

## BOSTON SCIENTIFIC CANADIAN TRANSVAGINAL MESH CLASS ACTION

### NOTICE OF SETTLEMENT APPROVAL

#### PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS

#### NOTICE

This is a notice alerting Class Members in a Canadian class action involving mesh devices manufactured by Boston Scientific to treat Stress Urinary Incontinence (“SUI”) and Pelvic Organ Prolapse (“POP”) (“BSC Transvaginal Mesh Devices”). A settlement in this action has been approved by the Court.

The class action sought compensation for injuries that were allegedly related to the BSC Transvaginal Mesh Devices. The defendants deny the allegations made in the lawsuits and make no admission as to the truth of the allegations.

The Settlement Agreement that has been approved provides for the payment of \$21,500,000.00 (Canadian dollars) which will be used to pay claimant compensation, the administration of the settlement, health care expenses incurred by the Provincial Health Insurers, and Class Counsel’s legal fees, disbursements, and applicable taxes.

#### SUMMARY OF THE SETTLEMENT

The defendants will pay \$21,500,000.00 to settle the claims of all Class Members, the related claims of the Provincial Health Insurers, the costs of administering the settlement, and Class Counsel’s legal fees, disbursements, and applicable taxes.

The defendants 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 plaintiffs or the defendants, but has determined that the Settlement Agreement is fair, reasonable, and in the best interests of the Class Members. A term of the settlement is that the Canadian class action relating to BSC Transvaginal Mesh Devices will be dismissed, which means that the lawsuit has come to an end, and there will be no trial.

Class Members who satisfy the eligibility criteria set out in the Compensation Protocol may be entitled to benefits that will be based on a points system.

**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 Settlement Agreement, Compensation Protocol, related exhibits and other documents are available at the settlement website [www.canadabscmeshclassaction.com](http://www.canadabscmeshclassaction.com), and copies can be requested from the Claims Administrator and/or Class Counsel as listed below.

#### WHO IS INCLUDED?

The settlement applies to:

- a) All persons resident in Canada who have been implanted with a BSC Transvaginal Mesh Device at any time on or before February 28, 2020 (the “Primary Class”); and
- b) All persons resident in Canada who, by virtue of a personal relationship to one or more of those persons identified in (a) above, have standing in this action pursuant to section 61(1) of the *Family Law Act* RSO 1990, c F 3 or analogous provincial legislation or at common law (the “Family Class”).

If you are included in this Class and did not opt out of the class action, you are bound by the terms of the Settlement Agreement and may qualify for compensation.

#### MAKING A CLAIM

Pursuant to the Compensation Protocol, there are two claims periods.

The Initial Claim Period is designed to compensate Class Members who were implanted before April 1, 2016 for injuries they have suffered to date. To claim as part of the Initial Claim Period, you must complete and submit a claim form (including the necessary supporting documentation) to the Claims Administrator before **January 18, 2021**. **If you do NOT submit your claim on time, you will not be eligible for any benefits under the Settlement Agreement unless you submit a claim in the Supplemental Claim Period.**

The Supplemental Claim Period is designed to compensate Class Members for injuries sustained or worsening after January 18, 2021, Class Members who missed the Initial Claim Period deadline and Class Members who were implanted on or after April 1, 2016. To claim as part of the Supplemental Claim Period, you must complete and submit a claim form (including the necessary supporting documentation) to the Claims Administrator before **January 18, 2023**. **If you do NOT submit your claim by January 18, 2023, you will not be eligible for any benefits under the Settlement Agreement.**

**Class Members are encouraged to contact the Claims Administrator or Class Counsel to receive important updates and a reminder of the deadline for the Supplemental Claim Period.**

For further details on how claims will be evaluated, you should refer to the Compensation Protocol available at [www.canadabscmeshclassaction.com](http://www.canadabscmeshclassaction.com).

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 counsel have not already done so.** You may wish to retain a lawyer to assist you in this process. You can retain Class Counsel or a lawyer of your choice. Class Counsel will not charge more than 15% of your individual recovery (plus disbursements and applicable taxes) for assisting in this process.

### **IMPORTANT DEADLINES**

**It is important that you contact the Claims Administrator or Class Counsel to receive direct notice of pending deadlines.**

**January 18, 2021—Deadline to Submit your claim** in the Initial Claim Period

**January 18, 2023—Deadline to Submit your claim** in the Supplemental Claim Period

### **LEGAL FEES**

The Ontario Superior Court of Justice approved Class Counsel’s legal fees in the amount of \$5,375,000.00 plus applicable taxes and disbursements in the amount of \$224,965.51 plus applicable taxes. Class Counsel were retained on a contingency basis and were responsible for funding all expenses incurred in pursuing this litigation.

### **FURTHER INFORMATION**

If you have questions about the Settlement Agreement, Compensation Protocol and/or would like to obtain more information and/or copies of the settlement documents, please visit the settlement website at [www.canadabscmeshclassaction.com](http://www.canadabscmeshclassaction.com) or contact the Claims Administrator at 1-866-795-5067 or:

#### **BSC TVM Class Action**

c/o RicePoint Administration Inc.  
PO Box 4454, Toronto Station A  
25 The Esplanade  
Toronto, ON M5W 4B1  
[canadabscmesh@ricepoint.com](mailto:canadabscmesh@ricepoint.com)

You can also contact Class Counsel at any of the firms listed below. There is **no charge** to speak with Class Counsel to discuss the class action.

**Siskinds LLP**  
680, Waterloo Street  
London (Ontario) N6A 3V8  
Me Elizabeth deBoer  
Tél.: 1-800-461-6166

**Siskinds, Desmeules s.e.n.c.r.l.**  
Les Promenades du Vieux-Québec  
43, rue de Buade, bureau 320  
Québec (Québec) G1R 4A2  
Me Erika Provencher  
Tél : 418-694-2009

This Notice contains a summary of some of the terms of the Settlement Agreement. If there is a conflict between this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

*This Notice was authorized by the Ontario Superior Court of Justice*