

## ST. JUDE ICD CLASS ACTION SETTLEMENT

READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS

**[www.stjudeicdclaim.ca](http://www.stjudeicdclaim.ca)**

### PURPOSE OF THIS NOTICE

This Notice is for all persons who were implanted in Canada with an implantable cardioverter defibrillator or cardiac resynchronization therapy defibrillator (a “Defibrillator”) manufactured by St. Jude Medical, Inc. (listed below) **between January 2010 and May 23, 2015**, and their immediate family members (the “Class”):

Trade Name	Model	Trade Name	Model
Fortify Assura™ DR	CD2259-40Q	Quadra Assura MP™	CD3371-40C
Fortify Assura™ DR	CD2259-40	Quadra Assura MP™	CD3371-40QC
Fortify Assura™ DR	CD2359-40C	Quadra Assura™	CD3265-40Q
Fortify Assura™ DR	CD2359-40QC	Quadra Assura™	CD3367-40QC
Fortify Assura™ VR	CD1359-40QC	Quadra Assura™	CD3267-40
Fortify Assura™ VR	CD1259-40	Quadra Assura™	CD3267-40Q
Fortify Assura™ VR	CD1259-40Q	Quadra Assura™	CD3367-40C
Fortify Assura™ VR	CD1359-40C	Unify Assura™	CD3261-40Q
Fortify™ DR	CD2233-40Q	Unify Assura™	CD3361-40QC
Fortify™ DR	CD2233-40	Unify Assura™	CD3261-40
Fortify™ ST DR	CD2235-40	Unify Assura™	CD3361-40C
Fortify™ ST DR	CD2235-40Q	Unify Quadra™	CD3251-40
Fortify™ ST VR	CD1235-40	Unify Quadra™	CD3251-40Q
Fortify™ ST VR	CD1235-40Q	Unify™	CD3231-40
Fortify™ VR	CD1233-40	Unify™	CD3235-40
Fortify™ VR	CD1231-40	Unify™	CD3235-40Q
Fortify™ VR	CD1233-40Q		

### CLASS ACTION CERTIFIED FOR SETTLEMENT APPROVAL

A class action has been certified by the Ontario Superior Court of Justice against St. Jude Medical, Inc. and St. Jude Medical Canada, Inc. (together, “St. Jude”) on behalf of the Class, for the purpose of considering approval of the Settlement. The parties have reached a proposed Settlement of the class action.

In the action, the Plaintiffs assert that the batteries in the Defibrillators were faulty as they were subject to forming lithium clusters that could cause the batteries to deplete prematurely, and that the Defendants allegedly failed to warn the Class about this defect in a timely manner. The Settlement Agreement is a compromise of disputed claims, without any admission or findings of liability or wrongdoing against St. Jude.

## SUMMARY OF THE SETTLEMENT

If the Settlement Agreement is approved by the Court, St. Jude will pay \$5,000,000.00 CAD in full and final settlement of all claims against them, in return for a release and a dismissal of the class action. The Settlement Fund, less administration costs and lawyers' fees as approved by the court, will be distributed to the Class in accordance with a Court approved and supervised Distribution Protocol.

The Settlement Agreement, including the proposed Distribution Protocol (Schedule G) can be reviewed at [www.stjudeicdclaim.ca](http://www.stjudeicdclaim.ca).

## HEARING TO APPROVE SETTLEMENT AGREEMENT AND CLASS COUNSEL FEES

On **August 1, 2019, at 10:00 a.m. EST** the Ontario Superior Court of Justice will hold a hearing (the "Settlement Approval Hearing") wherein Class Counsel will ask the Court to approve (i) the Settlement Agreement; and (ii) their legal fees and expenses. The hearing will be held at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

At the Settlement Approval Hearing, the Court will determine whether the Settlement Agreement is fair, reasonable, and in the best interest of the Class. Class Counsel will also seek court approval of their fees in the amount of up to \$1,300,000.00 CAD plus disbursements and taxes to be paid from the Settlement Fund. Class Counsel have been working under a contingency fee agreement, and have not been paid as the matter has proceeded, and have paid all the expenses of conducting the litigation for the Class.

Any Class Member may attend the Settlement Approval Hearing and ask to make submissions regarding the proposed Settlement.

**Persons intending to object to the Settlement Agreement should provide their objection in writing to Class Counsel at the address below no later than July 29, 2019.**

## WHAT ARE MY OPTIONS

### 1. Stay in the Class Action and Do Nothing:

You do not have to do anything to stay in the class action. You will be legally bound by all orders and judgments of the Court, and you will not be able to sue the Defendants regarding the legal claims made in this case. If the Court approves the Settlement Agreement, the Settlement Fund, less approved deductions, will be distributed to those Class Members who submit valid claims. You will be notified about how to claim a portion of the Settlement Fund if the Settlement is approved.

### 2. Stay in the Class Action and Object to the Settlement Agreement or Class Counsel Fees:

If you want to object to the proposed Settlement or to the payment of Class Counsel's fees and expenses, you should do so by submitting your objection in writing addressed to Class Counsel at the address below **no later than July 29, 2019.**

### 3. Opt Out of the Class Action:

All Class Members will be bound by the decisions of the Court regarding this action, including terms of the Settlement Agreement, if it is approved, unless they opt out. Any Class Member who wishes to exclude themselves from this action must opt out by submitting an Opt-Out Form to the Claims Administrator **no later than July 19, 2019.**

The Opt-Out Form must include your full name, address and telephone number, as well as your Provincial Health insurance number, the make, model and serial number of your Defibrillator, the date and location where you were implanted with the Defibrillator, and, if it was explanted, the date and location of the explant surgery. If you are the family member of a deceased relative who had a Defibrillator, the Opt-Out Form must also include your relative's date of death and an indication as to whether their death was related to premature battery depletion with the Defibrillator. You may download an Opt-Out Form at [www.stjudeicdclaim.ca](http://www.stjudeicdclaim.ca).

**The Opt-Out Form must be postmarked, if sent by mail, or received, if sent by fax, email or courier, on or before July 19, 2019 at 11:59 p.m. EST. Opt-Out Forms received after this date will not be accepted or valid.**

**ADDITIONAL INFORMATION:**

Visit [www.stjudeicdclaim.ca](http://www.stjudeicdclaim.ca) to review a copy of the Certification Order, the Settlement Agreement, or to obtain additional information about this class action.

Questions for **Class Counsel** should be directed to:

St. Jude Defibrillator Class Action Settlement  
36 Toronto Street, Suite 1120  
Toronto, ON M5C 2C5  
Email: [reception@waddellphillips.ca](mailto:reception@waddellphillips.ca)  
Phone: 647-261-4486  
Fax: 416-477-1657

Questions for the **Claims Administrator** should be directed to:

Epiq Class Action Services Canada Inc.  
Attention: St. Jude ICD Class Action Settlement Claims Administrator  
Nelson P.O. Box 20187 – 322 Rideau Street  
Ottawa ON K1N 5Y5  
Email: [info@stjudeicdclaim.ca](mailto:info@stjudeicdclaim.ca)  
Phone: 1-833-414-8043  
Fax: 1-866-262-0816

**The Ontario Superior Court of Justice has authorized distribution of this Notice.  
Questions about this Notice should NOT be directed to the Court.**