

SETTLEMENT OF THE PERMAX® CLASS ACTION NOTICE TO USERS OF PERMAX®

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

This notice is directed to all persons who were prescribed Permax® (also known as pergolide mesylate). In class actions launched in Ontario and in Quebec it was alleged that Permax caused impulse control behavior, including, pathological gambling, hypersexuality, compulsive shopping or spending or any other compulsive behavior. 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, on consent, against the Defendants Eli Lilly Canada Inc., Eli Lilly & Company and Shire Canada Inc. (formerly Shire BioChem Inc.) (“Shire”) (the “Class Action”). The Certification Motion was adjourned as against the Defendant Jubilant DraxImage Inc. (formerly DRAXIS Specialty Pharmaceuticals Inc. and formerly DRAXIS Health Inc) (“Draxis”).

You are a Class Member if you are a resident in Canada and were prescribed and ingested the drug Permax® (generic name: pergolide mesylate), in Canada at any time on or before February 8, 2010. A sub-class was created for Class Members who were prescribed and ingested Permax® in Québec on or before February 8, 2010. The Opt-Out deadline for this class action passed on November 30, 2010. No person has opted out of the action.

A settlement has now been reached by the parties, **subject to approval by the Court**. If you have ingested Permax® and you claim, as a result, to have suffered damages relating to impulse control behaviour, including, pathological gambling, hypersexuality, compulsive shopping or spending, or any other compulsive behaviour, you are eligible to apply for compensation under the settlement.

The settlement was reached through negotiations between the parties and is based on the quality of the information contained in Class Members' Questionnaires and their supporting documentation regarding their individual claims.

The settlement will be considered by the Court at a motion on December 15, 2011 (the “Approval Motion”), or such other date ordered by the Court, in Toronto, Ontario. If the proposed settlement is approved, the action will also be certified as against Draxis, for settlement purposes only. The proposed settlement will provide compensation to known Class Members with valid claims who have already identified themselves to Thomson, Rogers or Lauzon Bélanger Lespérance (together “Class Counsel”) **and those with valid claims who identify themselves and apply to be part of the settlement on or before October 31, 2011.**

Class Members who have already submitted Questionnaires to Thomson, Rogers or Lauzon Bélanger Lespérance, as part of a Negotiation Process that expired on May 31, 2010, or otherwise, need not do anything further and will be contacted by Thomson, Rogers or Lauzon Bélanger Lespérance, to be informed how the proposed settlement will deal with their individual claims.

Class Members who have not already submitted questionnaires to Thomson, Rogers or Lauzon Bélanger Lespérance must identify themselves and apply to be part of the settlement by October 31, 2011, in order to participate in the settlement and failure to do so will forever disentitle you from making a claim for compensation.

Only those people who have already contacted and submitted valid claims and questionnaires to Thomson, Rogers or Lauzon Bélanger Lespérance, or who now submit a valid claim by October 31, 2011, will be able to make a claim under any settlement, if approved. For a claim to be considered for compensation, Class Members must complete the Questionnaire which is available at <http://www.thomsonrogers.com/permax> and attach a doctor's letter to confirm the existence of the impulse control behaviour. There is no guarantee that submitting a claim will result in compensation to you. New claims will be subject to the same analysis and treatment as known claims. The potential settlement may be nullified if more Class Members than expected come forward with valid claims.

If you wish to make submissions for or against the proposed settlement at the Approval Motion, and you live outside of Quebec, please send a request in writing with a summary of your submissions to Thomson, Rogers at the address listed at the end of this Notice, by no later than October 31, 2011. Residents of Quebec who wish to make submissions for or against the proposed settlement should send a request in writing with a summary of your submissions to Lauzon Bélanger Lespérance at the address listed at the end of this Notice, by no later than October 31, 2011. Persons making submissions by the deadline will be provided with further information on how they may participate in the Approval Motion.

Subject to court approval, Class Counsel will be seeking the approval of total fees of approximately \$820,000.00, inclusive of all disbursements and applicable taxes. Class Counsel were retained on a contingent basis. Class Counsel were responsible for funding all disbursements incurred in pursuing this litigation. Pursuant to the settlement, the Defendants have agreed to pay a total of \$300,000.00 towards Class Counsel's legal fees, disbursements and applicable taxes.

No further notice will be given following the approval hearing unless ordered by the Court.

Further details of the settlement are available by contacting Thomson, Rogers or Lauzon Bélanger Lespérance, or by visiting the law firm websites at www.thomsonrogers.com or www.lblavocats.ca.

Questions for counsel from Class Members outside of Québec should 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

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

André Lespérance,
Lauzon Bélanger Lesperance
286 St-Paul West, Suite 100
Montréal, Québec, H2Y 2A3
Telephone: 514-844-4646, Fax: 514-844-7009
info@lblavocats.ca