

**NOTICE OF APPROVAL OF SETTLEMENT OF
FOSAMAX/FOSAVANCE LITIGATION**

Read this notice carefully as it may affect your rights.

**TO ALL PERSONS IN CANADA WHO USED FOSAMAX
OR FOSAVANCE AND THEIR FAMILIES**

Fosamax is a prescription medication for the treatment and prevention of osteoporosis. Fosavance is a prescription medication for the treatment of osteoporosis. They are part of a more general class of drugs known as bisphosphonates. This notice is directed to all persons in Canada who were prescribed and ingested Fosamax or Fosavance (including their estates), prior to or on **October 6, 2015** as well as their family members.

Please be advised that court approval has been granted for the national settlement agreement, which settles all litigation in Canada relating to Fosamax and Fosavance.

The Defendants deny the plaintiffs' allegations and deny any wrongdoing or liability. The allegations made by the plaintiffs have not been proven in court.

SUMMARY OF SETTLEMENT AGREEMENT

If you would like a copy of the settlement agreement, it is available at www.fosamaxclassaction.ca or a copy can be obtained by contacting Class Counsel as listed below or by contacting the Claims Administrator.

- The Merck Defendants, while not admitting liability, will pay a sum of \$6,375,000 (inclusive of the payments to provincial and territorial governments described hereinbelow, and of up to \$2 million towards any awarded class counsel fees and disbursements and up to \$500,000 of administrative expenses).
- Claimants or their estates may be eligible to receive settlement payments if they took Fosamax and/or Fosavance and then experienced osteonecrosis of the jaw ("ONJ") or an atypical femur fracture.
- The size of payments to eligible claimants who had ONJ or an atypical femur fracture will be based on the number of approved claims and other factors such as the nature of the adverse event alleged.
- Spouses and children of eligible claimants may also be eligible to receive settlement payments.
- Provincial and territorial governments will share \$650,000 of the settlement fund, which shall be in full satisfaction of their purchases of Fosamax and/or Fosavance and of medical or dental services provided or to be provided to class members.

TO MAKE A CLAIM

To be entitled to a payment pursuant to the Settlement Agreement, Class Members must file a claim with the Claims Administrator on or before July 17, 2017. A detailed instruction package on how to file a claim is available at www.fosamaxclassaction.ca or from the Claims Administrator at 1 (866) 432-5534 or fosamax@ricepoint.com.

LEGAL FEES

The Courts have awarded legal fees, expenses and applicable taxes to Class Counsel in the total amount of \$2,120,249.40. Pursuant to the settlement agreement, the Merck Defendants have agreed to pay up to \$2 million towards the class counsel fees and disbursements. Class Counsel may request further legal fees after the claims deadline.

Claimants may retain their own lawyers to assist them in making individual claims under the Settlement Agreement. Claimants are responsible for paying the legal fees of any lawyer they retain.

IMPORTANT DEADLINES

July 17, 2017 Deadline to file a claim

Because of the deadline, you must act without delay.

FURTHER INFORMATION

A complete copy of the Settlement Agreement and instructions to make a claim are available at www.fosamaxclassaction.ca or by contacting the Claims Administrator at 1 (866) 432-5534 or fosamax@ricepoint.com. Questions for Class Counsel should be directed by email or telephone to: 1 (844) 672-5666 or fosamax@mckenzielake.com.

This notice contains a summary of some of the terms of the Settlement Agreement. If there is a conflict between this notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

This notice has been authorized by the Ontario Superior Court of Justice, the Quebec Superior Court and the Court of Queen's Bench for Saskatchewan.