

Yasmin[®]/YAZ[®] CLASS ACTION

NOTICE OF CERTIFICATION

To all residents of Ontario: (a) who were prescribed and used combination oral contraceptives **Yasmin[®]** (3.0 mg drospirenone and 0.030 mg ethinyl estradiol tablets) and/or **YAZ[®]** (3.0 mg drospirenone and 0.020 mg ethinyl estradiol tablets) which are manufactured, marketed, and/or sold or otherwise placed into the stream of commerce in Canada by Bayer Inc., between December 10, 2004, in respect of **Yasmin[®]**, or January 6, 2009 in respect of **YAZ[®]**, and November 30, 2011; and

(b) who by virtue of a personal relationship to any one or more of the persons described above, have a derivative claim for damages, pursuant to s. 61 of the *Family Law Act*, R.S.O. 1990, c F.3.

[the "Class"]

Class Action Lawsuit: Yasmin[®] and YAZ[®] are oral contraceptives sold in Canada by Bayer Inc. ["defendant"]. A class action lawsuit has been initiated in Ontario alleging that Bayer Inc. marketed and sold Yasmin[®] and YAZ[®] without properly warning of alleged increased risks of suffering blood clots (including pulmonary embolism, deep vein thrombosis), heart problems, stroke and gallbladder disease and/or removal, compared to other available oral contraceptives. The class action seeks, among other things, damages for personal injuries suffered relating to the use of Yasmin[®] and/or YAZ[®] as well as consequential damages suffered by family members of Yasmin[®] and/or YAZ[®] users.

Certification: On April 15, 2013, the action was certified as a class action by order of the Ontario Superior Court of Justice. The certification order appointed Ann Schwoob, Cody Schwoob and Christine Lovelace to act as representative plaintiffs for the Class.

The Court may determine a number of issues common to the Class, including:

- whether or not Yasmin[®] and/or YAZ[®] create an increased risk of pulmonary embolism, deep vein thrombosis, stroke, heart problems, and/or gallbladder disease, compared to other available oral contraceptives;
- whether the defendant properly warned of the alleged risks; and
- if there is liability, if this is an appropriate case in which the defendant should disgorge any part of the proceeds received from the selling of Yasmin[®] and/or YAZ[®].

This notice does not mean that the Court has taken a position as to the likelihood of recovery on the part of any plaintiffs, or as to the merits of the claims or defences asserted by either side.

Participation in Class Action Members of the Class who want to participate in the class action are automatically included and need not do anything at this time. *The Class Proceedings Act* provides that no Class member, other than the representative plaintiffs, will incur liability for legal costs if the action is dismissed.

Each Class member who does not opt out of the class action will be bound by the terms of any judgment or settlement and will not be allowed to pursue an independent action. If the class action is successful, Class members may be entitled to share in the amount of any award or settlement recovered.

Opting Out Class Members who do not want to participate in the class action must opt out. If you want to opt out of the class action, you must send a written, signed election, including your name, address, telephone number to: **McKenzie Lake Lawyers LLP, c/o Yasmin/YAZ Class Action, 140**

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[Fullarton Street, Suite 1800, London ON N6A 5P2](#) by February 9, 2015.

No person may opt out a minor (person under 18 years of age) or a mentally incapable member of the Class without permission of the Court after notice to The Children's Lawyer and/or the Public Guardian and Trustee, as appropriate.

Family members of any Class members who opt out will be deemed to have opted out. If a Class member is deceased, his or her estate trustee has the right to opt out.

A Class Member who opts out will not be entitled to participate in the class action. His or her right to pursue a claim in a separate proceeding will not be affected.

Important

This notice does not constitute medical advice. Women who have been prescribed Yasmin[®] and/or YAZ[®] should consult with their physicians if they have any questions with respect to their course of treatment and/or medical condition.

Questions?

The court offices will be unable to answer any questions about the matters in this Notice. If you have any questions regarding the certification order or about the class action in general, information is available on Class Counsel's website: www.mckenzielake.com and by contacting Class Counsel directly, as follows:

McKenzie Lake **Toll Free Tel:** 1.844.672.5666
Lawyers LLP **Email:** jones@mckenzielake.com

This Notice was approved by order of the Ontario Superior Court of Justice.