

## ABBREVIATED CERTIFICATION NOTICE

### NOTICE TO USERS OF PERMAX® CERTIFICATION OF THE PERMAX® CLASS ACTION

**This Notice contains information which should interest you. Please read it carefully.**

This notice is directed to all individuals who have ingested Permax® (also known as pergolide mesylate).

On February 8, 2010 the Ontario Superior Court of Justice certified the action of Banerjee v. Shire BioChem Inc. et al, Ontario Court File #05-CV-293457CP as a class proceeding against the Defendants Eli Lilly Canada Inc., Eli Lilly & Company and Shire BioChem Inc. (the "Class Action"). The Certification Motion has been adjourned as against the Defendant DRAXIS Specialty Pharmaceuticals Inc., formerly DRAXIS Health Inc.

Class Members are defined as all persons resident in Canada who were prescribed and ingested the drug Permax® (generic name: pergolide mesylate), in Canada at any time on or before the date of the certification order.

A sub-class has also been created for Class Members who were prescribed and ingested the drug Permax® in Québec.

Plaintiff and Eli Lilly Canada Inc., Eli Lilly & Company and Shire Canada Inc. (formerly Shire BioChem Inc.) are implementing a Negotiation Process in an effort to determine whether resolution of all claims may be possible without the need for a trial.

**If you have ingested Permax® and you claim, as a result, to have suffered damages relating to impulse control behaviour, such as pathological gambling, hypersexuality, or compulsive shopping or spending, you are eligible to apply for participation in the proposed Negotiation Process, and it is in your interest to do so.**

Class members wishing to participate in the Negotiation Process must **complete and forward the Negotiation Process Questionnaire by May 31, 2010.**

For persons residing in any provinces outside of Québec, the Negotiation Process Questionnaire can be obtained online at: [www.thomsonrogers.com/Permax/Questionnaire](http://www.thomsonrogers.com/Permax/Questionnaire) and be sent by mail, fax or email to Thomson, Rogers at the address below.

For persons residing in Québec, the Negotiation Process Questionnaire can be obtained online at: [www.Lauzonbelanger.qc.ca](http://www.Lauzonbelanger.qc.ca) and be sent by mail, fax or e-mail to Lauzon Bélanger Inc. at the address below.

**Please note that there is no guarantee that applying for the Negotiation Process will result in compensation to you. In participating in the Negotiation Process you will not incur any court costs.**

Class members who wish to participate in the Class Action need not do anything at this time. They are automatically included in the Class Action.

Any Class member who wishes to opt out of the Class Action must do so **on or before November 30, 2010** by sending a written election signed by the Class member stating that he or she opts out of the Class Action. For persons residing outside of Québec, the written election should be sent by pre-paid mail, courier or by email to Thomson, Rogers at the address below and for persons residing in Québec, the written election should be sent by pre-paid mail, courier or by email to Lauzon Bélanger Inc. at the address below.

This notice is a brief summary of the terms of court order. If there is any conflict between the provisions of this notice and the terms of the court order, the court order shall prevail. A more detailed version of this notice and the related court order may be viewed online at: [www.thomsonrogers.com](http://www.thomsonrogers.com) under the heading "Permax" class action or [www.lauzonbelanger.qc.ca](http://www.lauzonbelanger.qc.ca) under the headings "Our Class Actions" and "Pharmaceutical Drugs", or at [www.cba.org/recourscollectifs](http://www.cba.org/recourscollectifs) or [www.tribunaux.qc.ca](http://www.tribunaux.qc.ca).

Questions for counsel from Class Members outside of Québec shall be directed by email, fax, or telephone to:

Darcy R. Merkur  
Thomson, Rogers, Barristers and Solicitors  
390 Bay Street, Suite 3100  
Toronto, Ontario, M5H 1W2  
Toll free: 1-888-223-0448, Fax: 416-868-3134  
[dmerkur@thomsonrogers.com](mailto:dmerkur@thomsonrogers.com)

Questions for counsel from Québec sub-class members shall be direct by email, fax, or telephone to:

André Lespérance,  
Lauzon Bélanger Inc.  
286 St-Paul West, Suite 100  
Montréal, Québec, H2Y 2A3  
Telephone: 514-844-4646, Fax: 514-844-7009  
[info@lauzonbelanger.qc.ca](mailto:info@lauzonbelanger.qc.ca)