

LONG FORM NOTICE

DID YOU PURCHASE AND/OR USE ONE OF THE FOLLOWING PHILIPS RESPIRONICS CPAP, BIPAP, OR VENTILATOR DEVICES (THE “PRODUCTS”)?

<u>Description</u>	<u>Material Number</u>
BiPAP Synchrony	CA1029756
BiPAP Synchrony Core Pkg	CA1029759
Trilogy 200 Ventilator	CA1032800
Trilogy 200 Ventilator - BT	CA1032800B
Trilogy100 Ventilator	CA1054096
Trilogy 100 Ventilator - BT	CA1054096B
BiPAP AVAPS C SERIES	CA1060486
BiPAP AVAPS C SERIES CORE PKG	CA1061419
BiPAP ST C SERIES	CA1061421
BiPAP ST C SERIES CORE PKG	CA1061423
BiPAP AVAPS C Series 30	CA1161X
BiPAP AVAPS C Series Core Package 30	CA1161XTS
REMstar W/SD Card HUMID	CA151HS
REMstar W/SD Card	CA151S
REMstar Plus C-Flex W/HUMID SD Card	CA251HS
REMstar Plus C-Flex W/SD Card	CA251S
REMstar Plus w/Hum SysOne 60Srs	CA261HS
REMstar Plus w/HT Hum Std Tube 60Srs	CA261NTS
REMstar Plus Sys One 60 Srs	CA261S
REMstar Plus w/HT Hum SysOne 60Srs	CA261TS
REMstar Pro C-Flex+ W/HUMID SD Card	CA451HS

REMstar Pro C-Flex+ W/SD Card	CA451S
REMstar Pro C-Flex+ BT SysOne 60Srs	CA461BT
REMstar ProC-Flex+Hum BT SysOne60Srs	CA461HBT
REMstar Pro C-Flex+w/Hum SysOne60Srs	CA461HS
REMstarProCFlex+HTHumStdTube BT 60Srs	CA461NTBT
REMstarProCFlex+w/HTHum stdtube 60Srs	CA461NTS
REMstar Pro C-Flex+ Sys One 60 Srs	CA461S
REMstarProCFlex+HTHum BT SysOne60Srs	CA461TBT
REMstar ProCFlex+w/HTHumSysOne 60Srs	CA461TS
REMstar Auto A-Flex W/HUMID SD Card	CA551HS
REMstar Auto A-Flex W/SD Card	CA551S
REMstar Auto A-Flex BT SysOne 60Srs	CA561BT
REMstar AutoA-FlexHum BT SysOne60Srs	CA561HBT
REMstar AutoA-Flex w/Hum SysOne60Srs	CA561HS
REMstarAuto HTHum StdTube BT 60Srs	CA561NTBT
REMstarAuto w/HT Hum std.tube 60 Srs	CA561NTS
REMstar Auto A-Flex Sys One 60 Srs	CA561S
REMstar Auto HTHum BT SysOne 60Srs	CA561TBT
REMstar Auto w/HT Hum Sys One 60 Srs	CA561TS
BiPAP Pro BiFlex W/SD Card HUMID	CA651HS
BiPAP Pro BiFlex W/SD Card	CA651S
BiPAP Pro BiFlex Hum BT SysOne 60Srs	CA661HBT
BiPAP Pro BiFlex w/Hum Sys One 60Srs	CA661HS
BiPAP Pro BiFlex w/HTHumStdTube60Srs	CA661NTS
BiPAP Pro BiFlex Sys One 60 Srs	CA661S
BiPAP ProBiFlex HTHum BT SysOne60Srs	CA661TBT
BiPAP Pro BiFlex w/HTHum SysOne60Srs	CA661TS
BiPAP Auto BiFlex W/SD Card HUMID	CA751HS

BiPAP Auto BiFlex W/SD Card	CA751S
BiPAP Auto BiFlex BT Sys One 60Srs	CA761BT
BiPAP Auto BiFlex Hum BT SysOne60Srs	CA761HBT
BiPAP Auto BiFlex w/Hum SysOne 60Srs	CA761HS
BiPAP Auto BiFlex w/HTHumStdTube60Srs	CA761NTS
BiPAP Auto BiFlex Sys One 60 Srs	CA761S
BiPAP AutoBiFlex HTHum BT SysOne60Srs	CA761TBT
BiPAP Auto BiFlex w/HTHum SysOne60Srs	CA761TS
BiPAP autoSV ADV SYSTEM ONE W/HUMID	CA951HS
BiPAP autoSV ADVANCED SYSTEM ONE	CA951S
BiPAP autoSV ADV w/Hum Sys One 60Srs	CA961HS
BiPAP autoSV ADVw/HTHum StdTube 60Srs	CA961NTS
BiPAP autoSV ADV Sys One 60 Srs	CA961S
BiPAP autoSV ADVw/HTHum SysOne 60Srs	CA961TS
BiPAP autoSV ADV w/Hum 60Srs 30cm	CA961XHS
BiPAP autoSV ADV 60 Srs 30cm	CA961XS
BiPAP autoSV ADV w/HTHum 60Srs 30cm	CA961XTS
DreamStation Go CPAP w/Humid	CAG400H12
DreamStation Go w/BT	CAG400S12
DreamStation Go Auto CPAP w/Humid	CAG500H12
DreamStation Go Auto w/BT	CAG500S12
DreamStation BiPAP AVAPS30 AAM H	CAX1130H12
DreamStation BiPAP AVAPS30 AAM H/C	CAX1130H12C

**PLEASE READ THIS NOTICE CAREFULLY AS YOUR
LEGAL RIGHTS MAY BE AFFECTED**

Why did I get this Notice?

This notice is about a proposed partial settlement (“**Partial Settlement**”) of the Economic Loss Claims in the Canada-wide class actions called *Morel v. Koninklijke Philips N.V. et al* Action No. S216008

and *Roy v. Respironics Inc. et al.*, No. 500-06-001154-216 (together, the “**National Class Action**”). Other similar class actions have been commenced in Canada, but are currently stayed:

- a) *Gray v. Philips Electronics Ltd. et al.*, Ontario Court File No. CV-21-00665742-00CP;
- b) *Kehoe v Koninklijke Philips N.V. et al.*, Newfoundland and Labrador Court File No. 2021-01G-4594 CP;
- c) *Moore v. Koninklijke Philips N.V. et al.*, Nova Scotia Court File No. 507852; and
- d) *Nathanson v. Koninklijke Philips N.V. et al.*, British Columbia Supreme Court File No. S219249 (Vancouver Registry).

Persons to be included in the National Class Action, include any individual, corporation, hospital, or partnership in Canada who purchased and/or used one of the Products, including family members and estates who purchased a Product on behalf of a class member, and who claim to have incurred an Economic Loss (the “**Settlement Class**”).

An Economic Loss includes the costs of replacing the Products, loss of value of the Products, loss of use, loss of income, any inconvenience associated with participating in the recall of the Products (first announced on June 14, 2021) and/or obtaining a replacement device, as well as any other out-of-pocket expenses and damages.

This is a Partial Settlement because the parties only settled the Economic Loss Claims. For the Partial Settlement to become effective, approval by the BC and Quebec Courts is necessary. The Partial Settlement **does not** cover any personal injury claims alleged to have been suffered by Class Members as a result of using the Products. Those claims continue in the National Class Action (explained further below).

What is this lawsuit about?

The representative plaintiffs allege various claims in respect of certain Philips Respironics CPAP, BiPAP and Ventilator devices, including economic loss claims and personal injury claims.

What are the terms of the settlement?

The Defendants have agreed to pay \$20,000,000 CDN to achieve a final and nationwide resolution of all Economic Loss Claims that could have been raised in the National Class Action, including for notice, legal, and administration costs, in exchange for the release of all Economic Loss Claims in the National Class Action.

If the Courts approve the Partial Settlement, under the distribution plan proposed by the representative plaintiff, you may be eligible to receive:

1. **\$125.00** for each Product you purchased during the Class Period; and/or
2. **30% to 90%** of the “Comparable Device Cost” (defined below) if you purchased (a) new device to replace (a) Product(s) you purchased during the Class Period and if you have receipts for those purchase(s). In particular, you will be paid the following:
 - a. For Class Members whose Product was purchased less than 3 years before the Recall date, 90% of the Comparable Device Cost, after all Third-Party Contributions;

- b. For Class Members whose Product was purchased more than 3 years and less than 5 years before the Recall date, 70% of the Comparable Device Cost, after deduction of all Third-Party Contributions;
- c. For Class Members whose Product was purchased more than 5 years before the Recall date, 30% of the Comparable Device Cost, after deduction of all Third-Party Contributions;

“**Comparable Device Cost**” means:

- For the replacement of a Product that was a CPAP Device: \$1,200;
- For the replacement of a Product that was a BiPAP Device: \$2,500; and
- For the replacement of a Product that was a Ventilator: \$11,835.

The Partial Settlement does not address personal injury claims. The Defendants continue to dispute the merits of those claims.

The Partial Settlement is not an admission of liability or wrongdoing or fault by any of the Defendants. The Defendants have had no role in the determination of Settlement Class Members’ eligibility to participate in the Partial Settlement or the allocation of benefits available to Settlement Class Members. If you have any questions about the distribution of settlement funds to Settlement Class Members, you should contact Class Counsel at the contact information noted below.

How do I participate?

If you are a Settlement Class Member and you want to participate in the Partial Settlement, **you do not need to do anything at this time.**

If you are a Quebec resident and have commenced an action regarding the Product(s), and you do not discontinue your action by **September 15, 2025**, you will be deemed to have opted-out of the Settlement Class and will not be able to participate in the Partial Settlement.

If the BC and Quebec Courts approve the settlement, further notice will be published on <https://cpapclassaction.ca/> regarding how to apply for compensation.

What if I do NOT want to participate in the settlement?

If the BC and Quebec Courts approve the Partial Settlement, it will be binding on all Settlement Class Members except for any Settlement Class Members who exclude themselves by Opting Out.

To Opt Out, you must complete and sign an Opt Out form, which is located on the Administrator’s website at: <https://cpapsettlement.kpmg.ca>, no later than 5:00 p.m. (Vancouver time) on **September 15, 2025**.

If you are a Québec resident, you must submit your Opt-Out form to the Clerk of the Superior Court of Québec no later than September 15, 2025, at the following address:

Clerk of the Superior Court of Québec
Montreal Courthouse
1 Notre-Dame St. East,
Montreal, Quebec H2Y 1B6

The envelope must be postmarked on or before September 15, 2025.

In addition, you may also send your Opt-Out Form to the Administrator using the methods described below.

If you reside in any other province or territory, you must send a copy of your Opt-Out form via pre-paid mail, courier, fax or email to the Administrator:

- Email: optout.cpapsettlement@kpmg.ca
- Fax: 514-840-2291
- Mail:

KPMG, CPAP Settlement Claims Administrator
600, boul. De Maisonneuve Ouest, Suite 1500
Montreal, Québec
H3A 0A3

If submitted by mail, the envelope must be postmarked on or before September 15, 2025. Submissions by email or fax must be received no later than 5:00 p.m. (Vancouver time) on September 15, 2025.

What are the legal fee arrangements?

Class Counsel will seek Court approval of:

- a legal fee of 30% of the settlement amount payable to the Settlement Class Members, plus applicable taxes (to a maximum amount of \$5,553,336.60 plus taxes);
- disbursements (expenses) incurred by Class Counsel to advance the National Class Action and administration expenses incurred by the Administrator to administer the settlement, plus applicable taxes; and
- an honorarium of \$5,000 to the BC Representative Plaintiff for the work and time undertaken by him in the Class Action.

Class Counsel fees, disbursements and any payments to the BC Representative Plaintiff are also subject to Court approval.

What if I want to object to the settlement or legal fees?

All Settlement Class Members have the right to object to the approval of the proposed Partial Settlement.

To make an objection, you must deliver a letter or written objection by pre-paid mail or email to the Administrator no later than 5:00 pm (Vancouver time) on **August 31, 2025**.

You should include the following information in the letter or written objection delivered to the Administrator:

- a) Your full name or if applicable, the name of the corporation you are representing, current mailing address, telephone number and email address;
- b) Confirmation that you are a settlement Class Member;
- c) A statement of the reasons why you are objecting; and
- d) Whether you intend to attend the court hearing on your own behalf or through a lawyer, and if by a lawyer, the name, address, telephone number and email address of the lawyer.

Court Documents, Hearings and Help

Court hearings will be held to seek approval of the Partial Settlement Agreement by the BC and Quebec Courts (the “**Settlement Approval Hearings**”). The Settlement Approval Hearings will take place on **September 29, 2025**, in person at 800 Smithe Street in Vancouver, or by MS-Teams, and on **September 19, 2025**, in person at 1, Notre Dame Street East in Montreal or by MS-Teams at [Link to be provided at approximately 8:45 am (Vancouver Time) on the morning of the hearing].

For more information or a copy of the Statement of Claim and Partial Settlement Agreement, go to the following website: <http://cpapsettlement.kpmg.ca>

The lawyers for the Representative Plaintiffs and Class Members are Rice Harbut Elliott LLP, Sotos LLP, Thomson Rogers LLP and Consumer Law Group (“**Class Counsel**”).

If you are not sure whether you are included in the Settlement Class, or have any other questions regarding this notice, you can ask for **free help** by contacting Class Counsel at info@cpapclassaction.ca or via phone at 1-888-796-1766.

You can also visit www.cpapclassaction.ca for more information.

This notice has been authorized by an order of the Supreme Court of British Columbia and the Superior Court of Quebec. Any questions about the matters in this notice should not be directed to the Courts.