

Notice to Class Members of Settlement Approval (Short-Form)

Were you, or a family member, implanted with a M2a 38, M2a Magnum or ReCap Femoral Resurfacing System, or any combination thereof, used as a Metal-on-Metal Hip Implant in Canada?

This notice may affect your rights. Please read carefully.

Several individuals in Canada started class action lawsuits, alleging that the M2a 38, M2a Magnum, or ReCap Femoral Resurfacing System hip implants, or any combination thereof, implanted in Canada and used as a metal-on-metal hip implant system (referred to as a “**Biomet Device**”), were defective, and failed prematurely. The Defendants deny these claims. The Ontario Superior Court of Justice certified a class action on December 18, 2015, in the case of *Dine v. Biomet et al.* Additionally, a proposed class action was filed in Quebec under the name *Conseil pour la protection des malades c. Biomet Canada inc.*

These actions have now been settled, and the courts have approved the settlement. For a copy of the Settlement Agreement, please contact Class Counsel or the Claims Administrator at the address below.

Who is Included?

The settlement applies to all persons who were implanted with a Biomet Device in Canada who have not validly opted out of the *Dine v. Biomet et al.* action, their estates and certain family members.

What does the Settlement Provide?

Eligible class members who submit all required forms and documentation within the timelines set out in the Settlement Agreement will receive compensation, less deductions for legal fees and levies to Public Litigation Funders.

Eligible class member payments will depend on various individual factors including when the implants were done and whether the implants were revised and when that revision took place. Some individual claims may also be awarded from a discretionary fund established by the Settlement Agreement.

Any remaining funds from the settlement, if applicable, will be distributed to third parties approved by the Ontario Court after necessary legal levies have been paid to Public Litigation Funders. Additionally, the settlement includes provisions for payment to public health insurers.

To Make a Claim

In order to obtain benefits under this Settlement Agreement, Class Members must electronically file, hand-deliver, email or mail a completed Claimant Declaration along with a Physician's Declaration (if applicable) before the applicable deadlines. These forms can be found on the Claims Administrator's website, www.biometdevicesettlement.com.

For Class Members who are unrevised, medically precluded from having a revision surgery, or have had a revision surgery as of October 27, 2025, all required documents in support of their claim must be submitted on January 26, 2026.

For Class Members who have not yet had a revision surgery but as of the Claims Deadline have a scheduled

revision surgery, or have been indicated by a physician as requiring a revision surgery and the revision surgery has been planned (even if the date and time have not yet been finalized), a claim must be submitted by January 26, 2026. All further required documents in support of their claim must be submitted within 90 days of the scheduled revision surgery.

For Class Members who have undergone a revision surgery between October 27, 2025 and January 26, 2026, all required documents in support of their claim must be submitted within 90 days after the revision surgery.

Are Class Members responsible for Legal Fees?

Under the terms of the Settlement Agreement, the Defendants have agreed to pay Class Counsel the sum of \$1.25 million as a contribution towards Class Counsel Fees, Disbursements, and applicable taxes.

The Court also approved additional amounts to be deducted from payments made to eligible Class Members.

Any further legal fees, disbursements, and taxes would only be payable if an eligible class member agrees with their lawyer that those amounts will be paid.

For More Information or to Obtain a Claim Form

Please contact Class Counsel or the Claims Administrator at the address below:

Verita Global

PO Box 3355

London, ON N6A 4K3

Tel: 1-833-419-4973

Email: biometdevice@veritaglobal.com

KOSKIE MINSKY LLP

Barristers and Solicitors

20 Queen Street West, Suite 900, P.O. Box 52

Toronto ON M5H 3R3

Jonathan Ptak

Jamie Shilton

Tel: 1-855-595-2629

Email: biometclassaction@kmlaw.ca

WHELTON HIUTIN LLP

Barristers and Solicitors

15 Toronto Street

Suite 200

Toronto ON M5C 2E3

J. Daniel McConville

Tel: 416.599.7900

Email: info@whlawyers.ca

KLEIN LAWYERS

100 King Street West

Suite 5600

Toronto ON M5X 1C9

Brent D. Ryan

Tel: 604.714.6154

Email: bryan@callkleinlawyers.com

SYLVESTRE PAINCHAUD & ASSOCIÉS

740, Avenue Atwater

Montréal, Québec, H4C 2G9

Normand Painchaud

Sophie Estienne

Tel: 514.937.2881

Email: biomet@spavocats.ca