

ZYPREXA (OLANZAPINE) CLASS ACTION NOTICE OF CLASS CERTIFICATION

LEGAL NOTICE PURSUANT TO THE CLASS PROCEEDINGS ACT, 1992, S.O. 1992, c. 6.

THE NATURE OF THE LAWSUIT

A class action has been commenced in the Superior Court of Justice against Eli Lilly & Company and Eli Lilly Canada Inc. (the "defendants"). The proceedings have been brought by Andrea Heward, Andrew Charles Heward, Kelly Hutchins, Darlene Hutchins, Daniel Wells and Nancy Wells representative plaintiffs, by their solicitors, Siskinds ^{LLP} and Stevensons ^{LLP}.

This notice does not constitute medical advice. Patients who have been prescribed Zyprexa should consult with their physicians if they have any questions with respect to their medical condition and should not stop taking Zyprexa without consulting with their health care professional.

The representative plaintiffs claim damages or other monetary relief against the defendants for developing, manufacturing and selling a drug called Zyprexa (olanzapine), which the plaintiffs allege to be defective and to cause diabetes and related complaints.

The defendants deny the plaintiffs' allegations and have stated that they will defend the action and will deny any wrongdoing and liability for damages.

The court has not taken any position as to the likelihood of recovery on the part of any plaintiffs, or as to the truth or merits of the claims or defences asserted by either side. This notice is being provided because you may be a member of the Class whose rights may be affected by the lawsuit.

The allegations made by the plaintiffs have not been proven in court and should not be considered in any way to be medical advice.

THE CLASS

By Court order, the class to which this lawsuit applies has been defined as follows:

- (a) all persons resident in Canada (excluding British Columbia and Québec) who were prescribed and ingested the drug Zyprexa (generic name: olanzapine), at any time on or before June 1, 2007 and which was manufactured, marketed and/or sold or otherwise placed into the stream of commerce in Canada by Eli Lilly & Company and/or Eli Lilly Canada Inc.; and
- (b) all persons resident in Canada who by virtue of a personal relationship to one or more of such persons described in (a) above with a valid claim, have standing in this action pursuant to s. 61(1) of the Family Law Act, R.S.O. 1990, c. F.3, as amended, (or the applicable provincial statutory provisions as applicable) if the defendants' liability to persons described in (a) is established.

THE COMMON ISSUES

A trial will be held to determine the issues common to the Class including whether or not Zyprexa can cause the adverse conditions alleged, whether the defendants properly warned of the alleged risks, and, if there is any liability, if this is an appropriate case to disgorge any part of the proceeds received by the defendants from selling Zyprexa.

Following a determination of the common issues, further stages of litigation may be required. Stage 2, only if necessary, will involve determining the issue of liability on an individual basis. Stage 3, again only if necessary, will involve the assessment of damages on an individual basis unless damages are assessed on an aggregate

basis at the same time or after the common issues are determined.

PARTICIPATION AND EXCLUSION FROM THE CLASS

If you wish to remain a member of the Class, you do not have to do anything at this time. If you wish to obtain more information about your rights as a Class member you may contact the solicitors for the representative plaintiffs, Siskinds ^{LLP} and Stevensons ^{LLP}, in writing at the addresses below.

IF YOU WISH TO EXCLUDE YOURSELF FROM THE CLASS PROCEEDING ("opt out") you must deliver a written notice to one of the solicitors for the parties (at the addresses listed below) specifying your desire to opt out of the class proceedings. Notice of your decision to opt out must be received by either one of the solicitors by October 16, 2009.

ANY JUDGMENT OBTAINED ON THE COMMON ISSUES IN THE ACTION, WHETHER FAVOURABLE OR NOT, WILL BIND ALL CLASS MEMBERS WHO DO NOT OPT OUT OF THIS ACTION.

FINANCIAL CONSEQUENCES

No Class member, other than the representative plaintiffs, will be liable for costs with respect to the determination of the common issues. However, once the court has determined the common issues it may be necessary that the individual members of the Class participate in individual proceedings to determine issues which are not common to the Class in order to establish their claim. If this is necessary, Class members will then be entitled to decide whether to participate further. Each member of the Class who chooses to participate may have to bear costs of such individual proceedings and, if unsuccessful, could be liable to pay a portion of the defendants' costs incurred with respect to such individual proceedings.

Class members may be entitled to receive financial compensation from the defendants if the class action is successful.

The representative plaintiffs have entered into an agreement with their solicitors whereby fees and disbursements related to the trial of the common issues will be payable only in the event of success in the class action. Any fees charged by the solicitors for the representative plaintiffs must be approved by the court.

For further information, please contact either:

Matthew Baer Siskinds ^{LLP} 680 Waterloo Street London, Ontario N6A 3V8	Lauren Black Stevensons ^{LLP} 144 Front Street West, Suite 400 Toronto, Ontario M5J 2L7
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1-800-461-6166 x 7782 matt.baer@siskinds.com	1-866-940-8329 lblack@stevensonline.net
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In addition, information can be obtained from the website www.classproceedings.ca under "current cases", or www.classaction.ca and www.zyprexacanadianclassaction.ca.

To opt out of the proceeding, please write to one of the following:

Matthew Baer of Siskinds ^{LLP} or Lauren Black of Stevensons ^{LLP}, one of the solicitors for the plaintiffs (details above).

This notice has been authorized by the Ontario Superior Court of Justice