

**FLEET PHOSPHO-SODA CLASS ACTION**  
**NOTICE OF SETTLEMENT APPROVAL HEARING**

**PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS**

**TO ALL CLASS MEMBERS:** To all persons resident in Canada who purchased, used or ingested **FLEET PHOSPHO-SODA** ("Primary Claimant") or their personal representatives, heirs, assigns and trustees ("Representative Claimant"), and any other residents of Canada asserting the right to sue the Defendants by reason of their familial relationship with a Primary or Representative Claimant, including spouses, common law spouses, same-sex partners, as well as parents and children by birth, marriage or adoption ("Derivative Claimant").

**Purpose of this Notice** **FLEET PHOSPHO-SODA** is an over-the-counter pharmaceutical product which was often directed to be used as part of a bowel cleansing regimen, especially prior to undergoing a surgical procedure such as a colonoscopy.

Class action lawsuits were initiated in Ontario, Québec and Saskatchewan alleging that C.B. Fleet Holding Company Inc., C.B. Fleet Company, Inc., and Johnson & Johnson – Merck Consumer Pharmaceuticals of Canada (the "Defendants"), negligently manufactured, marketed and sold **FLEET PHOSPHO-SODA** in Canada without properly warning of alleged risks of kidney damage. The court has not taken any position as to the truth or merits of the claims or defences asserted by either side. The allegations made by the plaintiffs have not been proven in court. The Defendants denied and continue to deny the allegations against them in these lawsuits.

Without any admission of liability or wrongdoing, a Settlement Agreement has been reached. If you would like a copy of the Settlement Agreement, it is available at [www.classaction.ca](http://www.classaction.ca) (English or French) or a copy can be obtained from contacting Class Counsel as listed below.

**Approval of the Settlement Agreement** In order for the settlement to become effective, it must be approved by the Court. A motion to approve this Settlement Agreement will be heard by the Ontario Superior Court of Justice in the city of London, Ontario on April 13, 2011 at 10:00 a.m. At this hearing the Court will determine whether the Settlement Agreement is fair, reasonable and in the best interests of Class Members. All timely filed written submissions from Class Members will be considered at this time.

If you wish to comment or make an objection to the Settlement Agreement, you may deliver a written submission to Class Counsel listed below in advance of the settlement approval hearing. Class Counsel will relay such submissions to the Court. Or, if you so choose, you may appear at the hearing and make your submissions orally. If you support the settlement, you do not have to do anything at this time and further notice will be published following the settlement approval hearing. This will contain details of the procedure to be followed by Class Members making claims for compensation.

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	<p>Should the Settlement Agreement receive final approval, further Notice will be published.</p>
<b>Québec Proceeding</b>	<p>A hearing seeking a declaration that the claims of the Québec residents are settled in accordance with the judgment rendered by the Ontario Superior Court, to be homologated the same day by the Québec Superior Court has been scheduled for April 29, 2011, at 9:30 a.m. in Québec City.</p>
<b>Distribution Protocol</b>	<p>If the Settlement Agreement is approved by the Court, the settlement payments will be paid out in accordance with the Settlement Agreement which can be found on Class Counsel's website (listed below). Primary Claimants or Representative Claimants may be eligible to receive compensation based on criteria which are outlined in the Settlement Agreement, particularly Schedules B and E. Derivative Claimants may also be eligible for compensation.</p>
<b>Summary of Settlement Agreement</b>	<ul style="list-style-type: none"><li>• The Defendants, while not admitting liability, will pay a sum of approximately \$11,995,000.00 to settle the claims of all Class Members.</li><li>• Claimants may be eligible to receive settlement payments if they ingested <b>FLEET PHOSPHO SODA</b> and subsequently developed certain types of kidney damage.</li><li>• The size of compensation payable to Eligible Claimants will be based on the total number of approved claims and the severity of injuries.</li><li>• The timing and the process for filing a claim will be available in a further notice to be published after the Settlement is approved by the Court.</li><li>• Provincial Health Insurers will share a fund of \$1,800,000.00 which shall be in full satisfaction of medical services provided or to be provided to Eligible Primary Claimants.</li></ul> <p>Further Details regarding the Settlement Agreement may be viewed at <a href="http://www.classaction.ca">www.classaction.ca</a> (English and French) or a copy can be obtained from contacting Class Counsel as listed below.</p>
<b>Opting Out</b>	<p>At the settlement approval hearing, the Plaintiffs will ask the Court to approve terms whereby all persons who come within the class definition will automatically be included in the Class unless they exclude themselves from the Class ("Opt-Out").</p> <p>The deadline and procedure for opting-out and the effect of doing so will be reviewed at the settlement approval hearing and those details will be available in a further notice to be published after the Settlement Agreement is approved by the Court.</p>
<b>Legal Fees</b>	<p>Class Counsel will seek court approval of legal fees not to exceed 25% of the total settlement benefits plus disbursements and applicable taxes.</p>
<b>Further Information</b>	<p>For Further Information Please Contact Class Counsel as follows:</p>

**English  
enquiries:**

**Siskinds<sup>LLP</sup>  
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This Notice has been authorized by the Ontario Superior Court of Justice