

Cook Optionally Retrievable IVC Filters

NOTICE OF SETTLEMENT APPROVAL

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?

A Canada-wide settlement 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”). The Settlement of the Class Action has been approved by the Court.

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 denies 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 available under the Settlement?

Under the Settlement, Cook will 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.

The Court has approved a Compensation Protocol that determines which Class Members are eligible for compensation and in what amount. For more information about how compensation is determined, you should review the long-form Notice, Compensation Protocol, Settlement Agreement and related documents at <https://www.ivcsettlement.ca/>, or contact Class Counsel listed below.

How can I participate in the Settlement?

To make a claim for compensation under the Settlement Agreement, you must complete and submit a Claim Form (including the necessary supporting evidence detailed in the Compensation Protocol) to the Claims Administrator before **November 11, 2024**. **If you do NOT submit your Claim Form on time, you will not be eligible for any benefits under the Settlement Agreement.**

The Claim Form requires that you provide medical records which can be time consuming to retrieve. It is very important that you start this process as soon as possible if you or your lawyer have not already done so. You may wish to retain a lawyer to assist you in this process. You can retain Class Counsel or a lawyer of your choice.

Questions? The court offices will be unable to answer any questions about the matters in this Notice. If you have questions about the Settlement and/or would like to obtain more information, please visit <https://www.ivcsettlement.ca/> or contact Class Counsel directly, as follows:

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