

## HAVE YOU TAKEN **PROPECIA OR PROSCAR**? YOU MAY BE A MEMBER OF A CLASS ACTION

Mr. Camilo Baratto was appointed as the representative of a class action against Merck Canada Inc. and Merck Frosst Canada & Co. (collectively "Merck") in the **District of Montreal**.

### WHO DOES IT CONCERN?

The class action is authorized on behalf of persons who meet **all of the following criteria**:

1. You **live in Quebec**;
2. You have been prescribed **Propecia or Proscar** for the treatment of **male pattern baldness**;
3. This prescription was made **before November 18, 2011**;
4. You have developed at least one side effect that **persisted after stopping the medication**:
  - Sexual dysfunction
  - Decreased libido;
  - Erectile dysfunction;
  - Ejaculatory disorders;
  - Decreased volume of ejaculate;
  - Shrinking of the genitals;
  - Gynecomastia;
  - Testicular pain;
  - Anhedonia and difficulty reaching orgasm;
  - Depression.

Anyone who meets the criteria may be eligible for compensation if the class action is successful.

### WHAT COULD YOU GET?

You could get compensation for the damage you suffered, including:

- your physical, psychological and moral damage;
- the costs of your care arising from the side effects of the drugs.

You could also get punitive damages of \$ 10,000.

**LAWYER FEES** will be paid only if successful and at a percentage approved by the Court. You have **nothing to pay** unless you get compensation.

**YOU CAN OPT OUT UNTIL OCTOBER 28, 2019**

You can opt out of the group if you do not want to participate in the class action.

This exclusion implies that you will not be entitled to any compensation if a favorable judgment or an agreement intervenes in this class action.

If you do not opt out from the class action, you will be bound by any judgment rendered in this action.

You have until October 28, 2019 to opt out from the class action.

To opt out, you must send a **letter to the Clerk of the Superior Court of Quebec** with a copy to Mr. Baratto's lawyers stating court number **500-06-000648-135**:

**Office of the Superior Court of Quebec**

(C.S.M. 500-06-000648-135)

1 Notre-Dame Street East,

Montreal (QC) H2Y 1B6

**Trudel Johnston & Lesperance**

750 Place d'Armes, suite 90

Montreal (QC) H2Y 2X8

info@tjl.quebec

## **YOU CAN ASK TO INTERVENE**

A member may ask the Court to intervene in the class action. The Court will allow the intervention if it is of the opinion that it is useful to the group.

## **QUESTIONS TREATED COLLECTIVELY**

The main questions that will be decided for the benefit of the members of the class action are:

a. Is the use of Propecia or Proscar associated or causes the following side effects:

- Sexual dysfunction
- Decreased libido;
- erectile dysfunction;
- Ejaculatory disorders;
- Decreased volume of ejaculate;
- Shrinking of the genitals;
- Gynecomastia;
- Testicular pain;
- Anhedonia and difficulty reaching orgasm;
- Depression.

b. Can these side effects persist after stopping the medication?

- c. Did Merck adequately inform the members of these side effects and the risk that they might persist after stopping the medication?
- d. Did Merck know or should have known the risks associated with the use of Propecia and Proscar?
- e. Has Merck breached its obligations to conduct adequate clinical trials before and after the sale of Propecia and Proscar?
- f. Did Merck commit a fault triggering its civil liability?

## **CONCLUSIONS SOUGHT**

Here is what the plaintiff is asking the Court for the benefit of the members of the group:

**GRANT** the class action of the Plaintiff and each of the Class members he represents;

**CONDEMN** the Defendants, jointly and solidarily, to pay the Plaintiff an amount of not less than \$ 100,000, subject to further amendment, in compensation for the physical, psychological and moral damages suffered, as well as past and future costs of care, increased by interest at the legal rate plus the additional indemnity since service;

**CONDEMN** the Defendants, jointly and solidarily, to pay to each of the other Class members an amount to be determined in compensation for the physical, psychological and moral damages suffered, as well as for the loss of income and the costs of past and future care, increased by interest at the legal rate plus the additional indemnity since service;

**CONDEMN** the Defendants, jointly and solidarily, to pay to each of the Class members an amount of \$ 10,000, subject to further amendment, as punitive damages, increased by interest at the legal rate plus the additional indemnity since the summons;

**ORDER** the collective recovery of Class members' claims for non-pecuniary damages, if the evidence so permits;

**ORDER** the collective recovery of class members' claims for punitive damages;

**ORDER** the collective recovery of class members' claims for pecuniary damages, if the evidence permits, and alternatively, order the individual recovery of class members' claims;

**THE WHOLE WITH COSTS**, including the costs of all notices and expert fees;

## STAY INFORMED

If you wish to receive information on the progress of the file, **you can register** with Trudel Johnston & Lespérance by completing the form at: <http://tjl.quebec/en/class-action/propecia-and-proscar/>.

You can also consult the registry of class action where all the procedures must be published: <https://www.registredesactionscollectives.quebec/en>.

You can **contact** Mr. Baratto's lawyers at the following coordinates:



**Trudel Johnston & Lespérance**  
750, Place d'Armes, suite 90  
Montreal (Quebec) H2Y 2X8  
Toll-Free: 1 844 588-8385  
[info@tjl.quebec](mailto:info@tjl.quebec)