# LONG-FORM NOTICE OF SETTLEMENT APPROVAL

## NOTICE OF YASMIN AND YAZ LITIGATION SETTLEMENT APPROVAL

**Please read this Notice carefully – your legal rights may be affected.**

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### Notice of Settlement Approval

A Canada-wide settlement ("Settlement") has been reached with Bayer Inc. and other Bayer defendants (collectively "Bayer") in class actions in Ontario, Saskatchewan, and Quebec relating to the oral contraceptives Yasmin and YAZ. The class actions raised various allegations relating to blood clots (arterial thromboembolism, venous thromboembolism) and gallbladder disease and removal. Bayer denies the allegations made in the class actions, makes no admission as to the truth of these allegations, and denies any wrongdoing. The Settlement of the class actions has been approved by the Courts. The allegations made in the class actions have not been proven in court and should not be considered in any way to be medical advice.

A copy of the Settlement Agreement is available at: **www.YasminYAZClassActionCanada.ca.** You can also request a paper or electronic copy from the Claims Administrator or an electronic copy from Class Counsel (contact information below).

If you are a Settlement Class Member (as defined below), you may make a Claim for benefits from the Settlement. The deadline to make a claim is **April 9, 2027 (11:59pm Eastern Time).**

### Who is included?

For the purposes of the Settlement, the Settlement Class is comprised of: (1) all persons resident in Canada who were prescribed and ingested Yasmin and/or YAZ **between December 10, 2004 (in respect of Yasmin) or January 6, 2009 (in respect of YAZ) and November 30, 2011 (in the case of Ontario and Québec residents) or October 4, 2016 (in the case of Canadian residents outside Ontario and Québec)** AND who were subsequently diagnosed with arterial thromboembolism, venous thromboembolism, and/or gallbladder disease; and (2) all persons resident in Canada who, by virtue of a personal relationship to any one or more of the persons described above, has a derivative claim for damages under Canadian family law legislation.

### Who is excluded?

Only Settlement Class Members who meet certain criteria are eligible to submit Claims in the Settlement. You are excluded from making a Claim in the Settlement if:

(a) you are not a Settlement Class Member under the terms of the Settlement Agreement; or

(b) you have validly opted out of the class actions.

### What is the Settlement?

Under the Settlement, Bayer will provide an all-inclusive Settlement Fund of **CAD $9,050,000.00.** The Settlement Fund will be used, among other things, to pay the costs of notice and administration of the Settlement, the claims of Provincial Health Insurers, Class Counsel legal fees, and benefits for Approved Claimants who are part of the Settlement Class. The final value of benefits for each Approved Claimant will not be determined until all Claims are submitted and considered by the Claims Administrator.

The Courts have approved a Benefits and Distribution Protocol that determines which Settlement Class Members are eligible for benefits and in what amount. The benefits for Approved Claimants will be based on the following points system (see below).

Benefits will be paid *pro rata* based on the number of points assigned to each Approved Claimant, subject to maximum allowable benefits per Claimant.

| QUALIFYING CRITERIA | POINTS |
|---|---|
| **QUALIFYING MEDICAL CONDITIONS RE BLOOD CLOTS** | |
| **Venous Thromboembolism (incl. Pulmonary Embolism and Deep Vein Thrombosis):** (1) Proof of Yasmin and/or YAZ ingestion **prior to time of injury**; (2) Proof of a diagnosis of venous thromboembolism contemporaneous with Yasmin and/or YAZ use, as shown by Evidence. | 100 |
| **Arterial Thromboembolism (incl. Ischemic Stroke and/or Myocardial Infarction):** (1) Proof of Yasmin and/or YAZ ingestion **prior to time of injury**; (2) Proof of a diagnosis of arterial thromboembolism contemporaneous with Yasmin and/or YAZ use, as shown by Evidence. | 50 |
| **QUALIFYING MEDICAL CONDITIONS RE GALLBLADDER** | |
| **Gallbladder Disease/Cholecystectomy:** (1) Proof of Yasmin and/or YAZ ingestion **prior to time of injury**; (2) Proof of a diagnosis of gallbladder disease, and/or gallbladder removal (cholecystectomy) within six (6) months of Yasmin and/or YAZ ingestion, as shown by Evidence. | 5 |
| **QUALIFYING ASSOCIATED FATALITY** | |
| **Fatality (VTE):** (1) Proof of Yasmin and/or YAZ ingestion **prior to time of fatality**; (2) Proof of fatality as a result of a venous thromboembolism; and (3) proof of diagnosis that the fatality was associated with the use of Yasmin and/or YAZ, as shown by Evidence. | 150 |
| **Fatality (ATE):** (1) Proof of Yasmin and/or YAZ ingestion **prior to time of fatality**; (2) Proof of fatality as a result of an arterial thromboembolism; and (3) proof of diagnosis that the fatality was associated with the use of Yasmin and/or YAZ, as shown by Evidence. | 125 |
| **FAMILY SETTLEMENT CLASS MEMBER** | |
| Supporting evidence of a familial relationship to a Settlement Class Member with a Qualifying Medical Condition and/or Associated Fatality, as described above.*<br>**To be made pro rata if more than one (1) family members submit Claims with respect to one (1) Settlement Class Member.* | 10% of the points given to the primary Claim. |

**How do I participate in the Settlement?**

To make a Claim for benefits from the Settlement, you must complete and submit a Claim Form (including the necessary supporting Evidence detailed in the Benefits and Distribution Protocol and the Settlement Agreement) to the Claims Administrator before **April 9, 2027 (11:59pm Eastern Time).** If you do NOT submit your Claim Form on time, you will not be eligible for any benefits from the Settlement.

A copy of the Claim Form can be accessed on the Claims Administrator's website, or by contacting the Claims Administrator:

**Epiq Class Action Services Canada Inc.**
Attn: YAZ/Yasmin Class Action
P.O. Box 507 STN B
Ottawa ON K1P 5P6
877-741-8728
**www.YasminYAZClassActionCanada.ca**
For general inquiries: **Info@yYasminYAZClassActionCanada.ca**

The Claim Form requires that you provide medical records and/or similar supporting documents, which can be time consuming to retrieve. It is very important that you start this process as soon as possible if you or your lawyer have not already done so. You may wish to retain a lawyer to assist you in this process at your own expense. You can retain Class Counsel or a lawyer of your choice.

### What happens if I do nothing?

If you do nothing at all (not complete and submit a claim form), you will not receive any benefits from the Settlement. Unless you previously and validly excluded yourself (opted out) from the class actions, you won't be able to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against Bayer relating to the legal issues in the class action.

However, even if you take no action, you may keep your right to sue Bayer for other claims not resolved by the Settlement, subject to any applicable limitation periods.

### How can I get more information?

If you have questions about the Settlement and/or would like to obtain more information, please visit **www.YasminYAZClassActionCanada.ca** or contact 1-877-741-8728 or Class Counsel directly, as follows:

**ONTARIO**

**McKenzie Lake Lawyers LLP**
1800-140 Fullarton Street
London, ON N6A 5P2
Email:
classactions@mckenzielake.com
Telephone: 519-672-5666

**OUTSIDE ONTARIO & QUÉBEC**

**Merchant Law Group**
2401 Saskatchewan Drive
Regina, SK S4P 4H8
Email: yasminyaz@merchantlaw.com
Telephone: 1-866-653-7777
306-540-2284

**QUÉBEC**

**Siskinds Desmeules**
43 Rue De Buade #320
Québec City, QC G1R 4A2
Email: recours@siskinds.com
Telephone: 1-877-735-3842

Neither the Parties nor their counsel make any representation regarding the tax effects, if any, of receiving any benefits under this Settlement. Consult your tax adviser for any tax questions you may have.

**PLEASE DO NOT CALL THE DEFENDANTS OR THE COURT ABOUT THE PROCEEDING**

**This Notice was approved by order of the Ontario Superior Court of Justice, the Superior Court of Québec, and the Court of King's Bench for Saskatchewan. This is not a solicitation from a lawyer. The court offices will be unable to answer any questions about the matters in this Notice. Please do not contact them.**