

## Notice of Proposed Settlement and Settlement Approval Hearing

### **DID YOU PURCHASE AND/OR INGEST U-DREAM IN CANADA ON OR AFTER AUGUST 18, 2014? YOUR LEGAL RIGHTS MAY BE AFFECTED.**

#### **Why did I get this Notice?**

All persons in Canada who purchased or ingested **U-Dream** on or after August 18, 2014 (the “**Class**” or “**Class Members**”) have the right to know about a proposed settlement that has been reached in a lawsuit *Ruckman v. Biotrade Canada Ltd., et al.*, S.C.B.C. No. VLC S-1914497 (the “**Class Action**”).

On March 15, 2024, the BC Supreme Court certified the Class Action for the purpose of settlement. A copy of the Court’s order can be obtained at [www.udreamsettlement.ca](http://www.udreamsettlement.ca).

The proposed settlement of the Class Action must be approved by the Court to become binding. The settlement is a compromise of disputed claims and is not an admission of liability or wrongdoing or fault by any of the Defendants.

The plaintiff who filed the lawsuit on behalf of the Class Members is James Douglas Ruckman (called the “**Representative Plaintiff**”).

The lawyers for the Class are Rice Harbut Elliott LLP (“**Class Counsel**”).

#### **What is this lawsuit about?**

U-Dream is an over-the-counter sleep aid product that was manufactured and/or distributed by Biotrade Canada Ltd., London Drugs Limited, Rexall Pharmacy Group Ltd., Rexall/Pharma Plus Pharmacies Ltd., Whole Foods Market, Whole Foods Market Canada Inc. and PNP Pharmaceuticals Inc (the “**Defendants**”) in Canada.

The Plaintiff alleges that U-Dream was contaminated by an undisclosed ingredient and should never have been sold. Further, the Plaintiff alleges that it caused some Class Members to sustain injuries.

#### **Who are the Class Members affected by the settlement?**

The Class consists of:

- a) all persons in Canada who purchased or ingested U-Dream between August 18, 2014 to present; and
- b) where such persons in (a) are deceased, all living parents, spouses or children entitled to maintain a claim against the Defendants pursuant to the Family Compensation Act, R.S.B.C. 1996, c. 126, and persons entitled to bring similar claims in other Provinces and Territories.

If you are not sure whether you are included in the Class, you can ask for free help by visiting [www.udreamsettlement.ca](http://www.udreamsettlement.ca) for more information or send an email to [info@udreamsettlement.ca](mailto:info@udreamsettlement.ca).

#### **Will I receive compensation from this settlement if it is approved?**

The amount of compensation each Class Member is entitled to depends on the particular circumstances of the Class Member and will be determined by reference to a settlement distribution protocol to be approved by the Court, a draft of which can be found at [www.udreamsettlement.ca](http://www.udreamsettlement.ca).

The current projection is that Class Members with personal injuries may be entitled to payments ranging from \$1,000 to \$40,000, depending on the type of injury they sustained. In addition, Class Members with personal injuries may be entitled to payments for disability, unemployment, or other out-of-pocket losses.

Class Members claiming refunds may be entitled to payments of \$15 or more with proof of purchase.

The precise amount of claims may be reduced depending upon the number of claims that are made and the cost of settlement administration fees.

#### **What are the terms of the settlement?**

The settlement provides for the payment of up to \$2,734,485 by the Defendants, in exchange for a full release of all claims against them by the Class and the public health insurers who have paid for health services for Class Members, and a bar order precluding claims from being brought or maintained against the Defendants relating to or arising out of the manufacture and distribution of U-Dream.

A further Court hearing will be held to seek approval of the Settlement Agreement by the Court (the “**Settlement Approval Hearing**”). The Settlement Approval Hearing will take place on August 2, 2024 by MS-Teams.

If the Court approves the proposed settlement, it will be binding on all Class Members who do not opt out of the proceeding.

The full settlement terms and court documents are available at the following link: [www.udreamsettlement.ca](http://www.udreamsettlement.ca).

**How do I participate?**

**If you are a Class Member and you want to participate in the settlement, you do not need to do anything.** You are automatically included as a Class Member unless you opt out of the applicable proceeding.

After the Court approves the settlement, you will be notified in writing regarding how to apply for compensation.

You may contact Class Counsel if you would like to be notified when this information becomes available.

**What if I do NOT want to participate in the settlement?**

If you do not want to participate in the settlement, you may exclude yourself (“**Opt Out**”).

In order to Opt Out, you must complete and sign an Opt-Out form and deliver it to Class Counsel by mail, courier, or email no later than the Opt-Out Deadline, which is 60 days after the date on which this Notice was first published, or July 9, 2024. The Opt-Out form is available at [www.udreamsettlement.ca](http://www.udreamsettlement.ca).

The Opt-Out form must be emailed to [info@udreamsettlement.ca](mailto:info@udreamsettlement.ca), or mailed or couriered to:

UDreamSettlement C/O  
RicePoint Administration, Inc.  
P.O. Box 3355  
London, ON N6A 4K3

**What are the legal fee arrangements?**

Under the terms of their retainer agreement with the Representative Plaintiff, Class Counsel will seek approval of a legal fee of 30% of the settlement amount payable to the Class Members, plus disbursements, applicable taxes, administration expenses, and an honorarium of \$5,000 to the Representative Plaintiff.

Class Counsel fees, disbursements and any payments to the Representative Plaintiff are also subject to Court approval to ensure fairness.

**What if I want to object to the settlement or legal fee?**

All Class Members have the right to let the Court know of any objection they have to the approval of the Settlement Agreement, claims administration and distribution protocol, Class Counsel fees, disbursements, administration expenses or the payment of an honorarium to the Representative Plaintiff. To make an objection, you must deliver a letter or written objection by pre-paid mail, courier, or email to Class Counsel no later than 60 days after the date on which this Notice was first published, or on or before 5:00 pm PT on **July 9, 2024**.

If a Class Member wishes to object, the following information must be included in the letter or written objection delivered to Class Counsel:

- a) The objector’s full name, current mailing address, telephone number and email address;
- b) Confirmation that the objector is a member of the Class;
- c) A statement of the nature and reasons for the objection; and
- d) Whether the objector intends to attend the court hearing on their own behalf or through a lawyer, and if by a lawyer, the name, address, telephone number and email address of the lawyer.

**For more information or a copy of the Settlement Agreement**, go to the following website:

[www.udreamsettlement.ca](http://www.udreamsettlement.ca)

You may also contact Class Counsel at [kpaul@rhelaw.com](mailto:kpaul@rhelaw.com) or via mail at the address below.

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This Notice has been authorized by an order of the Supreme Court of British Columbia.