

# CANADIAN REXULTI® CLASS ACTION NOTICE OF AUTHORIZATION

**To all persons in Canada who were prescribed and used REXULTI® from February 2017 and who thereafter developed Compulsive Behaviours and Impulse Control Disorders and their family members**

**PLEASE READ CAREFULLY. IGNORING THIS NOTICE WILL AFFECT YOUR LEGAL RIGHTS**

## **WHO IS THIS NOTICE FOR?**

This Notice is directed to:

- 1) All persons who reside or have resided in Canada who were prescribed and ingested the drug REXULTI® during the Class Period, starting from February 16, 2017, and who thereafter developed one or more of the following Compulsive Behaviours and Impulse Control Disorders:
  - compulsive gambling;
  - hypersexuality;
  - binge eating; and
  - compulsive shopping and/or spending; and
- 2) the family members, dependents, heirs and estates of such persons.

On December 3, 2021, the Superior Court of Québec authorized a national class action against Otsuka Canada Pharmaceutical Inc. and Lundbeck Canada Inc.

The Plaintiffs allege that REXULTI® causes Compulsive Behaviours and Impulse Control Disorders, including compulsive gambling, hypersexuality, compulsive shopping, and binge eating, and that the Defendants failed to adequately warn the Class Members and their physicians of this risk. They allege that the Defendants failed to conduct adequate research and testing in relation to those side effects and conspired to conceal the risks of these harmful side effects from the Class Members. It is also alleged that the Defendants' failures and acts caused the Class Members harm.

The action seeks, among other things, damages for both personal injuries and financial loss as well as damages allegedly suffered by family members of individuals taking REXULTI®.

The Defendants deny these allegations, and the Superior Court has not yet ruled on the merits of the class action.

## **PARTICIPATING IN THE CLASS ACTION**

If you were prescribed and ingested REXULTI® anytime after February 2017 you are automatically included in the action and do not need to do anything at this time. You do not need to take any further action to join this class action. As a Class Member, you will not be responsible for legal costs if a class action is unsuccessful. If the action is successful and a settlement or judgment is reached, a further notice will be provided with complete details concerning the terms of the settlement or judgment.

Class Members who do not opt out of the Action will be bound by the terms of any judgment or settlement, whether favourable or

not, and will not be allowed to prosecute an individual action against the defendants for any of the factual matters raised in the Action. To determine if you are entitled to share in the award or settlement and the amount, if any, of your share, it may be necessary to conduct an individual determination. You will have the opportunity to decide if you wish to proceed with your individual entitlement determination before it begins.

## **OPTING OUT OF THE CLASS ACTION**

You have the right to exclude yourself from the class action by delivering an **Opt Out** form to the Clerk of the Superior Court of Quebec on or before **May 15, 2024** at the following coordinates: Clerk of the Superior Court of Québec, Montreal Courthouse, 1 Notre-Dame Street East, Room 1.120, Montreal (Québec) H2Y 1B6, Court file no. 500-06-000948-188.

The Opt Out Form is available on the website of Class Counsel at the following link: <https://www.rochongenova.com/current-class-action-cases/rexulti/>

## **WHO REPRESENTS ME? CLASS COUNSEL ARE:**

The Plaintiffs and the Class Members are represented by *Rochon Genova LLP*, who is acting on a contingency basis. This means that legal fees, disbursements and applicable taxes will be payable only in the event of success in the Action. *Rochon Genova LLP* is also paying all disbursements incurred in the Action. In the event of success in the action, Class Counsel will bring a motion to the Court to have their fees and disbursements approved. As a class member, you will not be required to pay any costs in the event that the Action is unsuccessful.

Class Counsel may be contacted at the coordinates below:

Rochon Genova LLP  
Barristers • Avocats  
900-121 Richmond St. W.

Joel P. Rochon  
Golnaz Nayerahmadi  
Tel: (416) 363-1867  
[contact@rochongenova.com](mailto:contact@rochongenova.com)

## **FOR MORE INFORMATION:**

If you have questions about the Canadian REXULTI® class action and/or would like to obtain more information about this action, you may contact Class Counsel or review the Long Form Notice available on Class Counsel's website.

*This Notice has been approved by the Superior Court of Québec*