

To all women in Quebec who have used Johnson's® Baby Powder and/or Shower to Shower® in the perineal region and that have been diagnosed with ovarian cancer: a class action may affect your rights

The Superior Court of Quebec authorized the publication of this notice.

- Your rights may be affected by a class action that has been authorized against Johnson & Johnson, Johnson & Johnson Consumer Inc., Johnson & Johnson Inc., and Valeant Pharmaceuticals International, Inc. (the “**defendants**”).
- The class action includes all women in Quebec, as well as members of their family, their successors and assigns, if any, who have used Johnson's® Baby Powder and/or Shower to Shower® (the “**products**”) in the perineal region and who have been diagnosed with ovarian cancer.
- The Court has not yet decided whether the defendants have committed a fault or if the use of the products in the perineal region could cause ovarian cancer. The assertions made against the defendants have not yet been proven. The defendants are contesting the class action and take the position that use of their products does not cause ovarian cancer. If you are a member of the class and sums of money or benefits are obtained at the conclusion of the class action, you will be informed of how to claim your share. No amount of money is available at this time and there is no guarantee that money will eventually be available. Nevertheless, your rights are affected and you must choose one of the following options at this time.

| YOUR OPTIONS AT THIS TIME |   |
|---------------------------|---|
|                           | Remain a member of the class action and await the outcome thereof. You will take part in the sharing of money and benefits, if any.   |
| DO NOTHING                | By doing nothing, you retain the possibility to get money or other benefits that could be awarded following a trial or a settlement. However, by doing so, you waive any rights you may have to initiate a personal actions based on the same allegations as those raised in this class action. |

## YOUR OPTIONS AT THIS TIME

|         |   |
|---------|---|
| OPT-OUT | <p>Withdraw or exclude yourself from this action. You will not take part in the sharing of money or benefits, if any, but you retain the right to exercise an individual action.</p> <p>If you opt-out of the class action and money or benefits are subsequently granted, you will not have any right to a share of said money or benefits. If you wish, you can initiate an action in your own name based on the same allegations as those raised in this class action.</p> |
|---------|---|

- Your options are explained in greater detail in this notice. To opt-out, you must act before **January 15<sup>th</sup> 2019**.

## CONTENTS OF THIS NOTICE

|  |   |
|--|---|
| CONTENTS OF THIS NOTICE .....  | i |
| 1. GENERAL INFORMATION .....   | 1 |
| A) Why is this notice published? .....   | 1 |
| B) What is a class action? .....   | 1 |
| C) How can I find out if I am a member of this class action? .....               | 2 |
| D) What is the representative claiming in this class action? .....               | 2 |
| E) Is money being offered to me at this moment? .....                            | 3 |
| 2. YOUR OPTIONS.....   | 3 |
| 3. THE LAWYERS.....  | 3 |
| A) Who is representing me in this matter? .....                                  | 3 |
| B) Can I hire my own lawyer? .....   | 4 |
| C) How will the lawyers be paid? .....   | 4 |
| 4. NEXT STEPS.....   | 4 |
| A) Hearing on the common issues.....   | 4 |
| B) The common issues .....   | 4 |
| C) Will I receive money following the end of the hearing on the common issues?.. | 5 |
| D) How will I know what is happening? .....                                      | 5 |
| 5. OBTAIN ADDITIONAL INFORMATION .....   | 5 |
| OPT-OUT FORM.....  | 6 |

## 1. GENERAL INFORMATION

The Honourable André Prévost, judge of the Superior Court of Quebec, is responsible for the oversight of this matter, known under the name of *Rosemary Kramar v Johnson & Johnson, et al.*, file n° 500-06-000787-164 in the district of Montreal.

The person who brought this action, Rosemary Kramar, is the representative of the class who is acting on her behalf and on behalf of all the other members of the class.

The defendants named in this action are: Johnson & Johnson, Johnson & Johnson Consumer Inc., Johnson & Johnson Inc., and Valeant Pharmaceuticals International, Inc. (the “**defendants**”).

### A) What is the purpose of this action?

On May 5, 2016, the representative filed an application for authorization to initiate class action proceedings and to be designated as class representative.

The representative alleges that the use of Johnson's® Baby Powder and/or Shower to Shower® causes ovarian cancer or creates an increased risk of developing ovarian cancer and that the defendants failed to adequately inform the members of the class of the health risks associated with Johnson's® Baby Powder and/or Shower to Shower®.

### B) Why is this notice published?

This action was "authorized" as a class action. If you meet the definition of the class (and you are not subject to any exclusions), you have certain rights and certain options that you should consider before the Court decides if the allegations against the defendants are valid. This notice explains these aspects and the procedure to follow in order to exercise your rights in the future.

### C) What is a class action?

In a class action, one or more persons, called “representative(s)”, commence an action in their own name and on behalf of other persons with similar claims. Persons with similar claims constitute the “class” and are “class members”. The Court attempts to resolve as many litigious issues as possible as part of a single trial on the “common issues” concerning all class members (individual issues may remain following the conclusion of the trial on the common issues). People with similar claims who do not opt-out of the class action are bound by the decisions rendered by the Court in this matter.

To view the register of class actions in Quebec, visit the following website:

<http://services.justice.gouv.qc.ca/dgsj/rrc/Demande/DemandeRecherche.aspx>

## D) How can I find out if I am a member of this class action?

If you wish to participate in this class action, you are included in this action and do not have to take any action at this time if all the following statements are true:

- you used Johnson's® Baby Powder and/or Shower to Shower® in the perineal region; and,
- after having used Johnson's® Baby Powder and/or Shower to Shower® in the perineal region, you were diagnosed with ovarian cancer.

You might be excluded from this class action even if you meet the above conditions:

If you have exercised an individual action having the same purpose as the present class action, you will be deemed "excluded" from this class action if you maintain your individual action past the opt-out deadline, on **January 15<sup>th</sup> 2019**.

If you are unsure as to whether this situation applies to you, please communicate with the representative's counsel in order to obtain assistance.

## E) What is the representative claiming in this class action?

The representative seeks to obtain monetary compensation in the form of compensatory, moral and punitive damages, as well as legal fees, costs and the applicable interest. Specifically, the representative is asking the Court to:

**GRANT** the class action against the defendants;

**CONDAMN** the defendants to pay the Class Members compensatory damages for material damages, injury, pain and suffering, anxiety and fear and for any other non-pecuniary damages;

**CONDAMN** the defendants to pay the Class Members punitive and exemplary damages to be determined by the court;

**ORDER** that the processing of individual claims by Members shall be in accordance with Articles 509 to 601 of the C.p.c.;

**MAKE** any other order that the court deems in the best interests of the Class Members;

**THE WHOLE** with interest and the additional indemnity provided for in the Civil Code of Québec as well as legal costs, including experts' fees and publication fees to Members.

## F) Is money being offered to me at this moment?

No. The Court has not yet decided if the defendants have committed a fault and no settlement has been reached between the parties. The defendants deny the allegations made by the representative. There is no guarantee that an amount of money or benefits will be awarded to you. However, if they are, you will be informed and will receive information regarding how to claim your share of these benefits.

## 2. YOUR OPTIONS

At this stage, you must choose whether to remain in the class or to opt-out before the trial is held.

If you do not do anything and you meet the definition of the class, you will automatically be included in the action. You will be bound by any decision of the Court, whether or not it is favourable to you and the class. If benefits are awarded, you will need to take certain actions in order to obtain them. You will only have a right to the benefits if you meet the established criteria regarding the distribution of benefits to individual class members.

If you wish to opt-out, you must do so no later than **January 15<sup>th</sup> 2019**. You will not be bound by the decisions of the Court in this action, but you will not have any right to the money or other benefits that may be awarded as a result of this action. You will retain your right to pursue an individual claim against the defendants regarding the subject matter of this class action, if you so wish. Please note that, once you have opted out, you may not subsequently change your mind and decide to “re-join” this class action.

To opt-out, fill out the opt-out form attached to this notice and send it via registered mail to the following address:

Greffier de la Cour supérieure du Québec  
Palais de Justice de Montréal  
Dossier no 500-06-000787-164  
1, rue Notre-Dame Est, Salle 1.120  
Montréal (Québec) H2Y 1B6

Your opt-out form must be received no later than **January 15<sup>th</sup> 2019**.

## 3. THE LAWYERS

### A) Who is representing me in this matter?

Rosemary Kramar, the representative, is represented by Merchant Law Group LLP in this litigation. Merchant Law Group LLP therefore represents her interests and those of the class, including your interests if you are a member of the class.

## **B) Can I hire my own lawyer?**

If you wish to be represented by another lawyer, you may hire one at your own cost. Your lawyer will need to obtain Court authorization to intervene in this class action. Note that a member intervening in the class may be subject to a pre-trial examination or a medical examination, or both, at the request of the defendants. A class member that does not intervene in the class action cannot be called to a pre-trial examination or a medical examination without a Court decision.

## **C) How will the lawyers be paid?**

You will not have to pay the fees for Ms. Kramar's lawyers in this class action. Ms. Kramar entered into a conditional fee agreement pursuant to which her lawyers will receive i) 30% of the total amount received by the class or ii) any amount granted by the Court following a settlement or a judgment. If no money is obtained by the class, the lawyers will not receive anything. Furthermore, any payment made to the lawyers will need to be approved by the Court.

If you hire your own lawyer, you will be responsible for paying the fees or costs that may be determined by the lawyer.

# **4. NEXT STEPS**

## **A) Hearing on the common issues**

The representative will have to prove her allegations and those of the class during a hearing. The hearing would take place in Montreal (Quebec). During the hearing, the Court would hear all the evidence before rendering a decision regarding who would win between the representative and the defendants.

## **B) The common issues**

The main questions of fact and of law that need to be answered as part of the hearing on the common issues are the following:

- 1) Do the products, when used in the perineal region, cause ovarian cancer or significantly contribute to or increase the risk thereof?
- 2) Did the defendants fail to adequately and sufficiently test the products, both before and after the product were marketed, in order to ensure that they are safe to use in the perineal region by consumers?
- 3) Did the defendants fail to adequately test the products in order to determine if they increased the risk of ovarian cancer during the course of their normal and/or proposed use?

- 4) Did the defendants fail to warn the plaintiff and the class members of the health risks associated with the use of the products in the perineal region by women?
- 5) Are the defendants liable to pay compensatory damages to the class members?
- 6) Are the defendants liable to pay punitive and exemplary damages and, if so, what amount should be awarded?

#### C) Will I receive money following the end of the hearing on the common issues?

There is no guarantee that the representative will obtain financial compensation or other benefits on behalf of the group.

If the representative obtains an amount of money or other benefits following the hearing or a settlement, you will be informed of the process to follow in order to request a share thereof or we will explain to you the other options that would be open to you. It is possible that you will need to demonstrate the validity of your individual claim and you may need to incur costs in order to do so. In that event, you could choose to retain the services of Merchant Law Group to assist you, or you could choose another lawyer of your choice.

#### D) How will I know what is happening?

The lawyers acting for the representative may occasionally send court-approved notices to the class members in order to inform them of the progression of the action.

If you would like to receive these notices, please communicate by telephone with Merchant Law Group LLP by dialing 514-248-7777 or go to the following address <https://www.merchantlaw.com/class-actions/current-class-actions/ovarian-cancer-baby-powder-class-action> to register on the notice delivery list.

### 5. OBTAIN ADDITIONAL INFORMATION

You may obtain details on this matter and on the opt-out process by communicating with:

Merchant Law Group LLP  
10 rue Notre-Dame East, suite 200  
Montréal (Québec) H2Y 1B7

Tel.: 514 248-7777 or toll-free at 1 866 567-7777  
Fax: 514 842-6687

Roch Dupont ([rdupont@merchantlaw.com](mailto:rdupont@merchantlaw.com))  
Erik Lowe ([elowe@merchantlaw.com](mailto:elowe@merchantlaw.com))

# OPT-OUT FORM

CANADA  
PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL

N° 500-06-000787-164

COUR SUPÉRIEURE  
(ACTION COLLECTIVE)

ROSEMARY KRAMAR

Demanderesse

C.

JOHNSON & JOHNSON  
JOHNSON & JOHNSON CONSUMER INC.  
JOHNSON & JOHNSON INC.  
VALEANT PHARMACEUTICAL INTERNATIONAL, INC.

Défenderesses

Do not complete this opt-out form unless you are a member of the class (as described in the notice of authorization) and you wish to opt-out of the following class action: *Kramar v Johnson & Johnson et al.*, Superior Court of Quebec, file n° 500-06-000787-164 (district of Montreal). This opt-out form must be received by the clerk of the Superior Court of Quebec no later than **January 15<sup>th</sup> 2019** at the following address:

Greffier de la Cour supérieure du Québec  
Palais de Justice de Montréal  
Dossier n° 500-06-000787-164  
1, rue Notre-Dame Est, Salle 1.120  
Montréal (Québec) H2Y 1B6

Your name: \_\_\_\_\_

Your address: \_\_\_\_\_  
\_\_\_\_\_

Telephone number: \_\_\_\_\_

Email: \_\_\_\_\_

By signing below, I confirm that I do not wish to participate in the *Kramar v Johnson & Johnson et al.* class action and I understand that by opting out, I will not receive any monetary amount or other benefit that might be obtained by the representative on behalf of the class members.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date