosis, pulmonary embolism, venous thromboembolism or gallbladder disease associated with the use of Yasmin and/or Yaz compared to other oral contraceptives, as well as allegations of insufficiency of the warning to the members of the Class and/or their physicians regarding these alleged increased risks, and of alleged misleading representations regarding the safe nature of the oral contraceptives Yasmin and/or Yaz.

**B) Why is this notice being published?**

This action was "authorized" as a class action. If you meet the definition of the Class, you have certain rights and certain options that you should consider regarding the possibility of opting out of the class action before the court decides whether the allegations made against the defendant are valid. This notice explains these aspects and the procedure to follow in order to exercise your rights.

**C) What is a class action?**

In a class action, one or more persons, called "representative(s)", institute an action in their own name and on behalf of other persons with similar claims. Persons with similar claims are part of the "Class" and are "Class members".

The court attempts to resolve as many litigious issues as possible as part of a single trial on the "common issues", concerning all Class members (individual issues may remain following the outcome of the trial on the common issues).

**D) How can I find out if I am a member of the class action?**

You are included in this class action if you meet the definition of the Class as authorized by the court:

"All persons residing in Québec, including their successors, assigns, family members, and dependants, who were prescribed and ingested the drugs Yasmin and/or Yaz, from the respective introductions of these drugs into the market (December 10, 2004, in respect of Yasmin and January 6, 2009, in respect of Yaz) and the date of November 30, 2011, and who were diagnosed with deep vein thrombosis, pulmonary embolism, arterial thromboembolism or gallbladder disease."

If you are a member of the Class and have exercised an individual action having the same subject as the present class action, you will be deemed to have "excluded" yourself from this class action, unless you discontinue your individual action before the opt-out deadline, on **September 4, 2019**.

**E) What are the conclusions sought by the plaintiffs in this class action?**

The class action seeks to obtain monetary damages from the defendant in order to compensate the Class members for the bodily, material and moral damages suffered, allegedly resulting from the use of Yasmin and/or Yaz. The defendant contests this action.

More specifically, the conclusions authorized by the court are the following:

**GRANT** the class action of Petitioners and each of the members of the class;

**DECLARE** the Respondent liable for the damages suffered by the Petitioners and each of the members of the class;

**CONDEMN** the Respondent to pay to each member of the class a sum to be determined in compensation of the damages suffered;

**CONDEMN** the Respondent to reimburse to each of the members of the class, the purchase price of the product;

**CONDEMN** the Respondent to pay to each of the members of the class punitive damages;

**CONDEMN** the Respondent to pay interest and additional indemnity on the above sums according to law from the date of service of the motion to authorize a class action;

**CONDEMN** the Respondent to bear the costs of the present action including expert, notice fees and the fees relating to administering the plan of distribution of the recovery in this action;

**RENDER** any other order that this Honourable court shall determine and that is in the interest of the members of the class.

**F) Is money being offered at this moment?**

No. The court has not yet decided if the defendant has committed a fault and no settlement has been reached between the parties. The defendant denies the allegations made against it in this action.

There is no guarantee that an amount of money or other benefits will be awarded. However, in such a case, you will be informed and will receive information regarding how to claim your share of these benefits.

**YOUR OPTIONS**

At this stage, you must choose whether to remain in the Class or to opt-out before the opt-out deadline.

If you do nothing and you meet the definition of the Class, you will automatically be included in the class action. You will be bound by any decision of the court or any settlement reached, whether it be favorable or not to you and the Class. If benefits are awarded, you will need to take certain actions in order to obtain your share. You will only have a right to the benefits if you meet the established criteria regarding the distribution of the benefits to individual Class members.

If you wish to opt-out, you must complete the Opt-Out Form available at <https://www.siskinds.com/class-action/yasmin-yaz/>, no later than **September 4, 2019**. You will not be bound by the decisions of the court in this class action or be eligible to participate in any settlement reached, and you will have no right to any money or other benefits that may be awarded as a result of this action. You will retain your right to bring an individual claim against the defendant regarding the subject-matter of this class action, should you wish.

Successors, assigns, family members and dependents of a Class member who excluded himself/herself from the class action will also be excluded.

Generally, only persons who wish to bring an individual action, at their own expense, have an interest in opting-out from a class action.

Please note that, once you have opted out, you may not subsequently change your mind and decide to “re-join” the class action.

To opt-out, fill out the Opt-Out Form and send it via registered mail to the following address:

Greffier de la Cour supérieure du Québec  
Montréal Courthouse  
Dossier n° 500-06-000484-093  
1, rue Notre-Dame Est, salle 1.120  
Montréal (Québec) H2Y 1B6

Please send a copy of the Opt-Out Form to Class counsel, by e-mail or by mail, at the following address:

Siskinds, Desmeules, Avocats  
Les Promenades du Vieux-Québec  
43, rue de Buade, bureau 320  
Québec (Québec) G1R 4A2  
Tel.: (418) 694-2009  
Email: [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com)

Your Opt-Out Form must be received no later than **September 4, 2019**.

#### **CLASS COUNSEL**

##### **A) Who is representing me in this class action?**

The plaintiffs are represented by Siskinds, Desmeules, Avocats, s.e.n.c.r.l. (“Class counsel”) in this class action. Class counsel represents the interests of the plaintiffs and also those of the Class members.

##### **B) Can I retain my own lawyer or intervene in the class action?**

If you wish to intervene in the present class action, you will need to obtain court authorization, which will only be allowed by the court if it is deemed to be useful to the Class members.

If you intervene or retain your own lawyer for the said intervention, you will be responsible for paying the fees or costs that may be determined by your lawyer.

Please note that a member intervening in the Class may be subject to a pre-trial examination

and/or a medical examination, at the request of the defendant. A Class member that does not intervene in the class action cannot be compelled to a pre-trial examination or a medical examination without a decision of the court.

**C) How will Class counsel be paid?**

Class counsel will only be paid if they obtain monetary benefits and/or other benefits for the Class and they will be paid on a contingency-fee basis.

In such a case, Class counsel will ask for the payment of their fees, equal to 30% of any amount obtained, plus disbursements and applicable taxes, and the fees will be deducted from the amount obtained. Class counsel's fees and disbursements must be approved by the court. If no money is obtained, Class counsel will not receive any amount of money for their fees.

Class members who are not representatives or intervenors cannot be required to pay the legal costs of the class action.

**NEXT STEPS**

**A) Trial on the common issues**

The plaintiffs have the burden of proving their allegations during a trial. During this trial, the court will hear all the evidence before rendering a decision and determine if the plaintiffs are successful in their action or if the action against the defendant is dismissed.

The trial will answer the following questions authorized by the court on behalf of all of the members of the Class:

- a) Do *Yasmin* or *Yaz* cause increased risks of arterial thrombosis, venous thromboembolism or gallbladder disease compared to other available oral contraceptives?
- b) In the affirmative, did Bayer commit a fault engaging its liability by inadequately informing class members and/or their physicians of the increased risks associated with the use of *Yasmin* and/or *Yaz*? If the answer is yes, when?
- c) Did Bayer commit a fault engaging its liability by making misleading representations to class members and/or their physicians regarding the safe nature of *Yasmin* and/or *Yaz*? If the answer is yes, when?

- d) Did the faults alleged against Bayer cause harm to class members?
- e) If Bayer's liability is established, are class members entitled to compensatory bodily, moral and material damages?
- f) Are class members entitled to recover medical expenses incurred for the detection, diagnosis and treatment of medical problems caused by the use of *Yasmin* and/or *Yaz*?
- g) Are class members entitled to recover an amount equal to the purchase price of *Yasmin* and/or *Yaz* or a portion of the purchase price as damages?
- h) Are class members entitled to punitive damages?

**B) Will I receive money following the end of the trial on the common issues?**

There is no guarantee that the plaintiffs will obtain financial compensation or other benefits on behalf of the Class after a trial.

If the plaintiffs obtain an amount of money or other benefits following a trial or a settlement, you will be informed of the process to follow in order to request a share thereof or we will explain to you the other options that will then be open to you.

It is possible that you will need to demonstrate the validity of your individual claim and you may need to incur costs in order to do so. In such a case, you could choose to retain the services of Class counsel to assist you, or you could retain the services of another lawyer of your choice.

**C) How can I protect my rights?**

To protect your rights in this class action, you should:

- 1) Register with Class counsel to receive updates about this class action. To do so, you can contact Class counsel using the contact information indicated below, or visit the class action website at <https://www.siskinds.com/class-action/yasmin-yaz/> and click the 'Get in touch' button.
- 2) Keep a copy of all documents that may be relevant to this class action, such as:
  - All receipts for medical or pharmaceutical expenses incurred — appointments not covered by your provincial health care provider, prescriptions, medical devices, etc.;
  - All receipts for medical treatments received, including the names and contact information of the health care provider (doctor, surgeon, physiotherapist, etc.);

- Your pharmaceutical and medical records.
- 3) If possible, keep a journal of symptoms and note down any events when you were unable to attend work or school as a result of your symptoms, as the case may be.

### **ADDITIONAL INFORMATION**

To get more information, to receive a copy of the Opt-Out Form or to receive updates regarding this class action, visit <https://www.siskinds.com/class-action/yasmin-yaz/> or contact Class counsel at the following coordinates:

**Siskinds, Desmeules, Avocats, s.e.n.c.r.l.**

Les Promenades du Vieux-Québec

43, rue de Buade, bureau 320

Québec (Québec) G1R 4A2

Tel.: (418) 694-2009

Email: [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com)

You can also visit the *Registry of class actions* available at <http://www.tribunaux.qc.ca/>

or the *National Class Action Database* available at

<http://cbaapp.org/ClassAction/Search.aspx>.

**THE PUBLICATION OF THIS NOTICE HAS BEEN APPROVED BY  
THE SUPERIOR COURT OF QUÉBEC.**