

NOTICE OF CERTIFICATION OF A CLASS ACTION RELATED TO THE PRESCRIPTION MEDICINE PREPULSID®

THE CLASS

This notice is directed to all persons in Canada (including their estates), excluding residents of Quebec, who ingested the prescription medicine Prepulsid® (the "Class") and to spouses, children, grandchildren, parents, grandparents, brothers and sisters of the Class who, by reason of their relationship with members of the Class, are entitled to assert a claim (the "Family Class").

PLEASE READ CAREFULLY. IF YOU ARE A MEMBER OF THE CLASS OR THE FAMILY CLASS, IGNORING THIS NOTICE WILL AFFECT YOUR LEGAL RIGHTS.

THE ACTION

On January 18, 2007, the Ontario Superior Court of Justice certified the action *Boulanger. v. Johnson & Johnson Corporation, Johnson & Johnson Medical Products Inc./Produits Médicaux Johnson & Johnson Inc. and Janssen-Ortho Inc., court file # 00-CV-197409CP* as a class action and appointed Mrs. Aline Boulanger as the representative plaintiff for the Class. Mrs. Boulanger resides in Timmins, Ontario and may be contacted care of the law firm Girones & Associates at the contact information noted below.

This action raises allegations of negligence and breach of warranty and seeks damages on behalf of class members against the defendants for certain types of injuries allegedly suffered by class members because of their use of the prescription medicine Prepulsid®. Prepulsid® was available for sale in Canada between 1990 and August 2000 and was approved for the treatment of gastroesophageal reflux disease (or GERD), gastroparesis and intestinal pseudo-obstruction. The plaintiff alleges that the injuries at issue are cardiac arrhythmias, including ventricular tachycardia, cardiac arrest, prolonged QT interval, *torsades de pointes*, ventricular fibrillation, sudden death and other heart diseases.

The defendants deny the allegations made by the representative plaintiff, which remain to be determined at a future trial. In certifying this action as a class action, the court has made no determination as to the merits of the representative plaintiff's claims.

THE COMMON ISSUES

The court certifying this action as a class action has directed that the following issues be determined at a common issues trial:

1. Whether Prepulsid® can cause or materially contribute to cardiac arrhythmia, including ventricular tachycardia, cardiac arrest, prolonged QT, *torsades de pointes*, ventricular fibrillation, sudden death and other heart disease;
2. Whether the defendants breached a duty of care owed to class members by reason of the design, manufacture, marketing, sale and such other acts taken in placing and maintaining Prepulsid® into the stream of Canadian commerce, and if so, who, when and how;
3. Whether Prepulsid® was fit for its intended purpose;
4. Whether Johnson & Johnson Corporation is responsible in law for the acts and omissions of Janssen-Ortho Inc. in respect of the marketing, distribution, and placing and maintaining Prepulsid® into the stream of Canadian commerce;
5. Whether the defendants, or any of them, are liable for the subrogated health care costs of Class members incurred in the screening, diagnosis and treatment of conditions related to Prepulsid®, and if so, whether these costs may be assessed on a global basis; and
6. Whether the conduct of any one or more of the defendants justifies an award of punitive damages, and if so, against whom, in what amount and to whom.

ANY JUDGEMENT OBTAINED ON THE COMMON ISSUES IN THIS ACTION, WHETHER FAVOURABLE OR NOT, WILL BIND ALL CLASS MEMBERS WHO DO NOT OPT OUT OF THIS ACTION IN ACCORDANCE WITH THE INSTRUCTIONS BELOW.

Following a determination of the common issues, further stages of litigation may be required. For example, for each individual member of the Class who alleges that they experienced a cardiac arrhythmia while taking Prepulsid®, depending on the outcome of the common issues trial, it may be necessary to have a further individual hearing to determine whether Prepulsid® in fact caused or materially contributed to that alleged arrhythmia, and to quantify the damages recoverable, if any, by individual members of the Class and the Family Class.

CLASS MEMBERSHIP

If you fall within one of the class definitions set out above, you are automatically a member of the Class or Family Class unless you choose to opt out (see below). While you do not need to do anything further at this stage to participate in this lawsuit, you may wish to obtain legal advice regarding this notice. If you wish to contact class counsel for that purpose (you are not required to do so) class counsel can be reached at:

ROCHON GENOVA LLP Barristers • Avocats
121 Richmond Street West
Suite 900
Toronto, ON M5H 2K1
Joel Rochon, Sakie Tambakos
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WILL BARRISTERS

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GIRONES & ASSOCIATES

Lawyers
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Timmins, ON P4N 2G4
Lorenzo Girones
Tel: (705) 268-4242
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E-mail: lgirones@girones.on.ca

HOW TO BE EXCLUDED FROM THE CLASS

Members of the Class who do not wish to participate in the lawsuit must "opt out". **Any member of the Class who wishes to opt out of the lawsuit must do so on or before 5:00 pm on February 15, 2008** by sending a written election signed by the member of the Class stating that he or she opts out of the lawsuit to Rochon Genova LLP at the contact information identified above. If you do not opt out by that date, you will remain a member of the Class and will be bound by any judgement on the common issues. If a member of the Class opts out of the lawsuit then his or her family members will be deemed to have opted out as well, unless the family member has a separate claim as a member of the Class. No person may opt out a patient who is a minor or a mental incompetent, without the permission of the Court after notice to the Ontario Public Trustee and Children's Lawyer as appropriate. If you wish to opt out a minor or mental incompetent patient, please indicate that the patient is a minor or mental incompetent in your written election. **Do not opt out** if you wish to participate in the Prepulsid® Class Action.

CLASS COUNSEL AND FINANCIAL ARRANGEMENTS

The representative plaintiff and class members in this action are represented jointly by Mr. Joel Rochon and Mr. Sakie Tambakos of Rochon Genova LLP, Mr. Gary R. Will of Will Barristers and Mr. Lorenzo Girones of Girones & Associates.

The representative plaintiff has entered into an agreement with her solicitors whereby fees and disbursements related to the trial of the common issues will be payable only in the event of success in the class action. Any fees payable to class counsel must be approved by the court. Class members other than the representative plaintiff will not be personally responsible for the legal fees or disbursements of counsel for work up to and including the trial of the common issues (and any related appeals).

No class members, other than the representative plaintiff, will be liable for costs with respect to the determination of the common issues listed above. However, once the court has determined the common issues, it may be necessary that individual members of the class participate in individual proceedings to determine issues that are not common to the class in order to establish their claim. While each Class member will be bound by the determination of the common issues, each Class member will be free to decide whether to participate in an individual proceeding to establish their claim.

This notice of class certification is published by Order of the Ontario Superior Court of Justice. PLEASE DO NOT CONTACT THE COURT FOR INFORMATION RELATED TO THE ACTION. Any questions regarding this notice and the Prepulsid® Class Action should be directed to class counsel.