

Authorized by the Court of Queen's Bench for Saskatchewan
—NOTICE OF CONDITIONAL SETTLEMENT APPROVAL OF VIOXX LITIGATION—
Read this notice carefully as it may affect your rights.

TO ALL PERSONS IN SASKATCHEWAN WHO USED VIOXX AND THEIR FAMILIES

A class proceeding lawsuit (Bray et al. v. Merck Frosst Canada Ltd. et al., Q.B. No. 1727 of 2004) has been initiated in Saskatchewan in relation to the ingestion and/or purchase of Vioxx. The name and address of the representative plaintiff in the lawsuit is Rosemarie Bray, [Saskatoon, Saskatchewan].

Vioxx is a prescription pain medication that was sold in drug stores until September 30, 2004.

This notice is directed to all persons who, by reason of residence in Saskatchewan, are not members of the class in either the Certified Ontario Class Action or the Certified Quebec Class Action, including their estates, and who were prescribed and ingested Vioxx (the "Saskatchewan Primary Class"); and all persons in Saskatchewan who by reason of his or her relationship to a member of the Saskatchewan Primary Class are entitled to make claims under any Derivative Claim Statute as a result of the death or personal injury of that class member (the "Family Class").

Persons who fall within either the Certified Ontario Class Action or the Certified Quebec Class Action are not entitled to opt out pursuant to this notice.

The Certified Ontario Class Action has been brought on behalf of "All persons in Canada, including their estates, other than residents of Quebec and Saskatchewan, who were prescribed and ingested Vioxx," and a family class of "All persons who by reason of his or her relationship to a member of the Class are entitled to make claims under any of the Dependants Statutes as a result of the death or personal injury of such member of the Class."

The Certified Quebec Class Action has been brought on behalf of "All individuals and their successors who, in Quebec, consumed the medication described as Vioxx from October 1, 1999, to September 30, 2004 and who suffered damages pursuant to the consumption of the said medication."

Please be advised that the Court of Queen's Bench for Saskatchewan has conditionally approved a settlement agreement, which, if finally approved by such Court and if approved by courts in all other provinces in Canada and not terminated by the parties, will settle all litigation in Canada relating to Vioxx.

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.vioxxnationalclassaction.ca and www.vioxxclassactionsettlement.ca or a copy can be obtained from contacting Class Counsel as listed below or by contacting the Administrator. If the settlement agreement is approved by all Canadian courts and is not terminated by the parties:

- The Defendants, while not admitting liability, will pay a sum of approximately \$33,112,500 (inclusive of the payments to provincial and territorial governments described hereinbelow, and of up to \$6 million towards any awarded class counsel fees and disbursements and up to \$1 million of administrative expenses), subject to a possible increase to up to \$36,881,250 or decrease to no less than \$21,806,250, depending upon the number of eligible claims filed.
- Claimants or their estates may be eligible to receive settlement payments if they took Vioxx and then experienced a heart attack (myocardial infarction), sudden cardiac death or ischemic stroke.
- Eligible claimants who had an ischemic stroke will receive a payment of no more than \$5,000.
- The size of payments to eligible claimants who had a myocardial infarction or sudden cardiac death will be based on the number of approved claims and other factors, including:
 - Length of duration of use of Vioxx; and
 - Risk factors including age, smoking, high cholesterol, hypertension, diabetes, obesity, family history, alcohol or drug abuse.
- Spouses and children of eligible claimants may also be eligible to receive settlement payments.
- Provincial and territorial governments will share \$3,500,000 of the settlement fund, which shall be in full satisfaction of their purchases of Vioxx and of medical services provided or to be provided to eligible claimants.

OPTING-OUT (SASKATCHEWAN RESIDENTS ONLY)

The deadline for opting-out has already passed in all provinces except Saskatchewan.

Members of the Saskatchewan Primary Class and Family Class who want to participate in the settlement are automatically included and should not file the Opt-Out Notice discussed below.

Saskatchewan Primary Class Members and Family Class members who want to exclude themselves from the class must complete, sign and return an Opt-Out Form to the Administrator at the address below postmarked by **July 9, 2012**. No Saskatchewan Primary Class member or Family Class member will be permitted to opt out of the class action unless the election to opt out is received by the Administrator before **July 9, 2012** at 5:00 p.m. Opt-Out Forms are available from the Administrator at www.vioxxclassactionsettlement.ca or by calling **1-888-507-8759**. An individual who opts-out will not be eligible to participate in the settlement. Any right to pursue a claim in a separate proceeding will not be affected. The defendants have reserved all of their arguments based on statutes of limitation, prescription or repose for individuals who opt out of the class action.

No person may opt out a minor or a mentally incapable member of the Saskatchewan Primary Class or Family Class without permission of the court after notice to the Public Guardian and Trustee. The family members of any Saskatchewan Primary Class member who opts out will be deemed to have opted out. The family members of any Saskatchewan Primary Class member cannot opt-out unless the Saskatchewan Primary Class member does so as well. If a Saskatchewan Primary Class or Family Class member is deceased, his or her estate trustee has the right to opt out.

THE FINAL SETTLEMENT APPROVAL HEARING

A motion for final approval of the settlement will be heard by the Saskatchewan Court of Queen's Bench in Saskatoon at 520 Spadina Crescent E on **July 25, 2012** at 2 p.m. The Court will determine whether the settlement is fair, reasonable, and in the best interests of class members. Class Counsel will also seek approval of fees, not to exceed 25% of the settlement value, plus disbursements and taxes.

Class members who do not oppose the settlement need not appear at the hearing or take any other action at this time to indicate their desire to participate in the settlement. All Class members who have not opted out have the right to present their arguments to the court as regards the settlement and the distribution of any balance remaining by making a written submission postmarked no later than **July 3, 2012** to the Administrator identified below. If no written submission is filed, you may not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearing.

The written objection should include the following information:

1. The individual's name, address, telephone number, fax number and e-mail address.
2. A statement that he or she is a member of the Saskatchewan class.
3. A brief statement of the nature of and reasons for the objection.
4. Whether he or she intends to appear at the Court hearing in person or through a lawyer and if through a lawyer, the lawyer's name, address, telephone number, fax number and e-mail address.

IMPORTANT DEADLINES

July 9, 2012 Deadline for Saskatchewan Primary Class or Family Class Members to opt out of the class action

July 3, 2012 Deadline to submit written objection to the settlement

ADDITIONAL INFORMATION

An opt-out form and further information are available at www.vioxxnationalclassaction.ca and www.vioxxclassactionsettlement.ca or by contacting the Administrator:

NPT RicePoint Class Action Services
P.O Box 3355
London, ON N6A 4K3
1-888-507-8759
vioxx@nppricepoint.com

Motions to approve the settlement also remain pending in other provinces. If approval is granted by all courts, and the parties do not terminate the Settlement Agreement, a further notice will be published advising of the claims deadline. A detailed instruction package on how to file a claim will be made available at www.vioxxnationalclassaction.ca and www.vioxxclassactionsettlement.ca or from the Administrator.

Questions for Class Counsel should be directed by email or telephone to:

Michael J. Peerless Tel: 1.800.461.6166 (toll free)
 Fax: 1.519.672.6065
 Email: michael.peerless@siskinds.com

OR

Grant J. Scharfstein Tel: 1.306.653.2838
 Fax: 1.306.652.4747
 Email: gscharfstein@scharfsteinlaw.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 Court of Queen's Bench for Saskatchewan.