

## **Were you implanted with a Rejuvenate Modular Hip System® in Canada?**

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

A class action lawsuit was started in Canada about the Stryker Rejuvenate Modular Hip System, alleging it was defective, and that it failed prematurely. Specifically, a class action was certified by the Ontario Superior Court in Toronto on December 8, 2015 in *Ritlop v. Stryker Canada et al.* Please note that this Notice does relate to any other Stryker hip implant system, including the Rejuvenate Monoblock Hip System.

The Defendants, while not admitting liability, have agreed to a settlement of this lawsuit. For a copy of the settlement agreement, which sets out how much compensation you might be entitled to, or for more information, please contact Class Counsel listed below.

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

The settlement applies to all persons who were implanted with a Stryker Rejuvenate Modular Hip System in Canada who have not opted out of the class action and their estates and family members.

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

The settlement provides compensation to class members who timely submit all forms and documentation required under the Settlement Agreement. The settlement also provides for payment to public health insurers. Please refer to the settlement agreement for specific terms and conditions.

### **Court Hearings and Your Right to Participate**

A motion to approve the settlement agreement is scheduled to be heard by the Ontario Superior Court in Toronto on **January 6, 2020**. Class Counsel will ask the court to approve an award of fees and disbursements of up to 33% of total recovery, plus taxes and disbursements (inclusive of the \$550,000 which is payable after settlement approval). This consists of 25% of the recovery for work on the common issues and up to another 8% for assistance with individual claims, plus taxes and disbursements, for their work in connection with this Class Action.

All class members have the right to present arguments to the Ontario Court as regards the settlement, or to object to the settlement or Class Counsel fees, by delivering a written submission to Class Counsel on or before **December 23, 2019**. A class member who wishes to object to the settlement shall provide in his or her objection:

- (a) The full name, current mailing address, fax number, telephone number, and email address of the person who is objecting;
- (b) A brief statement of the nature and reasons for the objection or, if you want the settlement to proceed, that you support for the settlement;
- (c) A declaration that the person believes he or she is a member of the Class and the reason for that belief including, if available, the catalogue and lot numbers of his/her Rejuvenate Modular Hip System;

- (d) Whether the person intends to appear at the relevant Approval Hearing or intends to appear by counsel, and if by counsel, the name, address, telephone number, fax number, and email address of counsel; and
- (e) A declaration under the penalty of perjury that the foregoing information is true and correct.

**Class members who do not oppose the settlement need not appear at the hearings or take any other action at this time to indicate their desire to participate in the settlement.**

**For Additional Information and a Copy of the Settlement Agreement Please Contact:**

**Koskie Minsky LLP**

20 Queen Street West, Suite  
900, Box 52  
Toronto, ON M5H 3R3  
Telephone: 416.977.8353  
Facsimile: 416.977.3316  
www.kmlaw.ca

**Klein Lawyers**

100 King Street West, Suite  
5600  
Toronto, ON M5X 1C9  
Telephone: 416.506.1944  
Facsimile: 416.506.0601  
www.callkleinlawyers.com

**Stevenson Whelton LLP**

Barristers & Solicitors  
15 Toronto Street, Suite 200  
Toronto, ON M5C 2E3  
Telephone: 416.599.7900  
Facsimile: 416.599.7910  
www.swlawyers.ca

We also encourage you to visit the class action websites of class counsel after January 6, 2020 to obtain additional information regarding the status of the settlement approval. If settlement approval is granted by the Ontario Court additional information regarding how to participate in the settlement will be posted on the websites.

Any questions about the matters in this Notice should not be directed to the Court, because its administrative structure is not designed to address this type of inquiry.