

**Cook IVC Filter Products National Settlement Agreement
NOTICE OF SETTLEMENT APPROVAL HEARING**

Please read this Notice carefully – your legal rights may be affected.

This notice does not constitute medical advice. Individuals who have had an IVC Filter Product placed should consult with their physicians if they have any questions about their course of treatment and/or medical condition.

Why is this Notice being published?

To inform you of two important events:

- (1) a proposed settlement agreement has been reached with Cook (Canada) Inc., Cook Incorporated, and William Cook Europe APS (“Cook”) in a certified class action titled *Kuiper et al. v. Cook (Canada) Inc. et al.*, in the Ontario Superior Court of Justice Court (the “Class Action”);
- (2) it is time to sign up to be notified if the Settlement is approved and when to make a claim.

What is this Class Action about?

The Class Action alleges that Cook marketed and sold IVC Filter Products, namely the Gunther Tulip Vena Cava Filter Set, the Cook Celect Vena Cava Filter Set, and the Cook Celect Platinum Vena Cava Filter Set (collectively, “Cook IVC Filter Products”) without properly warning of the alleged increased risks of complications and injuries. Cook IVC Filter Products are still sold in Canada, but their packaging and patient information have been updated to describe these risks. Cook denies the allegations and all liability whatsoever, and the Court did not come to a decision as to who was right. The Parties have instead decided to settle the lawsuit.

Are you a Class Member?

You are a class member if you are or were a resident of Canada:

- (a) who was implanted with a Cook IVC Filter Product at any time on or before **January 8, 2020**, which was manufactured, marketed, and/or sold or otherwise placed into the stream of commerce in Canada by Cook; and
- (b) who, by virtue of a personal relationship to one or more of such persons described in (a) above, has standing in this action pursuant to section 61(1) of the *Family Law Act*, RSO 1990, c F 3 or analogous provincial legislation.

For greater certainty, the residency requirement for class membership relates to the time of the placement of the Cook IVC Filter Product. Primary Class Members must have had a Cook IVC Filter Product placed in Canada but are not required to reside in Canada at present. You can no longer opt out of the Class Action. The opt-out period for the Class Action ended on **March 16, 2021**. Class Members will be bound by the Settlement Agreement if it is approved by the Court.

What is the Proposed Settlement Agreement?

Cook has agreed to provide a claims-made settlement of up to \$54,000 CAD for each Qualifying Fracture Claimant, \$81,000 CAD for each Qualifying Death Claimant, and \$169,500 CAD for each Qualifying Open Surgery Claimant, with a pro rata reduction of in the amount of each payment to the extent that the total amount of the claims in categories (a), (b) and (c) above exceed \$4,062,720 CAD. Also, a payment in the amount of \$2,708,480 CAD will be made for Class Counsel to pay costs, including Administration Costs, Notice Plan Costs, Class Counsel Fees, interest, applicable taxes, and certain Other Qualified Claims as provided in the Settlement Agreement. The final value of the compensation will not be determined until the end of the claim period. Once the proposed Settlement is approved by the Court, Class Members can contact the Claims Administrator for more information about eligibility and supporting evidence for making a claim. For more information about the proposed Settlement Agreement, review the long-form notice at <http://www.IVCSettlement.ca>.

When will the Proposed Settlement Agreement be approved?

The proposed Settlement must be approved by the Ontario Superior Court of Justice before it becomes effective. The Court will decide whether or not to approve the Settlement and related issues on May 17, 2024 at 10:00 am EST virtually, a link is available from Class Counsel upon request. If the Settlement is approved, a second notice will be disseminated with further details regarding the Claims process and the applicable timelines. If you wish to participate, you are not required to do anything until after the Settlement is approved. If the Court approves the Settlement, you can participate by submitting a Claim for compensation. **You can also register with Class Counsel to be notified by email if the Settlement is approved and when you can submit a Claim for compensation.**

Your Legal Rights and Options

You can **object** to the proposed Settlement or Class Counsel Fees and attend the hearing to present that objection. Objections must be submitted in writing to Class Counsel on or before May 3, 2024. Class Counsel will file all objections with the Court. You may also attend the hearing to make oral submissions.

Questions? The court offices will be unable to answer any questions about the matters in this Notice. For more information about the class action, your rights, and how to exercise your rights, please visit Class Counsel’s websites: www.siskinds.com, www.mckenzielake.com, www.merchantlaw.com and www.kmlaw.ca or contact as follows:

Siskinds LLP	Toll Free Tel: 1.800.461.6166	McKenzie Lake Lawyers LLP	Toll Free Tel: 1.844.672.5666		
	Email: IVCFilters@siskinds.com		Email: noble@mckenzielake.com		
Merchant Law Group LLP	1.888.567.7777 heidi@merchantlaw.com	Koskie Minsky LLP	1.800.764.7717 ivcfiltersclassaction@kmlaw.ca	Siskinds Desmeules	1-800-461-6166 IVCFilters@siskinds.com

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

