

NOTICE OF SETTLEMENT APPROVAL OF FLOUROQUINOLONE LITIGATION

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

This Notice contains a summary of some of the terms of the Janssen Settlement Agreement and the Bayer Settlement Agreement. All capitalized terms not otherwise defined have the meaning ascribed to them in the Settlement Agreements. If there is a conflict between the provisions of this Notice and the Settlement Agreements, the terms of the Settlement Agreements shall prevail.

NOTICE OF SETTLEMENT APPROVAL

This is a notice for Class Members in the following proceeding (“Proceeding”): *Lloyd Achtymichuk v. Bayer Inc., Janssen Inc., Janssen Pharmaceuticals, Inc., and Janssen Research & Development, LLC*, in the Vancouver Registry of the Supreme Court of British Columbia under Court File No. S167919. The Proceeding raised various allegations against Janssen Inc., Janssen Pharmaceuticals, Inc., and Janssen Research & Development, LLC (the “Janssen Defendants”) and Bayer Inc. and sought damages on behalf of Canadians (excluding residents of Quebec) allegedly related to the use of the fluoroquinolone prescription drugs Levaquin, Cipro and Avelox and Peripheral Neuropathy. The settlement (“Settlement”) of the Proceeding against the Janssen Defendants and Bayer Inc. has been approved by the Court.

“Levaquin” means Levaquin® branded (i.e., not generic) levofloxacin tablets and/or intravenous solution distributed in Canada by the Janssen Defendants. “Cipro” means all formulations of Cipro® branded (i.e., not generic) ciprofloxacin distributed or licensed in Canada by Bayer Inc. “Avelox” means all formulations of Avelox® branded (i.e., not generic) moxifloxacin distributed or licensed in Canada by Bayer Inc.

WHO IS INCLUDED

The Settlement applies to: (i) All resident persons in Canada (excluding residents of Quebec) who were prescribed and/or ingested Levaquin, Cipro or Avelox in Canada at any time on or before June 13, 2024; and (ii) All persons who by virtue of a personal relationship to one or more of such persons described in (i) above have claims for common law or statutory damages.

SUMMARY OF THE SETTLEMENT

As it relates to the Janssen Defendants, the Settlement provides for the creation of a \$525,000 (CDN) settlement fund which will be used to pay the costs of notice and administration, compensation for approved claimants, the claims of Provincial Health Insurers, and Class Counsel legal fees. As it relates to Bayer Inc., the Settlement provides for the creation of a \$725,000 (CDN) settlement fund which will be used to pay the costs of notice and administration, compensation for approved claimants, the claims of Provincial Health Insurers, and Class Counsel legal fees (together, the “Settlement Amount”).

The Janssen Defendants and Bayer Inc. deny all allegations and deny any wrongdoing or liability. The Court has not taken any position on the merits of the arguments of either the Plaintiff, the Janssen Defendants or Bayer Inc., but has determined that the Settlement Agreements are fair, reasonable, and in the best interests of the Class Members. A term of the Settlement Agreements is that the Proceeding will be dismissed against the Janssen Defendants and Bayer Inc., which means that the lawsuit has come to an end with respect to the Janssen Defendants and Bayer Inc., and there will be no trial regarding the allegations against them.

Questions? Visit www.garchaandcompany.ca or call 1-844-878-0444 (toll free)

PARTICIPATING IN THE SETTLEMENT

Class Members who satisfy the eligibility criteria set out in the Compensation Protocol may be entitled to benefits that will be calculated in accordance with the process detailed in the Compensation Protocol.

Until all claims have been adjudicated it will not be possible to determine the exact value of the compensation that may be paid to eligible claimants.

The medical condition that may qualify Class Members for compensation includes Peripheral Neuropathy. You may be eligible for compensation under the Compensation Protocol if you ingested Levaquin, Cipro or Avelox, and did so within sixty (60) days of developing Peripheral Neuropathy.

\$35,000 of the Settlement Amount will be allocated to a Provincial Health Care Recovery Cost Fund for the recovery of costs of insured health or medical services by the Provincial Health Insurers.

Any undistributed balance of the Settlement Amount as determined by Class Counsel will be donated, cy-prés to the Law Foundation of British Columbia and to an organization(s) proposed by Class Counsel, as approved by the Court and advised by Class Counsel.

MAKING A CLAIM

To make a claim under the Settlement, you must complete and submit a claim form (including the necessary supporting injury evidence and prescription evidence detailed in the Compensation Protocol) to Class Counsel before **May 2, 2025**. **If you do NOT submit your claim on time, you will not be eligible for any benefits under the Settlement Agreements.**

For further details on how claims will be evaluated, you should refer to the Compensation Protocol available at www.garchaandcompany.ca.

The claim form requires that you provide medical records 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. You can retain a lawyer of your choice.

LEGAL FEES

The Court approved Class Counsel's legal fees in the amount of \$412,500 plus applicable taxes and disbursements in the amount of \$101,191.61 plus applicable taxes. Class Counsel were retained on a contingency basis and were responsible for funding all expenses incurred in pursuing this litigation.

FOR MORE INFORMATION

If you have questions about the Settlement or would like to obtain more information or copies of the Settlement Agreements, Compensation Protocol or other related documents, in English or French, please visit the settlement website at www.garchaandcompany.ca, or contact Class Counsel.

This Notice is a summary of the Settlement Agreements. You should consult the Settlement Agreements or contact Class Counsel for specific details as to your rights and obligations under the Settlement Agreements.

CLASS COUNSEL

K.S. Garcha
DUSEVIC & GARCHA
#210 – 4603 Kingsway
Burnaby, BC V5H 4M4
Tel: 604-436-3315 or 1-844-878-0444 (toll free)
Fax: 604-436-3302
Email: ksgarcha@dusevicgarchalaw.ca

PLEASE DO NOT CALL THE DEFENDANTS OR THE COURT ABOUT THIS PROCEEDING.

This Notice has been approved by the Supreme Court of British Columbia.