

**J&J Cold and Flu Class Action Answers to Questions****Table of Contents**

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## 1. What is a class action?

A class action is a special type of court case which enables a number of claims to be pursued together in a cost effective and efficient manner, rather than as a series of individual cases for each affected person.

A class action is brought by one person (known as the '**lead applicant**' or '**applicant**') on their own behalf and on behalf of a class of people (known as '**group members**') against another person (known as the '**respondent**').

In order to commence a class action, there must be at least 7 (but there are often many more) group members who have claims against the same respondent that are in respect of, or arise out of, the same, similar or related circumstances, and which give rise to a substantial common issue of law or fact.

In a class action, the lead applicant's claims are used to resolve as many factual and legal issues common to the group members' claims as possible. While the group members are represented by the lead applicant, it is not necessary that every class member has exactly the same claim.

## 2. Who is Omni Bridgeway?

Omni Bridgeway Limited ("**OBL**") is a public company listed on the Australian Securities Exchange (ASX:OBL). Omni Bridgeway Limited provides, through its funding entities, funding for significant and large-scale litigation. Information about Omni Bridgeway Limited can be found on the Omni Bridgeway Limited website at [www.omnibridgeway.com](http://www.omnibridgeway.com).

Omni Bridgeway (Fund 5) Australian Invnt. Pty Limited (generally referred to as "Omni Bridgeway") is providing litigation funding for the fees and disbursements of law firm JGA Saddler Lawyers ("**the Lawyers**") who will be conducting proceedings against Johnson and Johnson Pacific Pty Limited ("**J&J**") on behalf of the class. OBL will also provide litigation management services during the class action.

Neither Omni Bridgeway's funding of nor OBL's services to the class action is intended to be provided under an authorisation provided by any Australian Financial Services Licence ("AFSL") but relies upon the operation of litigation funding schemes being an exempt financial product pursuant to the Corporations Regulations 2001. For the avoidance of doubt, your objectives, financial situation and needs have not been taken into account and you should consider whether the class action is appropriate for you taking any appropriate legal, financial or taxation advice you may require.

## 3. Who are JGA Saddler Lawyers?

JGA Saddler specialise in large and complex litigation, with a focus on class actions. Their founders formerly led the class actions practice at one of Australia's largest plaintiff firms. Collectively they have over 80 years of litigation experience, 60 of which they specialised in class actions, and have secured more than \$1.3 billion in class action settlements and judgments. They are the Lawyers who will be running the claim against J&J.

## 4. Who is the claim against, and will the claim be for?

The claim is against Johnson & Johnson Pacific Pty Limited ("**J&J**") who are a pharmaceutical company in Australia that manufactures and distributes over the counter cold & flu medicines containing Phenylephrine ("**PE**"), an active ingredient in most decongestant medicines, that are marketed to alleviate cold and flu sinus symptoms.

PE has recently been found by the FDA to be no more effective than a placebo in relieving cold and flu symptoms when used in oral medicines intended to be swallowed.

The class action will be brought on behalf of all individuals who have purchased one or more affected products of J&J branded oral cold and flu medicines containing PE as the active ingredient during the period of 2005 to 2024.

## 5. Am I eligible to participate in the J&J Cold and Flu Class Action?

Individuals who have purchased one or more of the below affected products of J&J branded oral cold and flu medicines during the period of 2005 to 2024 are invited to register their claim with Omni Bridgeway.

### Affected Products:

- Benadryl PE Dry Cough & Nasal Congestion
- Benadryl PE Chesty Cough & Nasal Congestion
- Benadryl Mucus Relief Plus Decongestant
- Codral Cold & Flu
- Codral Cold & Flu + Dry Cough
- Codral Day & Night
- Codral Day & Night + Dry Cough
- Codral Night
- Codral Plus Mucus + Cold & Flu
- Codral Cold & Flu (powder sachet)
- Codral Dry Cough + Cold (liquid medicine)
- Codral Cold & Flu + Mucus Cough (powder sachet)
- Codral Mucus Cough + Cold (liquid medicine)
- Codral Cold & Flu + Mucus Cough
- Codral Decongestant
- Codral Cold & Flu (Reformulation 2)
- Codral Multi Action
- Codral Plus
- Codral Relief Cold & Flu + Decongestant
- Sinutab PE Sinus, Allergy & Pain Relief
- Sudafed PE Nasal Decongestant
- Sudafed PE Sinus + Allergy & Pain Relief
- Sudafed PE Sinus + Anti Inflammatory Pain Relief
- Sudafed PE Sinus + Pain Relief
- Sudafed PE Sinus + Pain Relief Day & Night
- Sudafed PE Night

## 6. How long will the class action take?

It is difficult to state for certain how long the class action will run for; however, generally speaking, a matter in the Federal Court can, on average, last for 3 to 5 years but may take longer or shorter than this period depending on several factors including, but not limited to, how the claim progresses, whether the matter settles early and the attitude of the respondent.

## 7. How much will it cost to be a part of the Class Action?

The class action is being funded by Omni Bridgeway on a “**no win, no pay**” basis in accordance with the terms of a funding agreement or terms imposed by the Court. If the class action is successfully resolved and there is a recovery of compensation, Omni Bridgeway will be entitled to reimbursement of the costs it has spent plus a commission from such recovery only.

There are no costs involved for group members who wish to take part in the class action. Group members do not have to pay anything in the event that the class action is unsuccessful, as Omni Bridgeway agrees to pay any legal costs that might be awarded to J&J or any other respondents.

## 8. Will there be any cost to me if the Class Action is unsuccessful?

No. Group members do not have to pay anything in the event that the class action is unsuccessful, as Omni Bridgeway agrees to pay any legal costs that might be awarded to J&J or any other respondents.

## **9. How will my personal information be used?**

We will only use and/or disclose your personal information strictly for the purpose of the legal proceedings, or as required by the Court or by law or as reasonably requested by the Lawyers. In all other cases, we will seek your consent before disclosing any of your personal information.

Omni Bridgeway Limited's privacy policy can be found on the Omni Bridgeway Limited website at <https://omnibridgeway.com/website-policies/privacy-policy>.

## **10. What is the Omni Bridgeway portal?**

The Omni Bridgeway portal is a client portal whereby you can log in and see details of the Omni Bridgeway funded claims you have signed up for and upload documents. You can update your contact details and access information that is related to your claims. You can log into your Online Client Portal here:

<https://portal.omnibridgeway.com/portal/login>

## **11. How do I register my claim?**

You can register your interest in the class action by clicking on the “[Register your Interest](#)” button on our website here [J&J Cold and Flu Class Action - Omni Bridgeway](#) (<https://portal.omnibridgeway.com/cases/register/JandJ-cold-and-flu-class-action-overview>).

The registration process requires you to provide your contact details, and answer a short questionnaire in relation to your purchases of the products the subject of the claim.

If you register your interest in the class action, you will receive updates as the class action progresses. Registration is free and without obligation. Merely registering your interest via this website does not bind you to any contract or commitment.

As the matter is filed as an Open Class Action on behalf of eligible group members, you do not need to enter into a funding agreement to participate in the class action.

## **12. How do I access the Client Portal if my Password Link has expired?**

Once the Client Portal password link has expired, you will need to request a new one. You can do this by going to the Client Portal [here](#) (Omni Portal). Once on the login page please click on the “Forgot My Password” button, which will send you a new email to reset your password to login with.

## **13. How can I update my contact details?**

You can update your contact details by logging in to the Omni Bridgeway Client Portal [here](#). If you are unsure of your password, you can reset it by selecting the “Forgot My Password” option.

Click the 'My Profile' tab (found on the left side of the portal), which will display your contact details.

Update your contact details and click the 'Save Changes' button.

## **14. Can Pharmacy Groups join the class action?**

We are currently only accepting individuals who have purchased one or more of the affected products of Codral, Sudafed, Sinutab or Benadryl branded cold and flu medicines during the period of 2005 to 2024. Individuals are invited to register their claim with Omni Bridgeway.

## **15. I purchased products for my whole family should they register too?**

If you were the sole purchaser of the products for your family, you only need to register.

Individuals over 18 and who have purchased one or more of the affected products of Codral, Sudafed or Benadryl branded cold and flu medicines during the period of 2005 to 2024 are invited to register their own claim with Omni Bridgeway.

**16. I have purchased many products each year throughout the period from 2005 to 2024, and I do not know exactly how many. How do I provide these details and how accurate does this need to be?**

We understand you may not have all the details available. At this time, an estimate of your purchases is sufficient, however, we ask that you be as accurate as possible. Should we require further details and specifics we will be in contact in due course.

**17. How can I update my responses to the registration questionnaire?**

If you need to amend your purchase history you entered in the questionnaire you can do so by logging in to your Client Portal [here](#) (Omni Portal).

Click on the Questionnaire tab (located on the left of your screen) which will then display your questionnaire.

Click on the edit button to amend your selections and click the 'Complete' button.

**18. I do not have copies of receipts or proof of purchase of the products; can I still register?**

We currently do not require documentation that supports your purchase of the products.

If you would like to participate, you can do so by clicking on the “[Register your Interest](#)” button on our website here [J&J Cold and Flu Class Action - Omni Bridgeway](https://portal.omnibridgeway.com/cases/register/JandJ-cold-and-flu-class-action-overview) (<https://portal.omnibridgeway.com/cases/register/JandJ-cold-and-flu-class-action-overview>).

**19. I have some health concerns related to the use of Cold and Flu products; can I provide you with the details?**

We currently do not require documentation or information (other than that requested in the questionnaire) that supports any health issues or concerns that you have from using these affected products.

**20. Who is Omni Bridgeway’s Client Liaison Team, what services do they provide, and how much will they charge for those services?**

Omni Bridgeway’s Client Liaison Team (CLT) is a division of Omni Bridgeway based in Omni Bridgeway’s Perth Office. CLT supports the Lawyers with the administration of group member claims.

CLT’s services include, but are not limited to, hosting online services for group members, processing group members’ registrations, responding to enquiries from group members (and potential group members), claims analysis and verification, facilitating communications with group members over the course of the proceeding, and assisting with other tasks as requested by the Lawyers or as directed by the Court. The Conflict and Risk Statement sets out the services provided by CLT in further detail and group members are encouraged to read that document. CLT’s services are charged “at cost”, meaning Omni Bridgeway does not seek to make a profit for the provision of those services. Further, group members will not be out of pocket for these costs, in that they will (as addressed below) be paid by Omni Bridgeway (Fund 5) Australian Invnt. Pty Limited and only recoverable by it from any recoveries.

In respect of the J&J Cold and Flu Class Action, CLT has estimated that its services will cost up to AUD 365,261.24 over the life of the class action. This is the maximum amount that will be charged in respect of CLT’s services. In the event that CLT’s costs exceed this amount, group members will not be liable for those costs. In the event that CLT’s costs are less than that amount, it will only charge for the costs actually incurred.

CLT may enter into a services agreement with the Lawyers for the provision of client liaison services in respect of the J&J Cold and Flu Class Action. If a services agreement is entered into, CLT will provide its services on a

time-recorded billing basis, invoiced quarterly, which will then be paid by Omni Bridgeway (Fund 5) Australian Invt. Pty Limited. Omni Bridgeway will seek to recover these disbursements upon a successful resolution of the class action in accordance with the terms of the Funding Agreement.

## **21. Where do I obtain more information?**

All information is available on our website here [J&J Cold and Flu Class Action - Omni Bridgeway \(https://portal.omnibridgeway.com/cases/register/JandJ-cold-and-flu-class-action-overview\)](https://portal.omnibridgeway.com/cases/register/JandJ-cold-and-flu-class-action-overview). Further information is also available at <https://coldandfluclassaction.com.au/>

If you have an enquiry that is not answered within these FAQs, you may contact our Client Liaison Team via email at [peclassaction@omnibridgeway.com](mailto:peclassaction@omnibridgeway.com). We will endeavor to answer your enquiry.

## **22. I would like to remove my Registration of interest please. What do I need to do?**

If you would like to withdraw your registration of interest, you can do so by contacting the Client Liaison Team via email at [peclassaction@omnibridgeway.com](mailto:peclassaction@omnibridgeway.com). Please include "Withdraw" in the subject heading. Your claim will be removed from our system, and you will no longer receive correspondence from Omni Bridgeway.

Please note, as the matter is filed as an Open Class Action on behalf of eligible group members, this doesn't remove you from the Class Action. You may be required to take further steps to formally opt out of the class action at a later stage.

## **23. If I withdraw my Registration of Interest, why do I also need to 'opt out'?**

A class action is brought by one person (known as the 'lead applicant' or 'applicant') on their own behalf and on behalf of a class of people (known as 'group members') against another person (known as the 'respondent'). As the J&J Cold and Flu Class Action has been filed as an 'Open' Class Action, this means it was filed on behalf of all eligible Group Members, irrespective of whether the Group Members have contacted and/or entered into an agreement with Omni Bridgeway.

An Applicant in a class action does not need to seek the consent of Group Members to commence a class action on their behalf. However, Group Members can cease to be Group Members by 'Opting Out' of the class action at the Court appointed time to do so.

Group members are bound by any judgment or settlement entered into in the representative action unless they have opted out of the proceeding.