

**NOTICE OF DISCONTINUANCE
OF THE CLASS ACTION**

Who is this notice intended for?

You are affected by this notice if you took Propecia or Proscar following a prescription made before November 18, 2011, AND you reside in Quebec, AND you developed at least one of the following side effects that **persisted after stopping the medication**:

- sexual dysfunction;
- reduced libido;
- erectile dysfunction;
- ejaculatory disorders;
- reduced volume of ejaculate;
- shrinking of the genitals;
- gynecomastia;
- testicular pain;
- anhedonia and difficulty reaching orgasm; or
- depression.

Discontinuance of the class action

On April 8, 2013, Plaintiff, Mr. Camilo Baratto, filed an application for authorization to institute a class action in damages (the “**Authorization Application**”) against *Merck Canada Inc. and Merck Frosst Canada & Co.* (the “**Defendants**”) with respect to the persistent side effects listed above after taking the drug Propecia or Proscar (the “**Medication**”).

The Plaintiff sought their liability as manufacturer and distributor of the Medication. The Statement of Claim alleged that the side effects listed above could persist after stopping the Medication. These allegations were not proven in Court and are contested by the Defendants.

Recently, the Plaintiff asked the Court for authorization to discontinue the class action. The *Reamended application to annul the authorization judgment or alternatively to discontinue the class action* filed on September 14, 2024 can be consulted on our firm’s website [2024-09-13-Demande-reamendee-pour-annuler-le-jugement-dautorisation.pdf](#).

On January 6, 2025, the Superior Court authorized the discontinuance of the class action and declared that the discontinuance would take effect 30 days after the publication of the notice to members. This means that the class action is abandoned. The judgment authorizing the discontinuance can be consulted on our firm’s website: [2025-01-06-Jugement-autorisant-le-desistement.pdf](#).

IMPORTANT: The parties' arguments regarding the merit of the class action were not heard by the Court and no decision was rendered regarding the potential liability of the Defendants. **By authorizing the discontinuance of the class action, the Superior Court did not rule on any individual recourse from which you could benefit.**

If a member decides to file an individual lawsuit against the defendants, the judgment provides that (1) the 3-year prescription period applicable to such an individual action may have been suspended continuously since the filing of the Application for Authorization, on April 8, 2013, to run again when the judgment authorizing the discontinuance of the class action acquires the authority of res judicata, (2) the interruption of the prescription will be cancelled retroactively as of the moment when the judgment authorizing the discontinuance acquires the authority of res judicata and (3) the discontinuance will take effect 30 days after the publication of this notice to members.

Without limiting the scope of the judgment authorizing the discontinuance, the defendants have further reserved all their rights, claims and defences against any individual action that a member may choose to take against them, including defences based on the claim that such individual action is prescribed.

If you wish to file an individual lawsuit, we encourage you to do so promptly to avoid losing rights.

This notice was approved by the Superior Court of Quebec.