

NOTICE OF PROPOSED SETTLEMENT AGREEMENT AND COMPENSATION PROTOCOL  
AUTHORIZED BY THE QUEBEC SUPERIOR COURT

Please read carefully. Ignoring this notice will affect your legal rights

**Did you take Depo-Provera before May 31, 2010?  
You may be entitled to compensation.**

**PLEASE READ THIS REVIEW CAREFULLY.  
THE SETTLEMENT AGREEMENT AFFECTS YOUR RIGHTS,  
EVEN IF YOU DON'T DO ANYTHING.**

- On May 28, 2008, the Quebec Superior Court (the "**Court**") authorized Ms. Noélia Brito (the "**Representative Plaintiff**") to bring a class action against Pfizer Canada ULC and Pfizer Inc. (collectively, "**Pfizer**") on behalf of persons domiciled in Canada who claim to have suffered a bone mineral density loss because they used Depo-Provera (the "**Class Action**").
- The Representative Plaintiff entered into an agreement with Pfizer to settle the Class Action (the "**Settlement Agreement**"), in which Pfizer committed to pay a total amount of **\$2,176,250.00** to class members and provincial governments.
- To take effect, this Settlement Agreement must be approved by the Court.
- If the Settlement Agreement is approved by the Court, those who took Depo-Provera and suffered a bone mineral density loss prior to May 31, 2010 will give a release to Pfizer for certain claims and those who are eligible may receive compensation. The eligibility criteria and the value of the compensation are explained in this notice.

**YOUR RIGHTS WITH RESPECT TO THIS SETTLEMENT AGREEMENT:**

<b>Participate in the Settlement Agreement and receive compensation</b>	If you took Depo-Provera and experienced a bone mineral density loss before May 31, 2010, and you meet the other eligibility criteria, you may receive compensation. See this notice for more information. <b>You can now register with the Claims Administrator:</b> <a href="http://www.depoprovera.ca">www.depoprovera.ca</a> .
<b>Object to the Settlement Agreement</b>	You can inform the Court that you object to the Settlement Agreement.
<b>Attend the hearing</b>	You can attend the hearing for the approval of the Settlement Agreement.
<b>If you don't do anything</b>	You will be bound by the Settlement Agreement and will not receive any compensation.

Your rights - **as well as the deadlines for exercising them** - are explained in this notice. You can get more information by visiting the settlement website [www.depoprovera.ca](http://www.depoprovera.ca) or by contacting the claims administrator at 1-888-667-5012.

This notice summarizes how the Class Action works and who the class members are, and it explains the content of the Settlement Agreement and your rights under it.

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**CLASS ACTION**

In May 2008, the Quebec Superior Court authorized the Class Action on behalf of the following class:

"Every person domiciled in Canada who claims to be suffering or to have suffered a loss of bone mineral density owing to the use of DEPO-PROVERA."

The Representative Plaintiff alleges that Pfizer misrepresented the risks associated with the use of Depo-Provera, an injectable form of birth control, by failing to indicate that people who use Depo-Provera may experience a significant and possibly irreversible bone mineral density loss that could lead to osteopenia or osteoporosis. Depo-Provera is still on sale in Canada, but its packaging and patient information have been updated to describe this risk.

You are a class member if you meet these three conditions:

- (1) you took Depo-Provera **before May 31, 2010**;
- (2) you claim to have suffered a bone mineral density loss (osteopenia or osteoporosis) **before May 31, 2010**; and
- (3) you were a resident of Canada during the time you took Depo Provera.

A notice of the authorization of the Class Action was published, which provided class members with the opportunity to opt out until **May 31, 2010** and which defined the class period as ending on that date. You are not a class member if you started taking Depo-Provera or experienced your first bone mineral density loss after that date.

In July 2010, the originating application for the Class Action was issued against Pfizer.

In May 2021, a Settlement Agreement was reached between the Representative Plaintiff and Pfizer, following a mediation conducted by a judge of the Superior Court of Quebec.

**THE PROPOSED SETTLEMENT**

The Representative Plaintiff has obtained a total settlement amount of **\$2,176,250.00**.

Of this amount, **\$1,913,750.00** is provided for class members. In return, the class will give a release to Pfizer for all claims arising from the use of Depo-Provera and bone mineral density loss alleged in the Class Action, whether they are eligible for compensation or not.

The proposed settlement is not an admission of liability on the part of Pfizer, nor has there been any finding of liability by the Court against Pfizer.

In accordance with provincial laws, the Settlement Agreement also provides for the payment of **\$262,500.00** to Canadian provinces and territories in compensation for the health care costs they have assumed in this matter.

The Settlement Agreement will end the Class Action.

The Settlement Agreement as well as the proposed compensation protocol are available at [www.depoprovera.ca](http://www.depoprovera.ca).

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**ELIGIBILITY CRITERIA FOR THE SETTLEMENT AGREEMENT**

You are eligible for compensation under the Settlement Agreement, if you meet all of the following conditions:

*Eligibility criteria for compensation*

<b>Residence</b>	You were a resident of Canada during the time you took Depo Provera.
<b>Reason for use</b>	You took Depo-Provera <b>for contraception</b> , not just to treat endometriosis or cancer.
<b>Number of injections</b>	You have received at least four (4) consecutive and uninterrupted Depo-Provera injections.
<b>frequency</b>	The injections must have been received at an interval of about three (3) months.
<b>First injection</b>	You received your first injection of Depo-Provera <u>after April 2, 1997</u> .
<b>Last injection</b>	You received your last injection of Depo-Provera <u>before June 30, 2006</u> .
<b>Bone mineral density loss</b>	You were diagnosed with bone mineral density loss (osteopenia or osteoporosis) before <b>May 31, 2010</b> and within 30 months of the last use of Depo-Provera.
<b>Risk factors</b>	You do not suffer from any of the risk factors identified by the Settlement Agreement.

You may be entitled to additional compensation if you have suffered a fracture, provided it meets the criteria set out in the Settlement Agreement.

**This is a summary of the eligibility criteria, for more details see the FAQ at [www.depoprovera.ca](http://www.depoprovera.ca).**

**BONE MINERAL DENSITY LOSS**

You will need to prove your bone mineral density loss (osteopenia or osteoporosis) to qualify for compensation by submitting the bone mineral density tests you have undergone. Each bone mineral density test will be evidence of a loss of mineral density for a specific period and all of your bone mineral density tests will prove loss for a total period.

The Claims Administrator will use this total period to calculate compensation.

**This is a summary of the eligibility criteria, for more details see the FAQ at [www.depoprovera.ca](http://www.depoprovera.ca).**

**FRACTURES**

You are eligible for additional compensation if you prove that you suffered a fracture during a period of bone mineral density loss (determined on the basis of your bone mineral density tests).

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To qualify, your fracture:

- a) must be at one of the following sites:

**Eligible sites**

hand	shoulder	spine	knee
wrist	collarbone	pelvis	ankle
elbow	breastbone	hip	foot
Arm and forearm	rib	leg	

- b) must have occurred during a period of proven bone mineral density loss; and  
c) must be a fragility fracture – that is, must not have been caused by trauma.

This is a summary of the eligibility criteria, for more details see the FAQ at [www.deprovera.ca](http://www.deprovera.ca).

**RISK FACTORS**

If you are affected by any of the risk factors under the Settlement Agreement, you may not be eligible or have your compensation reduced. You can find the list of risk factors in the FAQ at [www.deprovera.ca](http://www.deprovera.ca).

**COMPENSATION UNDER THE SETTLEMENT AGREEMENT**

The compensation amount paid to each eligible claimant will be based on the value of all eligible claims. It is not possible at this time to determine the exact value of the compensation that will be paid to each claimant. The amounts set out below will be used to set the baseline values of all valid claims. After the Claims Administrator's calculations, the compensation that may ultimately be paid to class members may be lower. If applicable, the following values will be used to calculate the proportional compensation that will be paid to each eligible claimant.

There are two categories of compensation under the Settlement Agreement:

**COMPENSATION FOR BONE MINERAL DENSITY LOSS**

***WARNING: AMOUNTS FOR INFORMATION ONLY***

*Until all claims have been reviewed, it will not be possible to determine the exact value of the compensation that will be paid to each eligible claimant. The following amounts may be reduced proportionally based on the total value of eligible claims.*

<b><i>Loss of DMO</i></b>	<b><i>Amount</i></b>
<b><i>Osteopenia</i></b>	\$600.00 (regardless of duration)
<b><i>Osteoporosis</i></b>	\$100.00 per month for the first 12 months \$50.00 per additional month

**WARNING:** The maximum period of bone mineral density loss that can be compensated under the Settlement Agreement for a class member is 120 months.

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**COMPENSATION FOR FRACTURES**

**WARNING: AMOUNTS FOR INFORMATION ONLY**

*Until all claims have been reviewed, it will not be possible to determine the exact value of the compensation that will be paid to each eligible claimant. The following amounts may be reduced proportionally based on the total value of eligible claims.*

<i>Site</i>	<i>Amount</i>	<i>Site</i>	<i>Amount</i>
<i>hand</i>	\$5,000.00	<i>foot</i>	\$5,000.00
<i>wrist</i>	\$7,500.00	<i>ankle</i>	\$7,500.00
<i>elbow</i>	\$7,500.00	<i>knee</i>	\$7,500.00
<i>arm and forearm</i>	\$10,000.00	<i>leg</i>	\$10,000.00
<i>shoulder</i>	\$7,500.00	<i>hip</i>	\$20,000.00
<i>collarbone</i>	\$5,000.00	<i>pelvis</i>	\$20,000.00
<i>breastbone</i>	\$5,000.00	<i>spine</i>	\$20,000.00
<i>rib</i>	\$2,500.00		

**WARNING:** The maximum compensation amount that can be awarded for fractures under the Settlement Agreement to a class member is \$50,000. Some special rules are provided for ribs and vertebrae, see the FAQ for details at [www.depoprovera.ca](http://www.depoprovera.ca).

If you qualify, the compensation you will receive for a fragility fracture will be added to the compensation you will receive for your bone mineral density loss.

**CLAIMS FILING PROCESS**

If you believe you are eligible under the Settlement Agreement, you can register now with the Claims Administrator on the website [www.depoprovera.ca](http://www.depoprovera.ca) to receive updates on when you will be able to submit your claim. Prior to the start of the claim period, you can take steps to obtain the following documents from your treating physician, pharmacist, or any institutions that have given you bone mineral density tests or medical care related to a fracture:

- Proof that you took Depo-Provera;
- A copy of your bone mineral density tests; and
- A copy of any document that shows you have suffered a fracture.

You will find more information about the documents you need to submit and the claim process in the **FAQ** at [www.depoprovera.ca](http://www.depoprovera.ca).

**WARNING**

**THE PROPOSED DEADLINE TO SUBMIT A COMPLETED CLAIM FORM AND ALL DOCUMENTS IN SUPPORT OF YOUR CLAIM IS MARCH 1, 2022.**

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**COURT HEARING TO APPROVE THE SETTLEMENT AGREEMENT  
AND THE CLASS COUNSEL LEGAL FEES**

To become effective, the Settlement Agreement must be approved by the Court. In order to approve the Settlement Agreement, the Court must conclude that it is fair, reasonable, and in the best interests of the class members.

The Representative Plaintiff will ask the Court to approve the Settlement Agreement, the fees of the lawyers representing the class, which are 25% of the amount to be paid to the class by Pfizer, as well as disbursements and applicable taxes. The Representative Plaintiff will also ask the Court to approve a compensation protocol, which sets out the rules for awarding compensation to class members. To view the compensation protocol, you can visit [www.depoprovera.ca](http://www.depoprovera.ca).

The approval hearing will take place in the Quebec Superior Court, on **October 26, 2021**, at 1 Notre Dame Street East, Montreal, Quebec. It will be possible to attend the approval hearing by videoconference. Visit [www.depoprovera.ca](http://www.depoprovera.ca) to get up-to-date information on the exact time of the hearing and how you can attend the hearing.

**IF YOU ARE SATISFIED WITH THE SETTLEMENT AGREEMENT AND WANT TO CLAIM UNDER THE SETTLEMENT, YOU CAN SIGN UP NOW TO BE NOTIFIED WHEN IT'S TIME TO MAKE A CLAIM BY VISITING [www.depoprovera.ca](http://www.depoprovera.ca).** There is no obligation for class members to appear at the hearing for the approval of the Settlement Agreement.

**If you do not agree, you can object to the Settlement Agreement or to legal fees.** To object, you must send a written objection to Belleau Lapointe at [info@belleaulapointe.com](mailto:info@belleaulapointe.com) and explain why you believe the Court should not approve the Settlement Agreement or the legal fees. Objections must include your name, address, telephone number and the court file number (500-06-000305-058).

**Objections and questions should not be sent directly to the Court.** Class counsel will file your objection with the Court. All objections will be considered by the Court when it decides whether to approve the Settlement Agreement.

The deadline to submit your objections is **October 16, 2021**. You can also attend the hearing if you wish to object the Settlement Agreement or to the legal fees. You can object without getting a lawyer. If you want to be represented by a lawyer, you must retain a lawyer at your own expense.

Please note that individuals who object to the Settlement Agreement are not barred from submitting a claim to the Settlement Agreement, if it is approved.

**You can no longer opt out of the Class Action. The deadline to opt out was May 31, 2010.** Only those who opted out prior to that date, and those who filed individual actions against Pfizer prior to May 31, 2010 and did not withdraw their claim before that date, are not included in the Class Action.

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**FIND OUT MORE**

You can get more detailed information about the Settlement Agreement at [www.depoprovera.ca](http://www.depoprovera.ca), or by contacting the administrator at 1-888-667-5012.

For more information about your rights under the Settlement Agreement, you can also contact Class Counsel free of charge at:

**Belleau Lapointe, s.e.n.c.r.l.**

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