

EVOLENCE CLASS PROCEEDING  
LONG FORM NOTICE

NOTICE OF CERTIFICATION AND  
DISCONTINUANCE AGAINST CANDERM PHARMA  
INC. and ANNA MARIA DUCHON

**TO: All persons resident in Canada who received an injection of Evolence, Evolence Classic or Evolence Breeze. Read this Notice carefully as it may affect your rights.**

If you were injected with Evolence, Evolence Classic or Evolence Breeze, the certification and with prejudice discontinuance of this action against Canderm Pharma Inc. and Anna Maria Duchon may limit your legal rights.

*The Supreme Court of British Columbia approved this notice. This is not a solicitation from a lawyer.*

- The Supreme Court of British Columbia has certified a multi-jurisdictional/Canada wide class proceeding against the defendants Canderm Pharma Inc. and Anna Maria Duchon (the “Canderm Defendants”) for the purposes of a discontinuance of the claim against the Canderm Defendants and has approved a with prejudice discontinuance of the claims against the Canderm Defendants subject to any opt outs or objections being received by **May 22, 2020**.
- There is a previous settlement that was approved by the BC Court and the Ontario Court with Johnson & Johnson, Ortho-McNeil-Janssen Pharmaceuticals Inc. (now named Janssen Pharmaceuticals Inc.), Johnson & Johnson Inc., Janssen-Ortho Inc. (now named Janssen Inc.), and Colbar Lifescience Ltd. (the “J&J Defendants”) in class action lawsuits about Evolence (“Evolence” means the cosmetic fillers Evolence, Evolence Classic and Evolence Breeze). If you require details of the settlement with the J&J Defendants, contact Class Counsel (see below).
- **The certification and with prejudice discontinuance of the claim against the Canderm Defendants will not affect in any way the terms of and compensation paid to class members under the settlement of the Evolence claims that was previously reached with the J&J Defendants.**
- The British Columbia Supreme Court has made an order certifying and approving the discontinuance of the BC Action against the Canderm Defendants. **If no opt outs or objections to the certification and discontinuance are received from class members on or before 11:59 pm on May 22, 2020, then the certification and discontinuance of the claim against the Canderm Defendants will become effective on May 26, 2020.** If there are opt outs or objections to the certification and discontinuance, then a further hearing will be arranged to determine next steps.

- **The discontinuance will be a defence to subsequent proceedings against the Canderm Defendants for the same or similar causes of action as are asserted in either the BC Action or the Ontario Action.** The Discontinuance will bring to an end to any claims in Canada relating to Evolence, Evolence Classic or Evolence Breeze against the Canderm Defendants. The British Columbia Supreme Court has ordered that the order for certification and discontinuance against the Canderm Defendants is made without costs to any party.
- Your rights and options—and the deadlines to exercise them—are explained in this notice.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>EXCLUDE YOURSELF (OPT OUT)</b>	Deliver a written notice that you are opting out of the class action certification and discontinuance against the Canderm Defendants. <u>Opting out of this certification and discontinuance against the Canderm Defendants has no consequence to your participation in the settlement with the J&amp;J Defendants.</u> Opting out of this certification and discontinuance would mean that a further hearing will be arranged with the BC Court to determine next steps. If you intend to opt out, you must submit your Opt Out Form (available on <a href="http://www.evolencediscontinuance.com">www.evolencediscontinuance.com</a> or <a href="http://www.dhslaw.com">www.dhslaw.com</a> ) by the deadline <b>May 22, 2020</b> .
<b>OBJECT</b>	If you do not opt out, you may write to Class Counsel about why you do not approve of the discontinuance against the Canderm Defendants. If you intend to object, you must submit your objection in writing by the deadline, <b>May 22, 2020</b> . To object, you do not need to attend any subsequent hearing.
<b>Do Nothing</b>	If no opt outs or objections are received by May 22, 2020, then the certification and with prejudice discontinuance of the BC Action against the Canderm Defendants will become effective on <b>May 26, 2020</b> .

## BASIC INFORMATION

### 1. Why is this notice being provided?

The Court approved this notice because you have a right to know about a national certification and discontinuance of this class action lawsuit as against the Canderm Defendants. This notice explains all of your options. If there are no opt outs or objections, the certification and with prejudice discontinuance of the claims against the Canderm Defendants will become effective on May 26, 2020, and there will be no further claims remaining against any defendant, and no further settlement funds available beyond those obtained in the previous settlement with the J&J Defendants.

This class action was previously certified with respect to the J&J Defendants in both Ontario and British Columbia. The case is known in British Columbia as *Hoisington v. Johnson & Johnson Inc. et al.* bearing court file no. S088553 and in Ontario as *Micevic v. Johnson & Johnson et al.*, bearing court file no. CV-09-39084600CP. A settlement of the action against the J&J Defendants was reached in January 2015 and approved in 2019, providing for payment of settlement funds to class members. More details about the settlement with the J&J Defendants can be found by contacting Class Counsel (see info below). As part of the settlement with the J&J Defendants, the Ontario action *Micevic v. Johnson & Johnson et al* was permanently stayed. The present British Columbia action against the Canderm Defendants is the only known active remaining claim.

On Marh 24, 2020 Justice Voith of the Supreme Court of British Columbia certified this case on a Canada wide basis against the Canderm Defendants for the purposes of a discontinuance of the claim against the Canderm Defendants, and approved a with prejudice discontinuance of the action against the Canderm Defendants.

## 2. What is this lawsuit about?

The lawsuit alleges that Evolence, an injectable cosmetic filler, was promoted and distributed by the Canderm Defendants, and that the Canderm Defendants made representations as to its safety and efficacy as an injectable cosmetic filler. The lawsuit alleges that Evolence caused lumps (sometimes known as bumps or indurations) when improperly injected.

The Plaintiffs claim, among other things, that the Canderm Defendants were negligent in promoting and distributing Evolence, breached contracts with the Plaintiffs and class members, breached various statutes, made negligent misrepresentations about Evolence, failed to warn about risks of Evolence, and were unjustly enriched. The lawsuit seeks damages from the Canderm Defendants for any injuries the Plaintiffs and class members suffered after being injected with Evolence.

The Canderm Defendants deny the Plaintiffs' and class members' claims and do not admit liability or any wrongdoing. Specifically, the Canderm Defendants disagree with the allegations and say that they have many defences, that they are not liable to the Plaintiffs or class members, and that the Plaintiffs and class members are not entitled to any money, compensation or benefits from this litigation beyond what they received in the J&J Settlement.

## 3. Why is this a class action?

In a class action, one or more people called "Representative Plaintiffs" (in this case, Deborah Hoisington and Stefanie Puls), sue on behalf of people who have similar claims. All of these people are a "Class" or "Class Members." In this certification against the Canderm Defendants the British Columbia court has approved a discontinuance for all Class Members who reside in Canada, except for those who exclude themselves from the Class by submitting an Opt-Out form by the deadline.

Ms. Puls and Ms. Hoisington can be reached care of Dives Harper Stanger & Mizrahi LLP 600- 815 Hornby Street, V6Z 2E6 telephone: 604-605-1407.

# WHO IS INCLUDED IN THE CERTIFICATION AND DISCONTINUANCE OF THE CLAIM AGAINST THE CANDERM DEFENDANTS

## 5. How do I know if I am part of the certification?

The Class includes anyone residing in Canada who received an injection of Evolence, Evolence Classic or Evolence Breeze.

## 6. Are there exceptions to being included?

If you are a member of the Class, you will be included in the proceeding and Discontinuance unless you validly Opt-Out of the Class before the opt out deadline of May 22, 2020.

## 7. What if I am not sure whether I am included in the class?

If you are not sure whether you are in the Class, or have any other questions about the certification and discontinuance, contact Eric Stanger at Dives Harper Stanger & Mizrahi LLP 600- 815 Hornby Street, V6Z 2E6 telephone: 604-605-1407.

# DISCONTINUANCE OF THE CLAIM AGAINST THE CANDERM DEFENDANTS

## 8. What does the discontinuance provide?

The certification and discontinuance of the claim against the Canderm Defendants is approved by the Court and will become effective on May 26, 2020 unless there are opt outs or objections made by class members. Once effective, the Order will permanently end all claims made against the Canderm Defendants in this action and in the Ontario Action.

This means there will be no additional funds provided to class members beyond what has already been provided through the settlement with the J&J Defendants.

The certification and discontinuance will provide certainty to class members and to the Canderm Defendants that **there will be no further proceedings relating to Evolence and that this matter will be at an end.** The Discontinuance will be a defence to subsequent proceedings for the same or substantially the same causes of action asserted in the BC Action and/or in the Ontario Action.

The discontinuance has no consequence to the already existing settlement with the J&J Defendants.

The order for Certification and Discontinuance against the Canderm Defendants is made on a without costs basis, which means that no party owes costs to the other as a result of the Certificatoin and Discontinuance processes.

## 9. What am I giving up as part of the discontinuance?

The Discontinuance will be a defence to subsequent proceedings for the same or substantially the same causes of action asserted in the BC Action and/or in the Ontario Action.

Once the Certification and Discontinuance becomes effective on May 26, 2020, it will prevent Class Members from proceeding with claims against the Canderm Defendants. Class Members will not be able to seek further compensation from the Canderm Defendants in this or any other action.

## OPTING OUT FROM THE CERTIFICATION AND DISCONTINUANCE OF THE CLAIM AGAINST THE CANDERM DEFENDANTS

If you do not want to participate in this certification and discontinuance of the claim against the Canderm Defendants then you must take steps to opt out of the certification and discontinuance against the Canderm Defendants.

### 12. If I opt out, am I bound by the certification or subsequent orders?

If you or any class member opts out, there will be a further hearing before the BC Court to determine next steps.

### 13. If I do not opt out, can I continue the action against the Canderm Defendants?

No. If you do not opt out by the Opt Out Deadline of May 22, 2020, and the certification and discontinuance become effective on May 26, 2020, you give up the right to continue this or any other action against the Canderm Defendants for all claims relating to Evolence and you will be bound by the resolution of this class action against the Canderm Defendants.

### 14. How do I get out of the class proceeding against the Canderm Defendants?

To opt out from the class action and discontinuance as against the Canderm Defendants, you must send an Opt-Out Form or other signed written document by mail, email, or fax to class counsel Dives Harper Stanger & Mizrahi LLP indicating that you want to opt out. Be sure to include your full name, address, signature (or signature of a legal guardian or other legal representative where appropriate), date, and a brief description of the type of injury you suffered. You must mail, e-mail or fax your request for opting out to the address below to be received by May 22, 2020 to:

Dives Harper Stanger & Mizrahi LLP  
600-815 Hornby Street  
Vancouver, BC V6Z 2E6

[ejs@dghcounsel.com](mailto:ejs@dghcounsel.com)  
Fax:604-605-1414

If you wish to use the Opt-Out Form for the Canderm Defendants Evolence Certification and Discontinuance, it is available to download from [www.evolencediscontinuance.com](http://www.evolencediscontinuance.com)

You cannot ask to opt out on the phone, or at the website.

## THE LAWYERS REPRESENTING YOU

### 15. Do I have a lawyer in the case?

The Court appointed Eric Stanger of Dives Harper Stanger & Mizrahi in Vancouver, British Columbia as “Class Counsel” to represent Class Members. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your own expense.

The contact information for Class Counsel is as follows:

Eric J. A. Stanger  
DIVES HARPER STANGER & MIZRAHI LLP  
600-815 Hornby Street,  
Vancouver, BC V6Z 2E6  
Tel: 604-605-1400  
Fax: 604-605-1414  
Email: [ejs@dghcounsel.com](mailto:ejs@dghcounsel.com)

### 17. How do I tell the Court if I do not like the discontinuance?

If you disagree with any aspect of the discontinuance, you may express your views to the BC Court through a written objection addressed to Class Counsel **to be received on or before 11:59 pm on Friday May 22, 2020**. The Court will consider your views.

In your written objection, be sure to include the following information:

- (1) the name of the proceeding, being “Evolence - Canderm Defendants Discontinuance”
- (2) your full name, address, telephone number, e-mail address and signature (or signature of a parent, legal guardian or other legal representative for those under 18 or where otherwise appropriate); and
- (3) information showing that you are a Class Member, including documentation that you were injected with Evolence and that you developed lumps as a result.

Your written objection should include the reasons why you object to the discontinuance, and any documentation supporting your objection, the identity of all counsel representing the objector. You should also provide the name and full contact information for any counsel that you have retained to represent you.

Send copies of any objection to Class Counsel at the address listed below by e-mail, mail, or facsimile to be received no later than **11:59 pm on Friday May 22, 2020**. In order to object, your objection must be received by this date.

Dives Harper Stanger & Mizrahi LLP  
600-815 Hornby Street  
Vancouver, BC V6Z 2E6  
[ejs@dghcounsel.com](mailto:ejs@dghcounsel.com)  
Fax:604-605-1414

18. What is the difference between objecting and opting out?

Objecting and opting out are not the same thing. Objecting is simply telling the Court that you do not like something about the discontinuance. Opting out is telling the Court that you do not want to be part of the Class with respect to the certification and Discontinuance against the Canderm Defendants.

## NO FURTHER HEARINGS

19. Will there be further hearings if no opt outs or objections are received?

The British Columbia Supreme Court has already approved the discontinuance, which will become effective on May 26, 2020. If any class member opts out or objects, then the Certification and Discontinuance Order will not go into effect, and instead there will be a further hearing to consider next steps.

Class members are reminded to periodically check [www.evolvediscontinuance.com](http://www.evolvediscontinuance.com) for updated information.

## IF YOU DO NOTHING

20. What happens if I do nothing?

You have the right to do nothing. If you do nothing, you will still be a Class Member and the order for certification and discontinuance will become effective on **May 26, 2020** unless other class members opt out or object. **If there are no opt outs or objections, the Certification and Discontinuance Order will become effective on May 26, 2020 and you will be bound by the Certification and Discontinuance Order.**