

PRE-APPROVAL MAIL NOTICE

Dear Sir or Madam:

WHY AM I GETTING THIS LETTER?

Our records indicate that either you, or your family member, was implanted with a **St. Jude Silzone® Product**, either a **mechanical heart valve** or an **annuloplasty ring**.

You are receiving this letter because counsel for the Plaintiff and the Defendants in an action under the B.C. *Class Proceedings Act* named *Burnett v. St. Jude Medical, Inc. and St. Jude Medical Canada, Inc.* (Vancouver Registry Action No. S-014221), will be making an application in the British Columbia Supreme Court at 800 Smith Street, Vancouver, B.C. V6Z 2E1, on September 30, 2009, for certification of the proceedings as a class proceeding under the *Class Proceedings Act* and approval of the settlement that has been reached in this class action.

Should the Court certify the action and approve the Settlement Agreement, subject to certain opt-out rights, this settlement will be binding on all class members resident in British Columbia who have not opted out of the proceeding.

A “class member” is a person resident in British Columbia on the Approval Date (that is: October 2, 2009 or the date subsequently set thereafter by the Court), or date of death, whichever occurred first, and who was implanted in British Columbia or elsewhere with a Silzone® Product. The common issue sought to be certified is whether the Defendants breached a duty of care to the B.C. Class with respect to the design of any of the Silzone® Products.

A prior application for settlement approval was made in October 2008. Approval of that settlement was dismissed by the Court in January 2009. The Court’s Reasons for Judgment may be reviewed at: <http://www.courts.gov.bc.ca/jdb-txt/SC/09/00/2009BCSC0082.htm> or at Poyner Baxter’s website at the following address: <http://www.poynerbaxter.com>, or will be mailed to you on request. The application scheduled on September 30, 2009 is for approval of a revised settlement that adds compensation for psychological injuries to the compensation provided in the previous settlement.

1. WHAT ARE THE TERMS OF THE REVISED SETTLEMENT?

The Settlement Agreement allows recovery by certain persons who were implanted with one or more of the Silzone® Products, who do not opt out of the proceedings, and who are in the following categories:

1. Each person who was a B.C. resident on the Approval Date and who was implanted with a Silzone® Product in B.C. or elsewhere (“Settlement Class Member”) will receive a payment of \$500.00.
2. The estate of a Settlement Class Member who was a B.C. resident at the time of death, who died prior to the Approval Date, will receive \$500.00 by way of a payment to one family member, heir or executor of the estate.
3. Each Settlement Class Member (but not a deceased Settlement Class Member who died prior to the Approval Date) who developed a Minor Paravalvular Leak (“Minor PVL”) meeting the qualifying criteria in the Settlement Agreement for Minor PVL will receive compensation according to a Point Based System on a *pro rata* basis, that is: a proportionate percentage of the points awarded to each Settlement Class Member as compared to the total points of all Settlement Class Members to the terms of the Settlement Agreement.
4. Each Settlement Class Member who developed a major paravalvular leak meeting the qualifying criteria in the Settlement Agreement for Major Paravalvular Leak (“Major PVL”) and the estate of a Settlement Class Member who was a B.C. resident at the time of death, and died prior to the Approval Date and who met the qualifying criteria in the Settlement Agreement for Major PVL, will receive compensation according to a Point Based System on a *pro rata* basis. A Settlement Class Member who receives compensation for Major PVL is not eligible for compensation for Minor PVL.
5. Each Settlement Class Member who suffered a psychological injury meeting the qualifying criteria in the Settlement Agreement for Psychological Injury and the estate of a Settlement Class Member who was a B.C. resident at the time of death, and died prior to the Approval Date and who met the qualifying criteria in the Settlement Agreement for a Psychological Injury, will receive compensation according to a Point Based System on a *pro rata* basis.
6. Settlement Class Members, including deceased Settlement Class Members who were B.C residents at the time of death and died prior to the Approval Date, who suffered income loss as a result of developing Major PVL, Minor PVL or a Psychological Injury and meeting the income loss criteria in the Settlement Agreement will receive compensation on a *pro rata* basis from the Income Loss Fund as defined in the Settlement Agreement.

The total value of the revised settlement has been increased to \$2.13 million, comprised of a Compensatory Fund of \$1.83 million, an Income Loss Fund of \$225,000, a Psychological Injury Fund of \$50,000 and a Notice Fund of \$25,000.

In order to receive the benefits described above, a Settlement Class Member will need to submit a completed Claim Form.

2. OBJECTIONS TO PROPOSED SETTLEMENT

At the settlement approval hearing, the Court will consider any objections to the proposed settlement but only if the objection is sent in written form. For your information, the law firm of Camp Fiorante Matthews represented certain objectors at the previous application for settlement approval and has indicated that it will do so again at the hearing scheduled for September 30, 2009. Objections to the settlement must be sent on or before September 15, 2009 to Poyner Baxter LLP at 408 – 145 Chadwick Court, North Vancouver, B.C. V7M 3K1.

If you wish to object, your written objection should include:

- (a) your name, address, telephone number, fax number, and e-mail address;
- (b) a brief statement of the nature of and reason for your objection; and
- (c) whether you intend to appear at a settlement approval hearing in person, or by counsel, and if by counsel, the name, address, telephone number, fax number, and e-mail address of your counsel.

Class members who do not oppose the proposed settlement need not appear at the settlement approval hearings or take any other action at this time.

You may also obtain further information about the application and the Settlement from Poyner Baxter LLP, 408 –145 Chadwick Court, North Vancouver, B.C. V7M 3K1, Telephone: 604-988-6321, Facsimile: 604-988-3632, Email: info@poynerbaxter.com or you may appear at the Court application on September 30, 2009.

Details regarding the Settlement can be viewed at Poyner Baxter's website at the following address: <http://www.poynerbaxter.com>.