

## Summary of the Settlement in the Zimmer Durom Cup Hip Implant Class Action

*TJL has prepared this summary to highlight the main elements of the Settlement Agreement, which will be submitted for approval to the Superior Court of Quebec on June 28, 2016. For more information, please consult the Settlement Agreement posted on TJL's website.*

The Agreement provides class members with various forms of compensation depending on the type of injury that they have suffered as a result of being implanted with the Zimmer Durom Cup.

In order to be eligible to receive compensation for a given injury, class members must have suffered the injury or had it diagnosed by the **Eligibility Deadline of September 1, 2015**.

### WHO CAN CLAIM COMPENSATION?

In order to receive compensation under the settlement, you must have received a “Durom Cup” hip implant manufactured by Zimmer. In order to demonstrate that you are a class member, you will need to demonstrate that you received the Durom Cup hip implant (see Schedule N of the Agreement).

Family Caregivers: The immediate family members of a class member may also be entitled to receive compensation.

Estates: If a person who received the Zimmer Durom Cup has passed away, their estate may submit a claim by completing Section B of Schedule A of the Settlement.

Personal Representatives: If you are the personal representative of a person who received the Zimmer Durom Cup, you may submit a claim on their behalf by completing Section B of Schedule A of the Settlement.

### WHAT COMPENSATION CAN CLASS MEMBERS CLAIM?

Class members, who suffered one or more of the following injuries by the Eligibility Deadline, can obtain the following forms of compensation, less Class Counsel Fees to be awarded by the Courts, and for Quebec class members, any percentage withheld by the Quebec Class Action Assistance Fund:

Injury	Amount	Eligibility
No Revision Surgery or Medical Condition that Precludes Surgery	\$600	You must have received the Zimmer Durom Cup.
Single Revision Surgery	\$70,000 <sup>1</sup>	You must have had a revision surgery by September 1, 2015;  OR  You must have been scheduled to have a revision surgery by September 1, 2015 and had it before the claims deadline.
Bilateral Revision Surgery	\$90,000 <sup>2</sup>	
Complication resulting from your Revision Surgery	\$10,000 to \$40,000 depending on the type of recognized complication.  Please consult Schedule L of the Agreement for more information.	You must have had a complication as a result of Revision surgery diagnosed by September 1, 2015.  The following complications are recognized: an infection, a blood clot, permanent nerve damage, a second revision surgery, a third revision surgery, a stroke, or death.

<sup>1</sup> Your compensation will be deducted by \$10,000 if your Durom Cup was *in vivo* for more than six years.

<sup>2</sup> Your compensation will be deducted by \$10,000 if your Durom Cup was *in vivo* for more than six years.

Medically Precluded from having a Revision Surgery	\$40,000	You were unable to undergo Revision Surgery due to the existence of a medical condition by September 1, 2015;
Principal Family Caregiver	\$5,000	You are an immediate family member who provided care for a Class Member who underwent a Revision surgery or was medically precluded from undergoing one.
Minor Children (2 Maximum)	\$500 each	You were the child of a Class Member who underwent a Revision surgery or was medically precluded from undergoing one;  AND  You were less than 18 years old when the Class Member was implanted with his or her Durom Cup.
Out-of-Pocket Expenses	Up to \$750 (if you no longer have your receipts)	You underwent a Revision surgery, or were medically precluded from undergoing one;  AND  Your expenses were incurred in connection with the Durom Cup.
	Up to \$2,500 (if you still have your receipts) <sup>3</sup>	
	Cost of the Device (if you paid for it yourself)	

### Definitions

- A “revision surgery” means an operation to remove a Durom Cup;

<sup>3</sup> If you have incurred out-of-pocket expenses in excess of \$2,500 and still have your receipts, you may be eligible to the reimbursement of those expenses. To claim those expenses, you must submit an Extraordinary Expense Form. Please consult Schedule G of the Agreement for more information.

- A “**bilateral revision**” means that a Class Member had a Durom Cup implanted into both his/her left and light hips and has undergone surgery(ies) to remove both Durom Cups;
- The “**Claims Deadline**” means the date that is 270 days after the date on which the Notice of Settlement Approval is disseminated;

*For a complete list of definitions, please consult the Settlement Agreement.*

## HOW DO I SUBMIT A CLAIM?

Before you can submit a claim, the Quebec, Ontario, and British Columbia Courts must first approve the settlement. Hearings are scheduled for June 28, 2016 in Quebec and British Columbia, and on July 14, 2016 in Ontario.

If the settlement is approved, you may submit a claim by completing the following forms:

Schedule A – Claimant Declaration;

Schedule F – Physician Declaration Form;

Schedule G – Extraordinary Expense Form (if you have incurred over \$2,500 in out-of-pocket expenses and have a copy of your receipts)

As Class Counsel, Trudel Johnston & Lespérance can help you file your claim and ensure that you have assembled all the documents required to support your claim.

## FOR MORE INFORMATION, CONTACT

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