



C61051

ACTION NUMBER 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.
Brought under the Class Proceedings Act
DOCUMENT **AFFIDAVIT**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

 **NAPOLI SHKOLNIK CANADA**
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AFFIDAVIT OF PAUL BATTAGLIA
(affirmed May 29th, 2024)

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

A. Notice of Certification

1. I submit this affidavit as President of Trilogy Class Action Services (“**Trilogy**”). Pursuant to the *Order (Certification Notice)* (“**Order**”), dated February 8, 2024, the Honourable Justice E. Jane Sidnell appointed Trilogy as Opt Out Administrator and to disseminate the

Notice of Certification (“**Notice**”). The methods Trilogy employed are within the parameters outlined in paragraphs 2 and 3 of the Order.

2. Pursuant to paragraph 2 of the *Order*, Trilogy received 7 Opt Form Forms by the Opt Out deadline of April 8, 2024. The list of opt outs is attached hereto as **Exhibit “A”**.
3. Pursuant paragraph 2 of the *Order*, and clearly displayed on the Opt Out Form, Trilogy continues to maintain a post-office mailbox, fax number (416-342-1761) and the opt out email address (optout@paxilbirthdefectsclassaction.ca) for Class Members to send their Opt-Out Forms and other related documents to Trilogy.
4. Pursuant to paragraph 3(a) of the *Order*, on March 8, 2024, Trilogy sent the Notice by email to 919 individuals for whom Class Counsel had contact information. Trilogy emailed both the English and French versions of the Notice to the last known email address as per the list of identified Class Members provided by Counsel for the Plaintiffs.
5. Pursuant to paragraph 3(b) of the *Order*, on March 8, 2024, Trilogy published the designated class action website at <https://www.paxilbirthdefectsclassaction.ca>, in French and English, and posted both the English and French versions of the Notice on their respective opt out website pages at:

English: <https://www.paxilbirthdefectsclassaction.ca/opt-out>
French: <https://fr.paxilbirthdefectsclassaction.ca/opt-out>
6. Pursuant to paragraph 3(c) of the *Order*, on March 8, 2024, Trilogy commenced the publication of the Notice by way of a paid Google media advertising campaign for 30 days. Please see the attached **Exhibit “B”** for the graphic design of the Google advertisements.


7. Pursuant to paragraph 3(c) of the *Order*, on March 8, 2024, Trilogy commenced sending the Notice by email and regular mail to the provincial and territorial government health care authorities and public guardians and trustees.
8. Trilogy made available a PDF copy of the Opt-Out Form (English and French) on the designated class action website.
9. Trilogy established a toll-free telephone line (1-877-400-1211) where Class Members could call to ask questions or receive more information about the Notice and opting out.
10. I swear this affidavit and provide to the Court this report containing the names of each person who has requested to be opted out of the class proceeding and submit this report to this Honourable Court pursuant to my duties and responsibility as Notice provider and Opt Out Administrator.

B. *Notice of Settlement Approval Hearing*

11. Consistent with the means of giving the *Notice of Certification*, I advise a similar strategy and plan to give the *Notice of Settlement Approval Hearing* through the Geographical Targeting, Behavioural Targeting, Contextual Targeting, Channel Targeting, and Retargeting of class members across Canada that was detailed in my November 5th, 2023 affidavit. The cost of this notice is similar, and is comprised of the following:
 - a. Objection Administration: \$2,000 plus HST;
 - b. Infrastructure Costs (website, toll-free phone number, P.O. Box, email address): \$3,500 plus HST;
 - c. Mailing and Emailing to Provincial Health Insurers: \$500 plus HST;
 - d. Translation: \$2,000 plus HST;

- e. Google Advertisements: \$12,250 plus HST;
- f. Trilogy's fee for Notice Program: \$6,250 plus HST; and
- g. Affidavit report to Court (includes lawyer's fee to notarize): \$1,000 plus HST.

AFFIRMED BEFORE ME at the Town of)
 Grimsby, in the Province of Ontario, on the)
 29th day of May, 2024)
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 A Commissioner for Taking Affidavits
 in the Province of Ontario



PAUL BATTAGLIA



This is Exhibit "A" to the Affidavit of
Paul Battaglia, sworn before me
at the Town of Grimsby, Regional Municipality
of Niagara, Province of Ontario, this 29th day of

May, 2024.

[Signature]
Commissioner, etc.

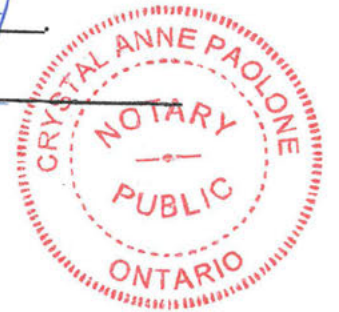


EXHIBIT "A"
PAXIL BIRTH DEFECTS CLASS ACTION - OPT-OUTS

Opt-Out Form Date	Identification #	First Name	Last Name	Phone Number	Address	City	Prov	Postal Code	Country	Email	Notes
11-Mar-24	PAX-OPT OUT 001	REDACTED PURSUANT TO ORDER (SEALING ORDER) (2024-06-10)									
14-Mar-24	PAX-OPT OUT 002	REDACTED PURSUANT TO ORDER (SEALING ORDER) (2024-06-10)									
19-Mar-24	PAX-OPT OUT 003	REDACTED PURSUANT TO ORDER (SEALING ORDER) (2024-06-10)									
12-Mar-24	PAX-OPT OUT 004	REDACTED PURSUANT TO ORDER (SEALING ORDER) (2024-06-10)									
8-Apr-24	PAX-OPT OUT 005	REDACTED PURSUANT TO ORDER (SEALING ORDER) (2024-06-10)									
20-Mar-24	PAX-OPT OUT 006	REDACTED PURSUANT TO ORDER (SEALING ORDER) (2024-06-10)									
8-Apr-24	PAX-OPT OUT 007	REDACTED PURSUANT TO ORDER (SEALING ORDER) (2024-06-10)									

This is Exhibit "B" to the Affidavit of Paul Battaglia, sworn before me at the Town of Grimsby, Regional Municipality of Niagara, Province of Ontario, this 29th day of May, 2024.

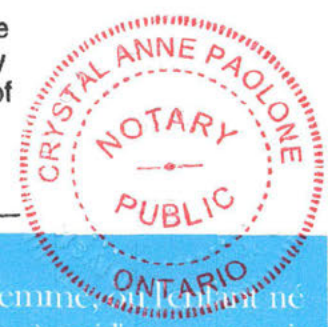



Exhibit "B"


Commissioner, etc.



Are you a woman, or a child born to a woman, who was prescribed **Paxil®**, and **Paxil CR™** in Canada while pregnant?

Notice of Class Proceedings Certification for women who have been prescribed **Paxil®** and **Paxil CR™** in Canada. It may affect your rights.

[Click here for the Notice.](#)



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Êtes-vous une femme, ou l'enfant né d'une femme, à qui l'on a prescrit **Paxil®** et **Paxil CR™** au Canada durant sa grossesse?

Avis d'autorisation d'une action collective au nom des femmes à qui l'on a prescrit **Paxil®** et **Paxil CR™** au Canada. Cela pourrait avoir une incidence sur vos droits.

[Cliquez ici pour consulter l'avis.](#)



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