

**NOTICE OF CERTIFICATION OF CANADA-WIDE
ALLERGAN BREAST IMPLANT CLASS ACTION**
www.AllerganBreastImplants.ca

PLEASE READ CAREFULLY. IGNORING THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS

NOTICE OF CERTIFICATION

On December 21, 2022, the Ontario Superior Court of Justice (the “**Court**”) certified the lawsuit known as *Kibalian et al. v. Allergan PLC et al* (Court File No. CV-19-00620507-00CP) as a Canada-wide class action (the “**Class Action**”), which allows defined groups of individuals (collectively, the “**Class Members**”) to pursue certain alleged claims against the named defendants (the “**Defendants**”) in connection with the development, marketing and distribution of certain breast implants in Canada.

The plaintiffs in the Class Action (the “**Plaintiffs**”) allege that several types of harm were caused by these breast implants, including Breast Implant-Associated Anaplastic Large-Cell Lymphoma (“**BIA-ALCL**”), premature rupture and Autoimmune/Inflammatory Syndrome Induced by Adjuvants (“**ASIA**”)/Breast Implant Illness (“**BII**”). The Plaintiffs seek to recover damages from the Defendants on behalf of the Class Members for these alleged injuries. The Plaintiffs have not proven these allegations in Court and the Defendants deny all such allegations and intend to defend the Class Action.

WHO IS INCLUDED IN THE CLASS ACTION?

The Court has certified the Class Action on behalf of the following Classes:

- (a) All persons who, **between May 31, 1999 and May 29, 2019**, were implanted in Canada with one or more BIOCELL® textured breast implants enumerated as follows:

Natrelle Saline-Filled Breast Implants (Textured); Natrelle 410 Truform Silicone-Filled Breast Implants; Natrelle Silicone-Filled Breast Implants (Biocell Round); Natrelle Inspira Truform 1 (Responsive) Breast Implants (Textured Shell); and Natrelle Inspira Truform 2 (Soft Touch) Breast Implants (Textured Shell) (collectively, the “**Textured Breast Implants**”);

and/or other silicone gel-filled breast implants supplied by the Defendants (the “**Allergan Silicone Breast Implants**”), and their estates, administrators or other legal representatives, heirs or beneficiaries (the “**Primary Class**” or “**Primary Class Members**”); and

- (b) All persons who, by virtue of a personal relationship with one or more Primary Class Members, have standing to claim damages pursuant to section 61(1) of the *Family Law Act*, R.S.O. 1990, c. f.3, as amended, or analogous provincial legislation (the “**Family Class**” or “**Family Class Members**”).

PARTICIPATING OR OPTING OUT

If you are a member of the Primary Class or the Family Class and you wish to participate and have your rights decided in the Class Action, you do not need to do anything at this time and you will be bound by future judgments and orders of the Court. As a Class Member, you will not be required to pay any costs if the Class Action is unsuccessful. If the Class Action is successful, and a judgment is rendered or a settlement reached, a further notice will be provided with details about the terms of the judgment or settlement.

If you are a member of the Primary Class and you wish NOT to be bound by any future judgments or orders made in the Class Action, you must take active steps to exclude yourself by “opting out”. For clarity, if you do not opt out, you will NOT be permitted to commence your own lawsuit against the Defendants regarding the subject matter of the Class Action, whether or not the Class Action is successful. If you opt out, you and your related Family Class Member(s) will NOT be entitled to any judgment or settlement amount, if any is obtained in the Class Action.

To opt out, you must fully complete and submit an Opt-Out Form and deliver it to the Administrator **on or before the Opt-Out Deadline of June 30, 2025**. Opt-Out Forms are available from the Administrator at www.AllerganBreastImplants.ca or Class Counsel on their websites, and/or may be requested by mail or telephone, at the addresses listed below.

WHO REPRESENTS ME?

The Plaintiffs and Class Members in the Class Action are represented by the group of Canadian law firms listed below. They are acting on a contingency basis which means that legal fees, disbursements and taxes will be payable only in the event of success (and, in that case, the Court must approve Class Counsel’s fees and disbursements before they are paid). Class Counsel are:

Rochon Genova
121 Richmond St. W.
Suite 900
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1-866-881-2292
www.rochongenova.com

Rice Harbut Elliott LLP
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Suite 820
Vancouver, BC V6Z 0C8
1-604-682-3771
www.rhelaw.com

Thomson Rogers LLP
390 Bay St.
Suite 3100
Toronto, ON M5H 1W2
1-888-223-0448
www.trlaw.com

Merchant Law Group LLP
2401 Saskatchewan Drive
Suite 100
Regina, SK S4P 4H8
1-877-359-7777
www.merchantlaw.com

Class Counsel for the Québec class action (S.C.M. file no: 500-06-000966-198) which was suspended until final judgment is rendered in this Class Action are:

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FOR MORE INFORMATION:

If you have questions about the Class Action please contact Class Counsel. Your name and any information provided will be kept confidential. The pleadings, orders and a long form notice are available at www.AllerganBreastImplants.ca or Class Counsel's websites – this Notice is only a summary.

This Notice has been approved by the Ontario Superior Court of Justice. Please do not contact the Court.