

NOTICE OF SETTLEMENT APPROVAL HEARING FOR CANADIAN MEDTRONIC DEFIBRILLATORS CLASS ACTION

PLEASE READ CAREFULLY. IGNORING THIS NOTICE WILL AFFECT YOUR LEGAL RIGHTS

WHO IS THIS NOTICE FOR?

This Notice is directed to Canadians who are Class Members in a Class Action related to certain Defibrillators manufactured by Medtronic, Inc. and/or Medtronic of Canada Ltd. The Class Action includes all persons who were implanted in Canada with one of the following Medtronic Defibrillators ("the Defibrillators"):

Defibrillator	Model	Manufactured Before
Marquis VR	7230	December 31, 2003
Marquis DR	7274	December 31, 2003
Maximo VR	7232	December 31, 2003
Maximo DR	7278	December 31, 2003
InSync Marquis	7277	December 31, 2003
InSync III Marquis	7279	December 31, 2003

The Canada-wide Class Action lawsuit alleges that the Defendants were negligent in the design and manufacturing of the Defibrillators. On December 6, 2007, the Ontario Superior Court of Justice (the "Court") certified the Defibrillator Class Action as a class proceeding and the time to opt out of this action has passed.

The parties in the Class Action have reached a proposed Settlement ("the Settlement"), subject to approval of the Court. This notice provides a summary of the proposed Settlement.

WHAT IS THE PROPOSED SETTLEMENT?

The proposed Settlement provides for the creation of a \$3.072 million (CDN) Settlement Fund which will be used to pay Approved Claims, \$500,000.00 towards the claims of the Public Health Insurers, as well as the costs of notice and administration, representative plaintiff honoraria, and Court-approved Class Counsel Legal Fees, disbursements, and taxes.

If the Settlement is approved, and subject to the total number of Approved Claims, payments of up to \$5,000 will be made to Class Members who establish that they had their Defibrillator explanted prematurely as a result of an advisory that was issued in February, 2005. Further compensation may be paid to Class Members who suffered from certain complications following the explant surgery. The quantum of compensation will depend on the total number of Approved Claims and all payments will be inclusive of all Family Class Members' claims.

Not all Class Members will be eligible for compensation. If money remains in the Settlement Amount after the payment of all Approved Claims, the payment to the Public Health Insurers, the costs of notice and administration, representative plaintiff honoraria, and Class Counsel Fees, disbursements, and applicable taxes, the balance will be split on a 50/50 basis between Class Members with Approved Claims and the Public Health Insurers.

FOR MORE INFORMATION:

RicePoint Administration Inc. has been appointed by the Court as the Claims Administrator for various pre-approval purposes and will be proposed as the Claims Administrator for the Settlement. If you have questions about the Settlement and/or would like to obtain more information and/or copies of the Settlement Agreement and related documents, please visit the settlement website at: www.medtronicdefibsettlement.ca or contact the Claims Administrator at:

Medtronic Defibrillators Class Action Claims Administrator
P.O. Box 4454, Toronto Station A
25 The Esplanade, Toronto, ON M5W 4B1
info@medtronicdefibsettlement.ca 1-888-625-8718

THE PROPOSED SETTLEMENT REQUIRES COURT APPROVAL

In order for the Settlement to become effective, it must be approved by the Court, which must be satisfied that the Settlement is fair, reasonable, and in the best interests of Class Members. The Approval Hearing has been scheduled as follows:

March 2, 2020 at 9:00 a.m. at Osgoode Hall, 130 Queen St. W., Toronto, Ontario.

OBJECTING TO THE PROPOSED SETTLEMENT AND OPPORTUNITY TO APPEAR

If you wish to object to the proposed Settlement, you must submit a written objection to the Claims Administrator by **no later than February 24, 2020** at the address listed in this Notice. The Claims Administrator will file copies of all objections with the Court. **Do NOT send an objection directly to the Court.**

You may also attend the hearing on the date noted above, and if you have submitted a written objection to the Claims Administrator, you may make oral submissions to the Court.

PARTICIPATING IN THE SETTLEMENT

If the proposed Settlement is approved by the Court, Claimants will have a limited amount of time within which to submit a claim for compensation. Downloadable versions of the Claim Packages are now available online at www.medtronicdefibsettlement.ca. Claim Packages can also be requested from the Claims Administrator. If you intend to submit a claim under the proposed Settlement, you must do so on or before the expiry of the Claim Period, which will be posted on the Claims Administrator's website.

WHO REPRESENTS ME? CLASS COUNSEL ARE:

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LEGAL FEES

At the Approval Hearing, Class Counsel will request approval for payment of their fees, disbursements, and applicable taxes. Class Counsel has pursued this lawsuit on a contingency basis and will seek approval from the Court for such payment in accordance with the terms of their 30% retainer agreements with the representative plaintiffs and payment of fees as agreed to with the Public Health Insurers.

This Notice has been approved by the Ontario Superior Court of Justice