

and William McNamara, ~~Grant Worden and Morag McGreevey~~, counsel for the Defendant, Bayer Inc. ("Bayer Inc."); and

ON BEING ADVISED THAT, subject to Court approval, the Plaintiff and the Janssen Defendants have entered into the proposed Janssen Settlement Agreement attached hereto as **Schedule "A"**, the Plaintiff and Bayer Inc. have entered into the proposed Bayer Settlement Agreement attached hereto as **Schedule "B"**, and that the Plaintiff, Janssen Defendants and Bayer Inc. consent to this Order:

THIS COURT ORDERS that:

1. The Janssen Settlement Agreement and Bayer Settlement Agreement in their entirety are incorporated by reference in this Order. The definitions in the Janssen Settlement Agreement and Bayer Settlement Agreement are incorporated into and shall be applied in interpreting this Order.

Certification

2. This Proceeding is certified against the Janssen Defendants and Bayer Inc. as a class proceeding for settlement purposes only.
3. The Class is certified as follows:
 - (i) All resident persons in Canada (excluding residents of Quebec), who were prescribed and/or ingested Levaquin in Canada at any time on or before the date of the certification order;
 - (ii) All resident persons in Canada (excluding residents of Quebec), who were prescribed and/or ingested Cipro or Avelox in Canada at any time on or before the date of the certification order; and
 - (iii) All persons who by virtue of a personal relationship to one or more persons described in (i) and/or (ii) above have claims for common law or statutory damages.

4. Lloyd Achtymichuk is appointed as the representative plaintiff for the Class.
5. The causes of action asserted on behalf of the Class are set out in the Third Further Amended Notice of Civil Claim herein and include, among other things, negligence, breach of duty to warn, negligent and fraudulent misrepresentation, breach of the applicable consumer protection legislation, unjust enrichment, and waiver of tort. The relief sought by the Class is set forth in the Third Further Amended Notice of Civil Claim herein and includes various declarations, general, special, punitive, aggravated, and exemplary damages, orders with respect to medical monitoring, accounting and disgorgement of profits, damages pursuant to the *Family Compensation Act*, R.S.B.C. 1996, c. 126, interest, and costs.
6. The common issues in the Proceeding for settlement purposes are: (1) did the Janssen Defendants breach a duty to warn of the risk of Peripheral Neuropathy; and (2) did Bayer Inc. breach a duty to warn of the risk of Peripheral Neuropathy?

Notices

7. The long, abridged and press release forms of the Hearing Notice are hereby approved substantially in the form attached to this Order as **Schedules “C” to “E”** respectively.
8. The Hearing Notice Plan is hereby approved substantially in the form attached to this Order as **Schedule “F”** and the Hearing Notice shall be disseminated in accordance with the Hearing Notice Plan.
9. The Hearing Notice Plan constitutes fair and reasonable notice to the Class of the settlement Approval Hearing.

Opt Outs

10. The Opt Out Forms are approved substantially in the form attached to this Order as **Schedules “G” and “H”** respectively.

11. The Opt Out Deadline to opt out of this Proceeding is set for a date that is sixty (60) days after the date on which the Hearing Notice is first published.
12. A member of the Class may opt out of this Proceeding by sending a complete Opt Out Form to Class Counsel by the Opt Out Deadline.
13. If a member of the Class opts out of this Proceeding, all related family class members will be deemed to have opted out of the Proceeding.
14. No person may opt out a Class Member who is a minor or a person who is otherwise under a legal disability without leave of the Court after notice to the office of the Public Guardian and Trustee, as the case may be.
15. No Class Member may opt out of the Proceeding after the Opt Out Deadline.
16. Within five (5) days of the Opt Out Deadline, Class Counsel shall provide: to the Janssen Defendants the number of Opt Outs and copies of any completed Opt Out Forms in accordance with the Janssen Settlement Agreement; and to Bayer Inc. the number of Opt Outs and copies of any completed Opt Out Forms in accordance with the Bayer Settlement Agreement.

Settlement Approval Hearing

17. The application for settlement approval in this Proceeding shall be heard on ~~NOVEMBER~~, 2024, at the Courthouse, at 800 Smithe Street, Vancouver, B.C., or at such other place and time or on such other terms as this Court may direct.
18. The settlement Approval Hearing will be conducted to determine whether the Janssen Settlement Agreement and Bayer Settlement Agreement are fair, reasonable, and in the best interest of Class Members in accordance with the *Class Proceedings Act*, R.S.B.C. 1996, c. 50.

Objections

19. A Class Member may object to the approval of the settlement by sending a written objection by pre-paid mail, courier, or email to Class Counsel in accordance with the Janssen Settlement Agreement and Bayer Settlement Agreement. Objections must be received before 5:00 p.m. Vancouver time (Pacific Standard Time) five (5) days before the date of the settlement Approval Hearing.

20. A Class Member who wishes to object to the Settlement Approval Order must state in their objection:
 - (i) The full name, current mailing address, telephone number, and email address of the person who is objecting;

 - (ii) A brief statement of the nature and reasons for the objection;

 - (iii) A. declaration that the person believes they are a member of the Class and the reason for that belief; and

 - (iv) Whether the person intends to appear at the Approval Hearing or intends to appear by counsel, and, if by counsel, the name, address, telephone number, and email address of counsel.

Other

21. As it relates to the Bayer Settlement Agreement, this Order is contingent upon and the terms of this Order shall not be effective unless and until the Ontario Cipro Proceeding is dismissed pursuant to section 29.1 of the Ontario *Class Proceedings Act*, 1992, S.O. 1992, c. 6 thirty (30) days before the settlement Approval Hearing, or if the Ontario Cipro Proceeding is not dismissed, the Settlement Approval Order is registered in Ontario under the applicable interprovincial judgment enforcement legislation for enforcement purposes.

22. As it relates to the Janssen Settlement Agreement, this Order is contingent upon the Saskatchewan Registration of the Settlement Approval Order being effected in the

Saskatchewan Court of King's Bench pursuant to *The Enforcement of Canadian Judgements Act, 2022, SSS 2002, c E-9.1001.*

23. In the event that either of the Janssen Settlement Agreement or Bayer Settlement Agreement is not approved by the Court, is terminated in accordance with their terms, or otherwise fails to take effect for any reason, then such Settlement Agreement shall become null and void pursuant to its terms, and the within Order certifying this Proceeding for settlement purposes as against the Janssen Defendants or Bayer Inc. respectively (or both) is hereby set aside, without further Order of this Court.

24. There shall be no costs of this application.

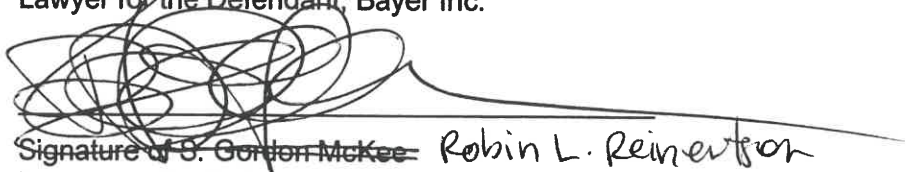
THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER:



Signature of K.S. Garcha
Lawyer for the Plaintiff, Lloyd Achtymichuk

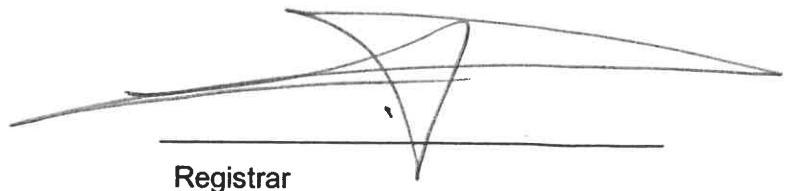


Signature of William McNamara
Lawyer for the Defendant, Bayer Inc.



~~Signature of S. Gordon McKee~~ Robin L. Reinertson
Lawyer for the Defendants, Janssen, Inc., Janssen Pharmaceuticals, Inc., and Janssen Research & Development, LLC

BY THE COURT



Registrar

