

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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| IN RE: PHILIPS RECALLED CPAP, BI-LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS LITIGATION | : | Master Docket: Misc. No. 21-mc-1230-JFC |
| | : | |
| | : | MDL No. 3014 |
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| This Document Relates to: | : | |
| All Actions Asserting Claims for Medical Monitoring | : | |

ORDER

AND NOW, this 16th day of July, 2024, upon consideration of the Parties' Joint Motion to Publish the Medical Monitoring Class Settlement Notice on this Court's Website, it is HEREBY ORDERED that the Motion is GRANTED and the Clerk of Court is directed to publish the Medical Monitoring Class Settlement Notice attached hereto as Exhibit "A" on the Court's website at <https://www.pawd.uscourts.gov/mdl-3014-re-philips-recalled-cpap-bi-level-pap-and-mechanical-ventilator-products-litigation>.

s/Joy Flowers Conti
Honorable Joy Flowers Conti
Senior United States District Judge

Dated: July 16, 2024

EXHIBIT “A”

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*In re Philips Recalled CPAP, BI-LEVEL PAP, and Mechanical Ventilator Products Litigation,
No. 21-mc-1230, MDL 3014*

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

A court authorized this Notice. This is not a solicitation from a lawyer.

*Para la notificación en Español, visite el sitio web
www.RespironicsMedicalAdvancementProgram.com*

If you used a Philips Respironics CPAP, BiPAP or Ventilator that was recalled, you will receive Medical Advancement Program Benefits for 15 years from a proposed class action settlement of Medical Monitoring Claims if the settlement is approved.

- **If the proposed Settlement is approved, you will release certain claims (described below in FAQ #4). However, you will *not* be releasing any individual claims you may have for payment of your medical monitoring expenses, whether incurred in the past or in the future, related to your use of a Recalled Device (e.g., out-of-pocket costs you incur for necessary and prescribed testing to monitor for potential illnesses you do not yet have). The Settlement also does *not* release any claims for personal injuries relating to the Recalled Devices.**
- This Settlement is *separate* from the settlement and release of Economic Loss Claims relating to the Recalled Devices. The Court granted final approval of the Economic Loss Settlement on April 25, 2024.
- The proposed Settlement has been reached in a federal class action lawsuit that seeks to resolve Medical Monitoring Claims relating to certain CPAPs, BiPAPs, and ventilators that were recalled by Philips Respironics beginning in June 2021 (the "Recalled Devices"). These devices were sold in the U.S. between 2008 and 2021. The benefits of the Settlement are summarized in the Q&A section below.
- You are included in the proposed Settlement if you are a U.S. citizen or resident (including its Territories and the District of Columbia) who has used a Recalled Device.
- Your legal rights are affected by the proposed Settlement even if you do nothing.
- **Your rights and the deadline to exercise them are summarized in this notice. Please read this entire notice carefully.** More details concerning the full Settlement Agreement, and other relevant documents, are available at www.RespironicsMedicalAdvancementProgram.com.
- Please note that this is a non-opt out Settlement, meaning you do not have the right to opt out or request exclusion from the Settlement Class. But you do have the right to object to the Settlement or the request for attorneys' fees, costs, and service awards, if you wish.
- Capitalized terms in this Notice have the same meaning as defined in the Settlement Agreement.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT

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| Object to the Settlement | If you object to the proposed Settlement, you must mail your objection to the Notice Administrator by the Objection Deadline. Failure to meet the deadline will render your objection invalid and waived. <ul style="list-style-type: none">• Go to www.RespironicsMedicalAdvancementProgram.com | Your objection must be postmarked on or before September 25, 2024. |
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| | for more information on how to make a valid objection to the Settlement. | |
| Go to a Hearing | If you wish to speak in Court regarding an objection that you have submitted, you must submit a timely written request to the Notice Administrator. | Your request to appear at the hearing must be postmarked on or before September 25, 2024. |
| Do Nothing | You do not have to do anything to benefit from the Settlement. If the Settlement becomes Final, you will not be able to sue the Philips Defendants or any of the Released Parties for the Medical Monitoring Claims, as defined in the Settlement Agreement. However, your ability to bring an individual claim (meaning a claim on your own individual behalf and not on behalf of others) for payment of your past or future medical monitoring expenses related to your use of a Recalled Device will not be released even if you do nothing. | None |

Frequently Asked Questions (FAQs)

1. Why am I receiving this Notice?

A Court authorized this Notice to U.S. citizens or residents who have used one or more of the following CPAP, BiPAP, or ventilator devices recalled by Philips Respironics: System One 50 Series ASV4 (Auto SV4); System One 50 Series Base; System One 50 Series BiPAP; System One 60 Series ASV4 (Auto SV4); System One 60 Series Base; System One 60 Series BiPAP; C-series S/T, AVAPS (C-series and C-series HT); DreamStation CPAP; DreamStation ASV; DreamStation ST, AVAPS; DreamStation BiPAP; DreamStation Go; E30; OmniLab Advanced Plus; Trilogy 100/200, Garbin Plus, Aeris LifeVent; V30 auto.

2. What are the Settlement Benefits?

The Philips Defendants have agreed to pay \$25 million into a Settlement Fund, and they shall *not* be entitled to a return of the Settlement Payment if the Settlement is approved and becomes Final. The Settlement Fund will be used to create Medical Advancement Program Benefits for Settlement Class Members for a period of 15 years, which will consist of:

- Funding independent medical research ("MAP Research") which will contribute to the advancement of public knowledge and education with respect to the detection, diagnosis, and/or treatment of those injuries alleged to have been caused by use of the Recalled Devices;
- Establishing a research registry for Settlement Class Members to which they can elect to submit authorizations for the release and disclosure of medical information protected by HIPAA, 45 CFR § 164.508, for purposes of review and evaluation in connection with the independent medical research referenced above;

- Establishing and maintaining an interactive website for Settlement Class Members to access the current medical information and guidance regarding the long-term health effects, if any, of use of the Recalled Devices ("Relevant Medical Information and Guidance") and any valid and medically relevant results of the MAP Research; and
- Periodically posting on the Settlement Website Relevant Medical Information and Guidance, which will be provided in a user-friendly format for affected individuals who do not have a medical or scientific background, and disseminating the same to Settlement Class Members who register to receive notifications.

The research grants will be approved by the MDL Court, and approved grants will be posted to the Settlement Website. Please visit the Settlement Website, www.RespironicsMedicalAdvancementProgram.com, for updates.

No payments will be made to Settlement Class Members under the Settlement.

The Settlement Fund will be used to provide the Medical Advancement Program Benefits and will not be distributed to Settlement Class Members.

The Court in charge of this case still has to decide whether to grant final approval of the proposed Settlement. The Medical Advancement Program Benefits for Settlement Class Members will be provided if the Court approves the proposed Settlement, and after any appeals are resolved in favor of upholding the Settlement. This process can take time. Please be patient. You do not need to do anything or fill out any forms in order to be able to receive the Medical Advancement Program Benefits.

3. What are My Options?

You do not have the right to opt out of, or otherwise request exclusion from, the Settlement.

However, you may **Object** to the Settlement or to the request for attorneys' fees, reimbursement of costs and expenses, and service awards by September 25, 2024. **Failure to timely and properly Object by the Objection Deadline will render your objection invalid and waived.** Please visit www.RespironicsMedicalAdvancementProgram.com for more information on how to Object to the Settlement. If you submit an objection, and would like to speak in Court regarding your objection, you may submit a written request to the Notice Administrator to appear at the Final Approval Hearing. Your request to appear must be post-marked by September 25, 2024.

If you **Do Nothing and the Settlement becomes Final**, then you will automatically be permitted to benefit from, and be legally bound by, the terms of the Settlement, and you will release your Medical Monitoring Claims against the Philips Defendants and the other Released Parties. However, your right to bring an individual claim for payment of your past or future medical monitoring expenses related to your use of a Recalled Device will *not* be released.

4. What are the Medical Monitoring Claims being given up if the Settlement is approved?

The Medical Monitoring Claims consist of any claims for medical monitoring that were asserted or alleged, or could have been asserted or alleged, in the litigation, including the claims alleged

and the relief sought in the Medical Monitoring Complaint. Medical Monitoring Claims include all claims brought as a class action or on an aggregate or mass basis (meaning claims brought on behalf of multiple individuals or on behalf of anyone in addition to yourself). **Medical Monitoring Claims do not include individual claims for payment of that individual's medical monitoring expenses related to the individual's use of a Recalled Device. So, if you used a Recalled Device in a State that allows you to seek individual payment for past or future medical monitoring expenses (e.g., out-of-pocket costs you incur for necessary and prescribed testing to monitor for potential illnesses you do not yet have), you are not releasing those individual claims under this Settlement.**

Details regarding the Release are in Section 4 of the Settlement Agreement, which can be viewed at www.RespironicsMedicalAdvancementProgram.com.

5. Do I have a Lawyer for these Medical Monitoring Claims?

Yes. The Court appointed the following lawyers to represent you and the other Settlement Class Members: Christopher A. Seeger of Seeger Weiss LLP; Sandra L. Duggan of Levin Sedran & Berman LLP; Steven A. Schwartz of Chimicles Schwartz Kriner & Donaldson-Smith LLP; Kelly K. Iverson of Lynch Carpenter, LLP; and Roberta D. Liebenberg of Fine, Kaplan and Black, R.P.C.

These firms are called Settlement Class Counsel. You will not be charged for their services. They will be seeking attorneys' fees, reimbursement of costs and expenses, and service awards totaling in the aggregate up to 20% of the \$25 million Settlement Fund, and their motion will be posted on the Settlement website when filed.

The Court's Final Approval Hearing.

The Court will hold a Final Approval Hearing on **October 30, 2024 at 10:30 a.m.**, in Courtroom 5A of the Joseph F. Weis, Jr. U.S. Courthouse, 700 Grant Street, Pittsburgh, PA 15219.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to Objectors who have timely and properly asked to speak at the hearing. The Court will then decide whether to approve the Settlement.

The Court will also decide how much should be awarded with respect to the motion for attorneys' fees, reimbursement of costs and expenses, and service awards that will be filed by Settlement Class Counsel.

The Court may reschedule the Final Approval Hearing or change any of the deadlines described in this Notice. Be sure to check the website, www.RespironicsMedicalAdvancementProgram.com, for news of any such changes.

For more information, visit www.RespironicsMedicalAdvancementProgram.com.