



COURT FILE NO. 1201-12838
 COURT COURT OF KING’S BENCH OF ALBERTA
 JUDICIAL CENTRE CALGARY
 PLAINTIFFS (APPLICANTS) FIONA SINGH and MUZAFFAR HUSSAIN by his litigation representative FIONA SINGH
 DEFENDANTS (RESPONDENTS) GLAXOSMITHKLINE INC., GLAXOSMITHKLINE LLC, and GLAXOSMITHKLINE PLC.

C90529

CMH
Sept 24, 2024

Brought under the Class Proceedings Act

DOCUMENT
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<p>AFFIDAVIT OF PAUL BATTAGLIA (affirmed September 11th, 2024)</p>

I, **PAUL BATTAGLIA**, of the City of St. Catharines, in the Province of Ontario, **MAKE OATH AND SAY:**

- I have personal knowledge of the facts attested to herein, except where stated to be on information and belief, and whereso stated, I have identified the source of my information, and, in each case, I believe the information to be true.

2. I submit this affidavit as president of Trilogy Class Action Services (“**Trilogy**”), the Court appointed Notice Provider and Opt Out Administrator in this class proceeding, and the Claims Administrator in the *National Class Action Settlement Agreement*, signed September 11th, 2024 (“**Settlement Agreement**”).
3. I am the founder and president of Trilogy, a class action administration, advertising, and notification firm located in St. Catharines, Ontario. Trilogy has 15 years of experience in the design and implementation of notice plans as notice provider, opt out administrator, and claims administrator. I detailed that experience in my affidavit previously filed in this matter on February 5th, 2024.
4. Pursuant to the *Order (Settlement Approval Hearing Notice)*, dated June 5th, 2024 (the “**Order**”), the Honourable Justice E.J. Sidnell appointed Trilogy as Notice Provider to disseminate the *Settlement Approval Hearing Notice* (the “**Notice**”) by July 5th, 2024.
5. Pursuant to paragraph 2(a) of the *Order*, on Friday July 5th, 2024, Trilogy sent the Notice by email to individuals who identified themselves as class members. Trilogy emailed both the English and French versions of the *Notice* to their confirmed email address as per the list used for the Certification Notice.
6. Pursuant to paragraph 2(b) of the *Order*, on July 5th, 2024, Trilogy posted both the English and French versions of the *Notice* on their respective opt out website pages at:

English: <https://www.paxilbirthdefectsclassaction.ca/notice>
French: <https://fr.paxilbirthdefectsclassaction.ca/notice>
7. Pursuant to paragraph 2(c) of the *Order*, on July 5th, 2024, Trilogy commenced the publication of the *Notice* by way of a paid Google media advertising campaign for 30 days.

8. Pursuant to paragraph 2(d) of the *Order*, on July 5th, 2024, Trilogy sent the *Notice* by email and regular mail to the provincial and territorial government health care authorities and public guardians and trustees.
9. Pursuant to Section 5 of the proposed *Settlement Agreement*, Trilogy is prepared to accept the appointment as Notice Provider to disseminate the *Notice of Settlement Approval* and Claims Administrator, subject to approval of the Court.
10. Trilogy is able and willing to disseminate the *Notice of Settlement Approval* pursuant to paragraphs 1 through 5 of Schedule “B” of the *Settlement Agreement*.
11. Trilogy is able and willing to comply with all its duties and responsibilities pursuant to the parameters outlined in the *Settlement Agreement*.
12. Trilogy is able and willing to comply with all its duties and responsibilities pursuant to the *Distribution Protocol* attached as Schedule “D” to the *Settlement Agreement*.
13. Trilogy is able and willing to comply with all its duties and responsibilities pursuant to the *Order (Settlement Approval)* proposed to be issued by the Court at the settlement approval hearing on September 24th, 2024.
14. Trilogy shall make available a PDF fillable copy of the *Claim Form* in both English and French on the designated class action website.
15. Trilogy shall make the online claims administration portal content available in both English and French. The portal will allow Claimants to complete the *Claim Form* electronically and upload their supporting documentation. Class Counsel, the Defendants, and the Claims

Officer will have access to the online claims administration portal at www.paxilbirthdefectsclassaction.ca/portal and fr.paxilbirthdefectsclassaction.ca/portal to review the claims administration in real time and to access the *Claim Forms*, supporting documentation and the claims administration platform.

16. Trilogy's proprietary online claims administration portal will be designed to be user-friendly to allow Claimants to complete the *Claim Form* electronically which will have the appropriate dropdown boxes, click-on answers and will automatically calculate the points and Compensation Payment pursuant to the *Distribution Protocol*. The Claims Officer will be able to upload his or her claim determination for all parties to review. The Eligible Claimant will be able to view the status of their Claim in real time.
17. Trilogy has implemented the same principles in the claims administration for the *Ronald Allen Fiddler v Janssen Inc.*, Court of King's Bench for Saskatchewan (Regina) Court File No. KGB-RG-02809-2015 Invokana national class action settlement (pharmaceutical) and *Jane Doe (#7) v Her Majesty in right of Newfoundland and Labrador* (Court File No. 2017 01G 2568) an Institutional Youth Centre class action settlement (sex and sexual abuse). Both these claims administrations incorporated a similar point system to quantify damages.
18. Trilogy anticipates that the adjudication of *Claim Forms* will take 3 to 6 months and Compensatory Payments to Eligible Claimants to start 6 to 9 months from September 24th, 2024.
19. As to the Account provided for in the *Settlement Agreement*, Trilogy, in the most recent interest rates environment of the past 2 years, has invested trust funds in 100-day cashable GIC investments with interest rates ranging from 4% to 4.25%. Interest rates are anticipated

to decrease to the 3% to 3.50% ranges over the next 9 months. It is estimated that Trilogy will be forwarded approximately \$4 million CAD to invest for the Compensation Fund. Trilogy estimates that interest accrued to the Compensation Fund will be approximately \$140,000 CAD.

20. Trilogy established and will continue to maintain a toll-free telephone line (1-877-400-1211) where Class Members or their counsel can call to ask questions and to receive more information and assistance in completing a *Claim Form*.
21. Trilogy continues to maintain a post-office mailbox, fax number (416-342-1761), and the claims email address claims@trilogyclassactions.ca where class members or their counsel can send their *Claim Form* and other related documents.
22. Pursuant to paragraph 2 of the *Order (Certification Notice)*, Trilogy previously reported to the Honourable Court that it received 7 *Opt Out Forms* by the opt out deadline of April 8th, 2024. Trilogy received 1 additional *Opt Out Form* from M.(S.), an individual in British Columbia who reported only that “I believe I have said learning disabilities or nothing” under “Please list the Congenital Malformation(s) you allege were caused by Paxil® or Paxil™”. Please see redacted Exhibit “A”.
23. I swear this affidavit and provide a report to the Honourable Court that Trilogy complied with the requirements of the *Order*, and that Trilogy is willing to accept the appointments as Notice Provider for the *Notice of Settlement Approval* and Claims Administrator.

EXHIBIT "A"

ACTION NUMBER	1201-12838
COURT	COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFFS	FIONA SINGH and MUZAFFAR HUSSAIN
DEFENDANTS	GLAXOSMITHKLINE INC., GLAXOSMITHKLINE LLC, and GLAXOSMITHKLINE PLC. <i>Brought under the Class Proceedings Act</i>

OPT-OUT FORM

THIS IS NOT A CLAIM FORM IT REMOVES YOU FROM THE CLASS PROCEEDING. DO NOT USE THIS FORM IF YOU WISH TO REMAIN IN THE CLASS PROCEEDING.

If you are a class member as defined in the Notice of Certification, available at www.paxilbirthdefectsclassaction.ca, and wish to opt out of the class proceeding on or before April 8th, 2024, you must deliver this Opt Out Form by courier, email, fax, or mail to:

Postal Address: Paxil Birth Defects Class Action,
117 Queen St, P.O. Box 1000,
Niagara-on-the-Lake, Ontario, L0S 1J0

Phone: 1-877-490-1211
Fax: 1-416-342-1761
E-mail: optout@paxilbirthdefectsclassaction.ca

I choose to opt out of this class proceeding.

Please list the Congenital Malformation(s) you allege were caused by Paxil® or Paxil CR™

I believe I have said learning disabilities or nothing.

Date of Birth: (year/month/day) Prescription Date: (Date you took Paxil® or Paxil CR™)

Signature of Class Member:	Date:
[Redacted]	[Redacted]
Name of Class Member: (Print Name)	
[Redacted]	
Address: (Street/P.O. Box/City/Province/Postal Code)	
[Redacted]	
Telephone:	Email:
[Redacted]	[Redacted]
<i>If you are a child born to a woman who took Paxil while pregnant, or are a family member of such a child, please provide your information below.</i>	
Name of Child/Family Member:	Relationship to Child:
[Redacted]	[Redacted]

Note: To Opt-Out, you must properly complete this Opt-Out Form, and submit to the listed mailing or e-mail address by no later than the Opt Out Deadline of 11:59 pm MST on April 8th, 2024.

This is Exhibit "A" referred to in the Affidavit of Paul Battaglia, affirmed before me this 11th day of September, 2024.

[Signature]

A Commissioner for Oaths in and for the Province of Ontario