

Notice of Settlement Approval

PLEASE READ THIS NOTICE CAREFULLY AS YOUR LEGAL RIGHTS MAY BE AFFECTED

**DID YOU PURCHASE AND/OR USE A RECALLED PHILIPS RESPIRATORY
DEVICE IN CANADA PRIOR TO JUNE 23, 2021?**

LIST OF PRODUCTS

	<u>Description</u>	<u>Material Number</u>
1	BiPAP Synchrony	CA1029756
2	BiPAP Synchrony Core Pkg	CA1029759
3	Trilogy 200 Ventilator	CA1032800
4	Trilogy 200 Ventilator - BT	CA1032800B
5	Trilogy100 Ventilator	CA1054096
6	Trilogy 100 Ventilator - BT	CA1054096B
7	BiPAP AVAPS C SERIES	CA1060486
8	BiPAP AVAPS C SERIES CORE PKG	CA1061419
9	BiPAP ST C SERIES	CA1061421
10	BiPAP ST C SERIES CORE PKG	CA1061423
11	BiPAP AVAPS C Series 30	CA1161X
12	BiPAP AVAPS C Series Core Package 30	CA1161XTS

13	REMstar W/SD Card HUMID	CA151HS
14	REMstar W/SD Card	CA151S
15	REMstar Plus C-Flex W/HUMID SD Card	CA251HS
16	REMstar Plus C-Flex W/SD Card	CA251S
17	REMstar Plus w/Hum SysOne 60Srs	CA261HS
18	REMstar Plus w/HT Hum Std Tube 60Srs	CA261NTS
19	REMstar Plus Sys One 60 Srs	CA261S
20	REMstar Plus w/HT Hum SysOne 60Srs	CA261TS
21	REMstar Pro C-Flex+ W/HUMID SD Card	CA451HS
22	REMstar Pro C-Flex+ W/SD Card	CA451S
23	REMstar Pro C-Flex+ BT SysOne 60Srs	CA461BT
24	REMstar ProC-Flex+Hum BT SysOne60Srs	CA461HBT
25	REMstar Pro C-Flex+w/Hum SysOne60Srs	CA461HS
26	REMstarProCFlex+HTHumStdTube BT 60Srs	CA461NTBT
27	REMstarProCFlex+w/HTHum stdtube 60Srs	CA461NTS

28	REMstar Pro C-Flex+ Sys One 60 Srs	CA461S
29	REMstarProCFlex+HTHum BT SysOne60Srs	CA461TBT
30	REMstar ProCFlex+w/HTHumSysOne 60Srs	CA461TS
31	REMstar Auto A-Flex W/HUMID SD Card	CA551HS
32	REMstar Auto A-Flex W/SD Card	CA551S
33	REMstar Auto A-Flex BT SysOne 60Srs	CA561BT
34	REMstar AutoA-FlexHum BT SysOne60Srs	CA561HBT
35	REMstar AutoA-Flex w/Hum SysOne60Srs	CA561HS
36	REMstarAuto HTHum StdTube BT 60Srs	CA561NTBT
37	REMstarAuto w/HT Hum stdtube 60 Srs	CA561NTS
38	REMstar Auto A-Flex Sys One 60 Srs	CA561S
39	REMstar Auto HTHum BT SysOne 60Srs	CA561TBT
40	REMstar Auto w/HT Hum Sys One 60 Srs	CA561TS

41	BiPAP Pro BiFlex W/SD Card HUMID	CA651HS
42	BiPAP Pro BiFlex W/SD Card	CA651S
43	BiPAP Pro BiFlex Hum BT SysOne 60Srs	CA661HBT
44	BiPAP Pro BiFlex w/Hum Sys One 60Srs	CA661HS
45	BiPAP Pro BiFlex w/HTHumStdTube60Srs	CA661NTS
46	BiPAP Pro BiFlex Sys One 60 Srs	CA661S
47	BiPAP ProBiFlex HTHum BT SysOne60Srs	CA661TBT
48	BiPAP Pro BiFlex w/HTHum SysOne60Srs	CA661TS
49	BiPAP Auto BiFlex W/SD Card HUMID	CA751HS
50	BiPAP Auto BiFlex W/SD Card	CA751S
51	BiPAP Auto BiFlex BT Sys One 60Srs	CA761BT
52	BiPAP Auto BiFlex Hum BT SysOne60Srs	CA761HBT
53	BiPAP Auto BiFlex w/Hum SysOne 60Srs	CA761HS
54	BiPAP Auto BiFlex w/HTHumStdTube60Srs	CA761NTS

55	BiPAP Auto BiFlex Sys One 60 Srs	CA761S
56	BiPAP AutoBiFlex HTHum BT SysOne60Srs	CA761TBT
57	BiPAP Auto BiFlex w/HTHum SysOne60Srs	CA761TS
58	BiPAP autoSV ADV SYSTEM ONE W/HUMID	CA951HS
59	BiPAP autoSV ADVANCED SYSTEM ONE	CA951S
60	BiPAP autoSV ADV w/Hum Sys One 60Srs	CA961HS
61	BiPAP autoSV ADVw/HTHum StdTube 60Srs	CA961NTS
62	BiPAP autoSV ADV Sys One 60 Srs	CA961S
63	BiPAP autoSV ADVw/HTHum SysOne 60Srs	CA961TS
64	BiPAP autoSV ADV w/Hum 60Srs 30cm	CA961XHS
65	BiPAP autoSV ADV 60 Srs 30cm	CA961XS
66	BiPAP autoSV ADV w/HTHum 60Srs 30cm	CA961XTS
67	DreamStation Go CPAP w/Humid	CAG400H12
68	DreamStation Go w/BT	CAG400S12

69	DreamStation Go Auto CPAP w/Humid	CAG500H12
70	DreamStation Go Auto w/BT	CAG500S12
71	DreamStation BiPAP AVAPS30 AAM H	CAX1130H12
72	DreamStation BiPAP AVAPS30 AAM H/C	CAX1130H12C
73	DreamStation BiPAP AVAPS30 AAM	CAX1130S12
74	DreamStation BiPAP AVAPS30 AAM H/HT	CAX1130T12
75	DreamStation BiPAP AVAPS30 AAM H/HT/C	CAX1130T12C
76	DreamStation BiPAP AVAPS30 AAM H/HT/W	CAX1130T12W
77	DreamStation CPAP w/Humid	CAX200H12
78	DreamStation CPAP	CAX200S12
79	DreamStation CPAP w/Humid/HT	CAX200T12
80	DreamStation CPAP Pro w/Humid	CAX400H12
81	DreamStation CPAP Pro w/Hum/Cell	CAX400H12C
82	DreamStation CPAP Pro w/Hum/WiFi	CAX400H12W
83	DreamStation CPAP Pro	CAX400S12

84	DreamStation CPAP Pro w/Humid/HT	CAX400T12
85	DreamStation CPAP Pro w/Hum/HT/Cell	CAX400T12C
86	DreamStation CPAP Pro w/Hum/HT/WiFi	CAX400T12W
87	DreamStation Auto CPAP w/Humid	CAX500H12
88	DreamStation Auto CPAP w/Hum/Cell	CAX500H12C
89	DreamStation Auto CPAP w/Hum/WiFi	CAX500H12W
90	DreamStation Auto CPAP	CAX500S12
91	DreamStation Auto CPAP w/Humid/HT	CAX500T12
92	DreamStation Auto CPAP w/Hum/HT/Cell	CAX500T12C
93	DreamStation Auto CPAP w/Hum/HT/WiFi	CAX500T12W
94	DreamStation Expert w/Hum	CAX501H12
95	DreamStation Expert w/Hum/Cell	CAX501H12C
96	DreamStation Expert w/Hum/HT	CAX501T12
97	DreamStation Expert w/Hum/HT/Cell	CAX501T12C
98	DreamStation Expert w/Hum/HT/WiFi	CAX501T12W

99	DreamStation BiPAP Pro w/Humid	CAX600H12
100	DreamStation BiPAP Pro w/Hum/Cell	CAX600H12C
101	DreamStation BiPAP Pro w/Hum/WiFi	CAX600H12W
102	DreamStation BiPAP Pro	CAX600S12
103	DreamStation BiPAP Pro w/Humid/HT	CAX600T12
104	DreamStation BiPAP Pro w/Hum/HT/Cell	CAX600T12C
105	DreamStation Auto BiPAP w/Humid	CAX700H12
106	DreamStation Auto BiPAP w/Hum/Cell	CAX700H12C
107	DreamStation Auto BiPAP w/Hum/WiFi	CAX700H12W
108	DreamStation Auto BiPAP	CAX700S12
109	DreamStation Auto BiPAP w/Humid/HT	CAX700T12
110	DreamStation Auto BiPAP/Hum/HT/Cell	CAX700T12C
111	DreamStation Auto BiPAP/Hum/HT/WiFi	CAX700T12W
112	DreamStation BiPAP autoSV H	CAX900H12
113	DreamStation BiPAP autoSV	CAX900S12

114	DreamStation BiPAP autoSV H/HT	CAX900T12
115	DreamStation BiPAP autoSV H/ HT/C	CAX900T12C
116	DreamStation Go w/BT DOM	DSG400S11
117	DreamStation Go Auto w/BT DOM	DSG500S11
118	Trilogy 200 Ventilator	R1040005
119	OmniLab ADV Plus w/HTHum	R1111124
120	Trilogy 200 Ventilator	U1040005
121	Trilogy100 Ventilator	U1054096
122	Trilogy100 Ventilator	U1054260
123	BiPAP AVAPS C SERIES	U1060485
124	OmniLab ADV Plus w/HTHum	U1111124
125	DreamStation Auto CPAP	UDSX500S11
126	BiPAP AVAPS C SERIES	1060485
127	BiPAP AVAPS C SERIES CORE PKG	1061418
128	BiPAP ST C SERIES CORE PKG	1061422
129	BiPAP AVAPS C SERIES	1060486
130	OmniLab Advanced Plus w/HTHum	1111124
131	OmniLab Advanced Plus	1111122

132	OmniLab Advanced Plus w/Hum	1111123
133	BiPAP A30 Core Pkg	1076578
134	BiPAP A30	1076577
135	BiPAP A30 Heated Tube Core Pkg	1111148
136	BiPAP A30	1111147
137	Trilogy100 Ventilator	1054096
138	BiPAP A40	1076579
139	BiPAP A40 Heated Tube Core Pkg	1111174
140	BiPAP A40	1111173
141	BiPAP Auto SV w/ Smartcard	1044114
142	BiPAP Auto SV w/ Smartcard Core	1044235
143	BiPAP autoSV Advanced w/SC Core	1044289
144	BiPAP autoSV Advanced w/Smartcard	1044288
145	BiPAP AVAPS U.S.A. Core Package	1029750

WHY DID I GET THIS NOTICE AND DOES IT IMPACT ME?

This notice is to advise you that the Courts have approved the “partial” settlement (“**Partial Settlement**”) of the economic loss claims in the Canada-wide class actions called *Morel v. Koninklijke Philips N.V. et al* Action No. S216008 and *Roy v. Respironics Inc. et al.*, No. 500-06-001154-216 (together, the “**National Class Action**”). Other similar class actions have been commenced in Canada, but are currently stayed:

- (a) *Gray v. Philips Electronics Ltd. et al.*, Ontario Court File No. CV-21-00665742-00CP;
- (b) *Kehoe v Koninklijke Philips N.V. et al.*, Newfoundland and Labrador Court File No. 2021-01G-4594 CP;
- (c) *Moore v. Koninklijke Philips N.V. et al.*, Nova Scotia Court File No. 507852; and
- (d) *Nathanson v. Koninklijke Philips N.V. et al.*, British Columbia Supreme Court File No. S219249 (Vancouver Registry).

Proposed class members of the above class actions are included in the Partial Settlement Class of the National Class Action, which includes the following:

1. any individual, corporation, hospital, or partnership in Canada who purchased and/or used one of the Products,
2. a family member in Canada who purchased a Product on behalf of a class member, and who claims to have incurred an Economic Loss; and
3. the estate of a person in Canada who purchased and/or used one of the Products while they were alive.

(the “**Settlement Class**”).

This is a Partial Settlement because the parties only settled the Economic Loss Claims.

The Partial Settlement **does not** cover any personal injury claims suffered by Settlement Class Members as a result of using the Products. Those claims continue in the National Class Action and the Defendants continue to dispute the merits of those claims.

SETTLEMENT AMOUNT

Settlement Funds of **\$20,000,000** (before legal fees, claims administration costs and disbursements are deducted) are available to pay all Settlement Class Members who apply for compensation.

WHO CAN APPLY FOR COMPENSATION?

You can apply for compensation if you are a Settlement Class Member as defined under the first heading of this Notice.

HOW MUCH MONEY WILL I RECEIVE IF I APPLY FOR COMPENSATION?

You will be paid:

1. **\$125.00** for each Product you purchased during the Class Period; and/or
2. **30% to 90%** of the “Comparable Device Cost” (defined below) if you purchased (a) new device to replace (a) Product(s) you purchased during the Class Period and if you have receipts for those purchase(s). In particular, you will be paid the following:
 - a. For Class Members whose Product was purchased less than 3 years before the Recall date, 90% of the Comparable Device Cost, or the amount you paid for a replacement device after all Third-Party Contributions, whichever is lower ;
 - b. For Class Members whose Product was purchased more than 3 years and less than 5 years before the Recall date, 70% of the Comparable Device Cost, or the amount you paid for a replacement device after all Third-Party Contributions, whichever is lower;
 - c. For Class Members whose Product was purchased more than 5 years before the Recall date, 30% of the Comparable Device Cost, or the amount you paid for a replacement device after all Third-Party Contributions, whichever is lower.

“Comparable Device Cost” means:

- For the replacement of a Product that was a CPAP Device: \$1,200;
- For the replacement of a Product that was a BiPAP Device: \$2,500; and
- For the replacement of a Product that was a Ventilator: \$11,835.

Please note: Settlement Class Members’ compensation may be reduced depending on the number of claims made and the cost of settlement administration fees.

HOW DO I APPLY FOR COMPENSATION?

To receive money from the Partial Settlement you **must** submit an online claim here: **Go to:** <https://cpapsettlement.kpmg.ca/> and click on “**Apply for Compensation**”.

If you require a paper claim form, please download a claim form from the Documents section of the Administrator's website at <https://cpapsettlement.kpmg.ca/>.

Important: you will not be able to submit a claim without providing the Serial Number(s) for every Product for which you are advancing a claim. If you do not have your Serial Number(s), If you do not have your Serial Number(s), please contact your respiratory device provider.

DEADLINE FOR SUBMITTING APPLICATION FOR COMPENSATION

The deadline for submitting your application for compensation is March 7, 2026.

If you do not apply for compensation, you will not get any compensation for economic loss related to the recall and you will give up the right to get compensation for economic loss related to the recall in the future.

HELP

If you are not sure whether you are included in the Settlement Class, or have any other questions regarding this notice, you can ask for **free help** by emailing Class Counsel at info@cpapclassaction.ca or by calling 1-888-796-1766.

You can also visit <https://www.cpapclassaction.ca/> for more information or send an email to info@cpapclassaction.ca.

This notice has been authorized by an order of the Supreme Court of British Columbia and the Superior Court of Quebec.