

NOTICE OF CERTIFICATION OF CLASS ACTION REGARDING MENTOR MEMORYGEL™ SILICONE BREAST IMPLANTS

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

In 2019, a class proceeding was initiated in British Columbia by Rice Harbut Elliott LLP (“**Class Counsel**”) on behalf of people who were implanted with Mentor MemoryGel™ silicone gel-filled breast implants (“**Mentor Silicone Breast Implants**”) in Canada between October 19, 2006 to October 21, 2024.

On October 21, 2024, the Supreme Court of British Columbia certified the proceeding as a class action (the “**Certification Decision**”) in *Bosco v. Mentor Worldwide LLC and Johnson & Johnson Inc.*, S.C.B.C. Action No. VLC S-190084 (the “**Class Action**”).

While the Class Action was started in British Columbia, it includes Canadian residents in all provinces and territories. The Court has appointed Denee Jesanna Bosco, Stephanie Nicole Marto, and Jaime Lyn Hoolsema as Representative Plaintiffs in the Class Action.

This Notice is to inform you about the Class Action, the Certification Decision and their potential impacts on your legal rights.

A class action is a lawsuit filed by one or more persons on behalf of a large group of people that has been “certified” or “authorized” by a Canadian court and determines “common issues” for the group of people, known as the “class”.

Certification is not a settlement or trial of the Class Action. It is the first procedural step in a class proceeding that determines, among other things:

- (1) the “common issues” to be resolved at a common issues trial for the group of people, known as the “class”;
- (2) the definition of the “class”; and
- (3) the representative plaintiff(s) for the class action.

Please continue to read this Notice to learn answers to the following questions:

- What is this Class Action about?
- Who is included in this Class Action?
- How do I participate in the Class Action?
- How can I opt out if I do not want to participate in the Class Action?
- Where can I ask more questions?

What is this Class Action About?

The Class Action alleges that Mentor Silicone Breast Implants can cause specific connective tissue disorders and breast implant illness. While none of the allegations have

been proven, the Court has certified 12 common issues that should be decided in common for all Class Members. The common issues relate to whether the Mentor Silicone Breast Implants can cause specific connective tissue disorders and/or breast implant illness and, if so, whether the Defendants breached their duty to class members in its post-market surveillance and/or monitoring of the Mentor Silicone Breast Implants with respect to those conditions, and, by extension, whether the Defendants' acts or omissions were negligent or in breach of the *BPCPA* and/or *Competition Act*. The full list of certified common issues is set forth in the certification order that can be found on Class Counsel's website (at the end of this Notice). The Class Action seeks to recover damages for physical injuries, loss of income and other expenses alleged by Class Members.

None of the claims against the Defendants have been proven. The Defendants vigorously deny all of the allegations made in the Class Action, they deny any liability, fault or wrongdoing regarding the claims, and they intend to defend the class action.

For information regarding breast implant illness, you can visit Health Canada's website available here:

<https://www.canada.ca/en/health-canada/services/drugs-medical-devices/breast-implants/illness.html>

For information regarding Health Canada's Safety Summary Review of breast implants, you can visit Health Canada's website available here:

<https://dhpp.hpfb-dgpsa.ca/review-documents/resource/SSR1722261038121>

Who is included in this Class Action?

The Class or Class Members includes all persons who were implanted with Mentor MemoryGel™ silicone gel-filled breast implants ("**Mentor Silicone Breast Implants**") in Canada between October 19, 2006 to October 21, 2024 (the "**Class**" or "**Class Members**").

How do I participate in the Class Action?

Persons who meet the definition of a Class Member (described above) are automatically included in the Class, unless they opt out of the Class Action. If you want to participate in the Class Action, you do not need to do anything at this time. **If you do not opt out, you will be bound by any judgment or resolution of the Class Action, whether favourable or not**, and you will not be able to start or continue your own case against the Defendants regarding the claims at issue in the Class Action.

You do not have to pay the lawyers working on this Class Action any money at this stage of the Class Action. The Representative Plaintiffs have entered into a contingency fee agreement with Class Counsel for the legal work in the Class Action, including the common issues trial. If the Class Action is successful, the lawyers working on the Class Action will be paid from any money collected in the Class Action. The court will be asked

to decide how much the lawyers will be paid for their legal fees plus disbursements and applicable taxes. If the Class Action is not successful on the common issues trial, no Class Member will be responsible for paying any legal fees or costs.

How can I opt out of the Class Action if I do not want to participate in the Class Action?

If you meet the definition of a Class Member (set out above) and you do **NOT** want to be part of the Class Action, you **must “opt out”** by **August 11, 2025** at the latest, in the manner described below. If you opt out of the Class Action, you will not be eligible to participate in the Class Action in the future and you will not be entitled to any judgment or settlement amount that may be obtained, but you will retain the right to commence or continue your own lawsuit against the defendants regarding the subject matter of the Class Action.

If you do not exclude yourself by opting out of the class action you will be bound by any resolution of the Class Action, including a judgment on the common issues, whether favourable or not. You will not be able to start or continue your own case against the Defendants regarding the claims at issue in the Class Action.

If you would like to opt out, you must do so no later than **no later than August 11, 2025**, by sending a written election to Class Counsel, either:

- by completing an Opt Out webform found on Class Counsel’s website at <https://rhelaw.com/class-action/mentor-breast-implants-2/>; or
- by sending an email to Class Counsel at classactions@rhelaw.com including all of the required information.

All opt outs must contain the following information:

- your full name, current address, email address and telephone number; and
- a statement saying that you want to opt out of the Class Action.

If you have any questions about the opt out process, you are encouraged to contact Class Counsel using the information below.

Where can I ask more questions?

For more information, to have your questions answered, or to obtain an opt out form, please contact **Class Counsel**: Rice Harbut Elliott LLP by telephone at (604) 682-3771 or by email at classactions@rhelaw.com

This notice has been authorized by the British Columbia Supreme Court.