

J&J Cold and Flu Class Action Answers to Questions

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.

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.

OBL is the holder of Australian Financial Services Licence 557079 ("AFSL 557079"). Neither Omni Bridgeway's funding of nor OBL's services to the class action is intended to be provided under AFSL 557079 but relies upon the operation of litigation funding schemes being an exempt financial product pursuant to the Corporations Regulations 2001. 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
- 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 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. 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 Inv. 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 AUD365261.24 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 Inv. 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.

12. Where do I obtain more information?

You may contact our Client Liaison Team via email at peclassaction@omnibridgeway.com.