

## **Phase II Settlement Approval Notice**

### **NOTICE OF CLASS ACTION SETTLEMENT APPROVAL**

**Were you implanted with a Wright Profemur Hip Implant System(s) in Canada after February 2001, and it has subsequently fractured, requiring revision surgery?**

**This notice may affect your rights. Please read carefully.**

#### **Notice of Approved Settlement and Claims Process**

A Canada-wide class action lawsuit – *Rodrick Desborough v. Wright Medical Technology Canada Ltd. et al*, Hfx. No. 355381 - was initiated alleging that the Wright Profemur Hip Implant System was defective, and that it failed prematurely. The class action was certified by the Nova Scotia Supreme Court on June 25, 2014, and the certification order was amended on April 30, 2019.

The Defendants, while not admitting liability, have agreed to a settlement of this class action. The settlement has received approval of the Supreme Court of Nova Scotia as being fair, reasonable and in the best interests of the class. For a copy of the settlement agreement, or for more information, please contact Wagners at the contact information provided below or go to <https://wagners.co/practice-areas/class-actions/hip-products-wright/> or <https://www.wrighthipimplantsettlement.ca>.

#### **Who is Eligible to Participate in the Proposed Settlement?**

The settlement applies to the Class defined as all Canadian residents who were implanted after February 2001 with the Wright Profemur Hip Implant System manufactured by the Defendants, and who have experienced a fracture of the Wright Profemur Hip Implant System, requiring revision surgery. Excluded are those who previously opted out of the class action.

#### **Who Represents the Class?**

Class counsel is Wagners, a law firm located in Halifax, Nova Scotia. Rodrick Desborough is the representative plaintiff for the Class.

#### **The Terms of Settlement**

The Defendants have agreed to pay up to a total of \$8,250,000 CDN, depending upon the number of approved claims that are submitted. This amount includes payment of legal fees, claims administration costs and payment to public health insurers for their subrogated claims.

The settlement provides compensation to eligible class members who submit all forms and documentation required under the proposed Settlement Agreement before the Claim Deadline of October 8, 2020. The settlement will also be used to pay for legal fees and other administration costs. The settlement also provides for payment to public health insurers for their subrogated claims. Please refer to the Settlement Agreement for specific terms and conditions.

The amount of compensation paid to approved Class Members will depend upon the number of approved Class Members and the details relating to their claims, including if they experienced one or more fractures requiring revision surgery, or complications such as infection, permanent nerve damage, stroke or blood clots as a result of revision surgery. Approved Class Members must satisfy the eligibility criteria set out in the Settlement Agreement and must provide the required supporting documentation by the Claim Deadline of October 8, 2020, as further outlined in the Settlement Agreement.

### **Legal Fees**

The Court also approved Wagners' legal fees in the amount of 25% of the reconciled Settlement Payment as determined by the number of Approved Claims, excluding Provincial Health Insurer payments, which are subject to a separate legal fee of 15%, plus disbursements and applicable taxes, for their work in relation to this class action and settlement.

### **Participation in the Settlement**

If you are a Class Member, you must submit a claim form and required supporting documentation by the Claim Deadline of October 8, 2020. Please obtain a copy of the form and the required documentation from Wagners, the settlement website at <https://wagners.co/practice-areas/class-actions/hip-products-wright/> or <https://www.wrighthipimplantsettlement.ca>, or contact the Claims Administrator to obtain a copy. If you have any questions, you can direct them to Wagners or to the Claims Administrator.

### **For More Information or To Obtain A Copy of the Claim Form and Required Supporting Documentation**

Wagners can be contacted, at no charge, at:

Wagners  
Re: Wright Profemur Class Action  
1869 Upper Water St.  
Halifax, NS  
B3J1S9  
Tel: 902-425-7330 / Toll-Free: 1-800-465-8794  
Email: [classaction@wagners.co](mailto:classaction@wagners.co)

RicePoint, the Claims Administrator, can be contacted at:

RicePoint Administration Inc.  
PO Box 4454, Toronto Station A  
25 The Esplanade  
Toronto, ON M5W 4B1  
Email: [info@wrighthipimplantsettlement.ca](mailto:info@wrighthipimplantsettlement.ca)  
Toll Free: 1-866-573-9938

A copy of the Settlement Agreement and necessary forms to submit a claim are available at:

<https://wagners.co/practice-areas/class-actions/hip-products-wright/>  
or  
<https://www.wrighthipimplantsettlement.ca>

*This Notice has been approved by the Supreme Court of Nova Scotia.*