

## NOTICE OF HEARING FOR CLASS ACTION SETTLEMENT APPROVAL

**If you underwent hip replacement surgery between 2003 and 2010, and received a DePuy ASR™ XL Acetabular Hip System or ASR™ Hip Resurfacing System (“ASR Implants”), this notice may affect your rights. Please read carefully.**

A settlement resolving a class action instituted against *Johnson & Johnson, Inc. and DePuy Orthopaedics, Inc.*, alleging that the ASR Implants are defective, will be submitted for approval of the Québec Superior Court.

Pursuant to the settlement, the Defendants will pay a lump-sum of \$20 million to settle the claims of the following Class of individuals, without any admission of liability:

All natural persons who, between July 2003 and August 24, 2010 (the “Period”), were surgically implanted with an ASR XL Acetabular Hip System or an ASR Hip Resurfacing System (“ASR Implant System” or “ASR Implant Systems”), designed, manufactured, sold or distributed by the Defendants, which system was recalled by the Defendants on August 24, 2010, and who were either: (i) Québec residents at the time of receipt of the ASR Implant System or any revision thereof; or (ii) Québec residents at the time of the Defendants’ recall of the ASR Implant System; or (iii) Recipients of the ASR Implant System or any revision thereof in Québec, who were Canadian residents at that time, and who now reside outside of Canada. All individuals who make claims against the Defendants in the context of class actions elsewhere in Canada will be excluded from the Québec ASR Class.

The Settlement amount will be distributed to Class members who timely submit all forms and documentation, according to a “Claims Administration Protocol and Award Schedule” that has been established solely by Class Counsel. The Claims Administration Protocol and Award Schedule provides that all Class members are eligible to receive compensation. The amount of compensation payable to Class members who timely submit valid claims will depend upon whether it was necessary to undergo additional operations to revise the ASR Implant and the occurrence of certain extraordinary medical complications.

If approved, the Settlement will be the exclusive remedy for Québec Class Members, and the Defendants will receive a complete release from all members of the Class.

During the Settlement Approval Hearing, the Court will also be asked to approve the payment of Class Counsel Fees of 25% of the settlement fund, plus Disbursements and applicable taxes, out of which required payments will be made to the *Fonds d’aide aux actions collectives*.

You may consult the Settlement Agreement, the Claims Administration Protocol and Award Schedule, as well as the “Application to Approve the Settlement, the Claims Administration Protocol and Award Schedule, and the payment of Class Counsel Fees” by visiting Class Counsel’s website [www.kklex.com](http://www.kklex.com). You may also contact Class Counsel for additional information or if you have any questions.

## **Court Hearing and Your Right to Participate**

The Hearing of the Application to Approve will take place on **May 22, 2018** at **9:00 am** in room **1.156** of the Montreal Courthouse, situated at 1 Notre-Dame Street East, in Montreal, Quebec, H2Y 1B6.

Québec Class Members who do not oppose the Settlement or the Application to Approve do **not** need to attend the Hearing.

If a Québec Class Member wishes to object to the Settlement or to the Application to Approve, the Court will hear your objection on the condition that you write to Class Counsel on or before May 17, 2018, stating the following:

- (a) The full name, current mailing address, fax number, telephone number, and email address of the person who is objecting;
- (b) A brief statement of the nature and reasons for the objection;
- (c) A declaration that the person believes he or she is a member of the Québec ASR Class, specifying the reasons for that belief including, if available, the catalogue and lot numbers of his/her ASR™ XL Acetabular Hip System or ASR™ Hip Resurfacing System; and
- (d) Whether the Québec ASR Class Member intends to appear at the Approval Hearing or intends to appear by counsel and, if by counsel, the name, address, telephone number, fax number, and email address of counsel.

## **For Additional Information and a Copy of the Settlement Agreement:**

Please contact Class Counsel below:

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