

NOTICE TO USERS OF PONDERAL AND/OR REDUX IN CANADA AND THEIR RELATIVES OF COURT APPROVAL OF SETTLEMENT

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY.

NOTICE

This notice is directed to all persons resident in Canada, excluding Quebec, who ingested Ponderal®, Ponderal Pacaps (generic name: fenfluramine) and/or Redux™ (generic name: dexfenfluramine) (collectively referred to as "Product Recipients"), or their estates, administrators or other legal representatives, heirs or beneficiaries ("Representative Claimants"), and their family members ("Derivative Claimants") (collectively "Claimants"). A further notice will be directed to residents of Quebec.

PURPOSE OF THIS NOTICE

In 1998, a class action lawsuit was initiated in Ontario against Servier Canada Inc. and various other corporate defendants and on September 13, 2000, the proceeding was certified as a class action on behalf of the following individuals ("Class Members"):

All persons resident in Canada (excluding Québec) who were prescribed and ingested the diet drugs marketed under the brand name Ponderal (generic name: fenfluramine) and/or Redux (generic name: dexfenfluramine), these being drugs designed, developed, fabricated, manufactured, imported, distributed, marketed, sold or otherwise placed into the stream of commerce in Canada by Servier Canada Inc. and/or Biofarma S.A.;

All persons including, but not limited to, executors, administrators, personal representatives, spouses and relatives who on account of a relationship to those persons described in the above defined class, have a derivative claim for damages resulting from the treatment with Ponderal and/or Redux.

COURT APPROVAL OF THE SETTLEMENT AGREEMENT

In September, 2004, an agreement to settle the lawsuit ("the Settlement Agreement") was reached between the parties. That agreement required the approval of the Ontario Superior Court of Justice and, following publication of a notice programme, a hearing was held on October 18 and 19, 2004. The Ontario Superior Court of Justice has now approved the Settlement Agreement by Order dated October 19, 2004.

TERMS OF THE SETTLEMENT

- Servier Canada Inc., while not admitting any liability, will pay benefits to eligible Claimants;
- A Settlement Fund will be established in the amount of \$25,000,000.00 to settle the claims of all eligible Product Recipients, Representative Claimants and Derivative Claimants;
- In the event that the sum of \$25,000,000.00 is insufficient to compensate all eligible Claimants, a further amount of up to \$15,000,000.00, payable in increments as required, will be made available ("the Additional Settlement Funds"), therefore the maximum amount available will be \$40,000,000.00;
- Claimants' eligibility to receive benefits and the amounts of such benefits are based on several factors, including, but not limited to:
 - proof of ingestion of Ponderal and/or Redux;
 - the presence and severity of valvular heart disease ("VHD");
 - the presence of primary pulmonary hypertension ("PPH");
 - the presence or absence of other medical conditions which may have caused the VHD or the PPH;
 - the age of the Product Recipient at the time of diagnosis;
 - usage of Pondimin in addition to Ponderal and/or Redux;
- Any arguments based on statutes of limitation, prescription or repose shall be waived for Class Members participating in the Settlement;
- Claims may be submitted up to fifteen (15) months following Final Approval of the Settlement Agreement ("Claim Period");
- Claims will be processed during a five (5) year Administration Period, during which time, Claimants may submit additional claims if their condition worsens;
- Provincial and Territorial Health Insurers, with the exception of Quebec, will divide a fund for payment of medical services provided to Product Recipients. In addition, if the Settlement Fund is not fully exhausted by the payment of benefits to all eligible Claimants and court-approved legal fees and costs, the remainder of the Settlement Fund will revert to the Provincial and Territorial Health Insurers, with the exception of Quebec, and to Servier Canada Inc. on a sliding scale.

LEGAL COSTS & FEES

This action has been vigorously contested and has involved a number of motions and appeals, over fifty days of discovery conducted primarily in France and the review and analysis of over 300,000 documents. Class Counsel have funded the time and expenses incurred in pursuing the litigation; however, to date, Class Counsel have received approximately \$700,000, inclusive of GST and disbursements, in court-awarded partial indemnity costs paid by Servier Canada Inc. The Settlement Agreement provides for further payment by Servier Canada Inc. to Class Counsel of \$3,000,000 for partial indemnity costs and \$1,000,000 towards their disbursements; both of these amounts are inclusive of applicable taxes.

In addition, Class Counsel applied on November 1 and 2, 2004 for Court approval of further fees which shall be paid from the settlement funds. The decision of the Ontario Superior Court on this application is pending. Claimants may retain their own lawyers to assist them in making individual claims to the Settlement. Claimants are responsible for paying the legal fees of any lawyer they retain.

TO BE ELIGIBLE FOR COMPENSATION, CLAIMANTS MUST SUBMIT A COMPLETED CLAIM PACKAGE TO THE SETTLEMENT ADMINISTRATOR BEFORE THE EXPIRY OF THE CLAIM PERIOD.

IMPORTANT DEADLINES

March 4, 2006: Deadline for submitting a Claim Package to the Settlement Administrator.

March 4, 2011: Deadline for submitting a Progressed Claim or a New Pathology Evidence Claim to the Settlement Administrator.

FOR MORE INFORMATION

As there will be no further published notices, Class Members must keep themselves advised by consulting the Settlement Administrator's website at www.ponderal-reduxsettlement.ca or applicable Class Counsel listed below:

CLASS COUNSEL for the NATIONAL CLASS:

ROCHON GENOVA LLP
Barristers • Avocats
121 Richmond Street West, Suite 903
Toronto, ON M5H 2K1
(416) 363-1867 or 1-866-881-2292
www.rochongenova.com

CLASS COUNSEL for the BRITISH COLUMBIA SUBCLASS:

KLEIN LYONS
Barristers and Solicitors
Suite 1100, 1333 West Broadway
Vancouver, BC V6M 4C1
(604) 874-7171 or 1-800-468-4466
www.kleinlyons.com

To obtain a copy of a Claim Package, please call the Settlement Administrator at 1-888-849-1554.

INTERPRETATION

If there is any conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

This Notice has been approved by the Honourable Mr. Justice Peter A. Cumming of the Ontario Superior Court of Justice.