

Authorized by the Ontario Superior Court of Justice
**NOTICE OF INTENT TO DISCONTINUE PROPOSED
DEPUY ATTUNE TOTAL KNEE ARTHROPLASTY (TKA)
IMPLANT CLASS ACTION**

THIS IS AN **IMPORTANT NOTICE** FOR DEPUY ATTUNE TOTAL KNEE ARTHROPLASTY (TKA) IMPLANT RECIPIENTS THAT **MAY AFFECT LEGAL RIGHTS**

IMPORTANT NOTICE

This is notice of an important development in a proposed class action on behalf of all individuals who were surgical recipients of the DePuy Attune Total Knee Arthroplasty (TKA) Implant which prematurely failed or is in the process of failing or have the Device implanted.

A. Background

The proposed class proceeding filed with the Ontario Superior Court of Justice on January 12, 2022, identified as *Lyon v DePuy Synthes Companies et al.*, Court File No. CV-22-00088312-00CP (the “Lyon lawsuit”), **will be discontinued effective November 1, 2023.**

The Lyon lawsuit alleges negligence by DePuy Synthes Companies, Synthes (Canada) Ltd., DePuy Orthopaedics Inc. and Johnson & Johnson Inc. in the design, constructing, manufacturing, inspecting, testing, and marketing of the ATTUNE Knee System total knee replacement implant devices used in patient knee replacement operations and their failure to warn patients and/or surgeons and other healthcare providers of the inherent dangers and risks in using its Device.

The Defendants deny these allegations.

B. The Proposed Class

The proposed class proceeding advanced claims on behalf of putative class members defined as all persons:

- i. who were surgical recipients of the ATTUNE® total knee arthroplasty implant which prematurely failed or is in the process of failing or have the Device Implanted (the “Patient Class”); and
- ii. all individuals who are entitled, by virtue of their relationship to a member of the Class, to assert claims pursuant to the *Family Law Act* and equivalent legislation from other Canadian jurisdictions (the “Family Class”).

C. Implications on Limitation Periods

Persons who believe that they come within the defined proposed classes above, **SHOULD TAKE NOTICE THAT** applicable and remaining limitation periods, if any, for bringing a claim which were “tolled” (i.e. paused) as of January 12, 2022, will resume running **on the date of Discontinuance on November 1, 2023.** On the expiry of the limitation period a person’s right to sue may be

extinguished. Such persons should take notice that the limitation period for bringing a claim, if there is any time left within it, will recommence running **on the date of Discontinuance on November 1, 2023**. If those persons do not commence their own actions within the applicable limitation period(s), then they may be prohibited from pursuing any claims they may have against the Defendants.

D. Action Required

As a result, surgical recipients of the DePuy Attune Total Knee Arthroplasty (TKA) Implant which prematurely failed or is in the process of failing or have the Device implanted wishing to claim compensation should seek legal advice and must commence their individual actions before their respective limitation period(s) expire. Failure to do so may restrict one's ability to pursue a claim for compensation.

E. Contact for Further Information

Do not call the Courthouse with any questions about this Notice. For further information regarding this proposed class proceeding and Notice of Intent to Discontinue, please visit <https://www.gluckstein.com/class-actions/depuy-attune-knee-system-class-action> or contact:

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