

## **J&J Cold and Flu New Zealand 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 or more persons (known as the **'lead plaintiffs'**) on their own behalf and on behalf of a class of people (known as **'group members'**) against another person (known as the **'defendant'** or sometimes the respondent).

In order to commence a class action, group members must have claims against the same defendant 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 plaintiff'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 plaintiffs, 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. OBL has offices in many locations around the world, including in New Zealand. Further 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) NZ Inv. Limited (generally referred to as "Omni Bridgeway") is providing litigation funding for the fees and disbursements of law firm JGA Saddler Lawyers (NZ) ("**the Lawyers**") who will be conducting proceedings against Johnson and Johnson Pacific Pty Limited, Johnson & Johnson (New Zealand) Limited and JNTL Consumer Health (New Zealand) Limited ("**J&J**") on behalf of the class. OBL will also provide litigation management services during the class action.

### **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 have offices in New Zealand and Australia and are the Lawyers who will be running the claim against J&J.

JGA Saddler have also engaged specialist New Zealand barristers who will assist them in the day to day running of the class action. The barristers are Jason Goodall KC and Lauren Lindsay.

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

The claim is against J&J who are a pharmaceutical company in New Zealand and 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. The claim does not include cold & flu products that contain pseudoephedrine, which was banned for sale in NZ between 2011 and 2024.

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 in NZ 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 2025.

## **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 2025 are invited to register their claim with Omni Bridgeway.

Affected Products:

- Benadryl PE Chesty Cough & Nasal Congestion (liquid)
- Benadryl Mucus Relief Plus Decongestant (liquid)
- **Codral Cold & Flu (tablets)**
- **Codral Cold & Flu (powder)**
- **Codral Day & Night (tablets)**
- **Codral Night (tablets)**
- Codral Mucus Cough + Cold (liquid)
- Codral Cold & Flu Sore Throat (tablets)
- Day & Night Cold & Flu + Cough Combination (tablets)
- **Codral Cold & Flu + Mucus Cough (tablets)**
- **Codral Cold & Flu + Mucous Cough (powder)**
- **Codral Decongestant (tablets)**
- **Sudafed PE Nasal Decongestant (tablets)**
- **Sudafed PE Sinus + Allergy & Pain Relief (tablets)**
- **Sudafed PE Sinus + Anti Inflammatory Pain Relief (tablets)**
- **Sudafed PE Sinus + Pain Relief (tablets)**
- **Sudafed PE Sinus + Pain Relief Day & Night (tablets)**

## **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, large litigation like class actions can take, on average, 3 to 5 years to complete 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 defendant.

## **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 defendants as set out in the funding agreement.

## **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 defendants as set out in the funding agreement.

## **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. 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) NZ Inv. 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 NZD \$231,717.00 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) NZ Inv. 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?**

All information is available on our website here [J&J Cold and Flu NZ Class Action - Omni Bridgeway \(https://portal.omnibridgeway.com/jandjnz\)](https://portal.omnibridgeway.com/jandjnz).

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

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

To register your interest, 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 \(https://portal.omnibridgeway.com/jandjnz\)](https://portal.omnibridgeway.com/jandjnz).

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 'opt out' Class Action on behalf of eligible group members, you do not need to enter into a funding agreement to participate in the class action.

**14. I have purchased many products, each year throughout the period from 2005 to 2025, filling out the questionnaire is taking a lot of time, 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. Should we require further details and specifics we will be in contact in due course.

**15. 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. Should this change and we require documentation, we will be in contact in due course.

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 New Zealand Class Action - Omni Bridgeway](#) (<https://portal.omnibridgeway.com/jandjnz>).

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

If you need to amend your response to the products 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 'Save Changes' button.

**17. 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.

**18. I purchased products for my whole family. Should they register too?:**

If you were the sole purchaser of the products for your family, only you 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 2025 are invited to register their own claim with Omni Bridgeway.

**19. 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 [nzpeclassaction@omnibridgeway.com](mailto:nzpeclassaction@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 'opt out' 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.

**20. 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. Should this change and we require documentation, we will be in contact in due course.

**21. 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.