

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR. JUSTICE) FRIDAY, THE 25TH DAY
)
MAURICE CULLITY) OF MAY, 2007

B E T W E E N

AHMAD SERHAN, deceased, By his Trustee without a will
ZEIN AHMAD SERHAN and BEVERLEY GAGNON

Plaintiffs

and

JOHNSON & JOHNSON,
LIFESCAN CANADA LTD. and LIFESCAN, INC.

Defendants

Proceedings under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION brought by the representative plaintiffs regarding notice of certification was heard this day at the courthouse, 361 University Avenue, Toronto, Ontario.

ON READING the motion record, filed, containing the affidavit of Heather Rumble Peterson, sworn May 24, 2007,

AND ON HEARING submissions of counsel for the plaintiffs and counsel for the defendants,

1. THIS COURT ORDERS that a Class Member may only opt out of the class action on or before 5:00 p.m. ET, on August 31, 2007, in accordance with the procedure set out herein.
2. THIS COURT ORDERS that a Class Member may only opt out of the class action by sending a written election to opt out, signed by the Class Member, to: Howie & Partners, Chartered Accountants, Attention: SureStep Class Action by prepaid mail or courier to 3036 Walker Road, Windsor, Ontario, Canada N8W 3R4, or by fax to 519-250-1929 or by email to sarkis.isaac@howieca.com.
3. THIS COURT ORDERS that no person may opt out a minor or a mentally incapable person without leave of this court on notice to The Children's Lawyer or the Public Guardian and Trustee, as appropriate.
4. THIS COURT ORDERS that no Class Member may opt out of the class action after August 31, 2007 at 5:00 p.m. ET.
5. THIS COURT ORDERS that on or before September 21, 2007, Sarkis Isaac of Howie & Partners shall report to Mr. Justice Cullity by affidavit the names and addresses of those Class Members, if any, who have opted out of the class action.

6. THIS COURT ORDERS that for the purpose of this order "Notice" means the notice generally in the form of the notice attached as Schedule 1.

7. THIS COURT ORDERS that the Notice be:
 - (a) published as a ¼ page advertisement once in the first section, national edition of *The Globe and Mail* between June 15, 2007 and July 5, 2007 and that the defendants shall pay the cost of publishing the Notice in *The Globe and Mail*;
 - (b) with the consent of the Canadian Diabetes Association, posted at www.diabetes.ca;
 - (c) posted at www.surestepclassaction.com;
 - (d) available orally by recorded message at counsel's toll-free phone line 1-800-229-5323; and
 - (e) forwarded by counsel to any person who requests it.

8. THIS COURT ORDERS that the defendants shall deliver an affidavit of documents on or before September 30, 2007.


9. THIS COURT ORDERS that the defendants shall produce their documents to the plaintiffs in stages and that the first stage of this production shall occur on or before August 1, 2007.

10. THIS COURT ORDERS that the examinations for discovery of the defendants shall be held in Toronto, Ontario.

11. THIS COURT ORDERS that the examinations for discovery shall be completed on or before February 28, 2008.


JUSTICE

486756

ENTERED AT WINDSOR	
In Book No.	18
re Document No.	1095
on	JUN 28 2007
by	

**NOTICE TO USERS OF CERTAIN SURESTEP BLOOD GLUCOSE METERS AND TEST STRIPS
CERTIFICATION OF THE SURESTEP CLASS ACTION**

Read this notice carefully as it may affect your rights.

THE CLASS ACTION

This notice is directed to all individuals who acquired certain SureStep blood glucose meters and test strips, as defined below, on or after February 1, 1996.

A class action is pending in the Ontario Superior Court of Justice seeking monetary relief as a result of the acquisition and use of affected SureStep blood glucose meters and test strips which contained defects known to the defendants.

THE CERTIFICATION ORDER

On July 6, 2004, Mr. Justice Maurice Cullity certified the action *Serhan et al. v. Johnson & Johnson, LifeScan Canada Ltd. and LifeScan, Inc.*, file # 01-GD-51928 (the "Class Action") as a class proceeding and appointed Zein Serhan, Trustee without a will of Ahmad Serhan, and Beverley Gagnon as the representative plaintiffs of the Class defined as follows:

All individuals in Ontario and elsewhere in Canada, except British Columbia and Quebec, who acquired a SureStep blood glucose meter manufactured before August 1, 1997, bearing a serial number the first five digits of which were in the series L6000 to L7205 or a serial number in the series L7206-GA-00001 to L7206-GA-01128, in Canada on or after February 1, 1996 and/or who used a SureStep test strip, manufactured before March 1, 1998 on or after February 1, 1996, and the personal representatives of any such individuals who have died.

If you are a member of the Class, your rights will be affected.

Each member of the Class who does not opt out of the Class Action will be bound by the terms of any judgment or settlement in the Class Action whether favourable or not. He or she will be entitled to share in the amount of any award or settlement recovered in the Class Action.

CLASS MEMBERS MUST OPT OUT IF THEY DO NOT WISH TO PARTICIPATE IN THE CLASS ACTION

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.

Members of the Class who do not wish to participate in the Class Action must opt out of the Class Action.

Any Class member who wishes to opt out of the Class Action must do so on or before 5:00 p.m. E.T. on August 31, 2007 by sending a written election signed by the Class member stating that he or she opts out of the Class Action to Howie & Partners, Chartered Accountants, Attention: SureStep Class Action:

by pre-paid mail or courier to: 3036 Walker Road, Windsor, ON, N8W 3R4 or by fax to: 519.250.1929 or by email to: sarkis.isaac@howieca.com.

No Class member will be permitted to opt out of the Class Action after August 31, 2007.

No person may opt out a minor or a mentally incapable person without permission of the court after notice to The Children's Lawyer or the Public Guardian and Trustee, as appropriate.

LEGAL FEES AND DISBURSEMENTS

Counsel have entered into an agreement with the representative plaintiffs with respect to legal fees and disbursements. The agreement provides that counsel will not receive payment for their work unless the Class Action is successful or costs are received from the defendants. The agreement, which must be approved by the court to be effective, provides for a contingency fee of at least 25% of the amount recovered in the Class Action.

The plaintiffs have received financial support from the Class Proceedings Fund. As a result, if the Class Action is successful, the Class Proceedings Fund is entitled to 10% of any monetary award or settlement plus the amount of any financial support the Fund paid to the plaintiffs.

Members of the Class will not be personally liable to pay counsel any legal fees or disbursements.

ADDITIONAL INFORMATION

Any questions about the matters in this notice should NOT be directed to the court because its administrative structure is not designed to address this type of inquiry. The certification order and other information may be obtained by visiting the website at www.surestepclassaction.com.

Questions for counsel should be directed by email, fax or telephone to:

Harvey T. Strosberg, Q.C.
Tel: 1-800-229-5323 toll free
Fax: 1-866-316-5308 toll free
e-mail: surestepclassaction@strosbergco.com

Kirk Baert
Tel: 416-595-2117
Fax: 416-204-2889
e-mail: kbaert@koskieminsky.com

INTERPRETATION

This notice is a summary of the terms of the certification order. If there is any conflict between the provisions of this notice and the terms of the certification order, the certification order shall prevail. The certification order may be reviewed at the website www.surestepclassaction.com.

This notice is approved by The Honourable Mr. Justice Maurice Cullity of the Ontario Superior Court of Justice.

SERHAN et al.

Plaintiffs

vs. JOHNSON & JOHNSON et al.

Defendants

Court File No. 01-GD-51928

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT WINDSOR

ORDER

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