

**NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING:  
ORGANIGRAM CLASS ACTION**

*Dawn Rae Downton v. Organigram Holdings Inc. and Organigram Inc.,*

**Supreme Court of Nova Scotia, Hfx. No. 460984**

**To:** All persons and entities who purchased from Organigram medical cannabis that has been the subject of a voluntary or involuntary recall on or before February 14, 2019.

**Notice of Certification and Proposed Settlement:** A class action has been certified on behalf of all persons and entities who purchased from Organigram Inc., a federally-licensed medical cannabis producer of cannabis for medical purposes, cannabis for medical purposes that has been recalled as of February 14, 2019. There were two recalls of the products, on December 28, 2016, and January 9, 2017, due to the detection of bifenthrin, an insecticide, and myclobutanil, a pesticide, which are not authorized for use on cannabis plants. The recalled products include dried marijuana and cannabis oil that were produced between February 1, 2016 and December 16, 2016.

A class action was filed by Wagners (Halifax, NS) and Roy O'Connor LLP (Toronto, ON) on behalf of the Representative Plaintiff, Dawn Rae Downton, and the class on March 3, 2017, against Organigram Inc. and Organigram Holdings Inc. On February 14, 2019, the Supreme Court of Nova Scotia issued an order certifying the class action. The certified action alleges that Class Members did not receive the product they had bargained for, and the Defendants' conduct fell below the standard of care, and Class Members should therefore be provided with a return of the purchase price.

The parties have reached a settlement of the class action. The Court must approve the settlement before it can be implemented. The Court must be satisfied that the settlement is fair, reasonable and in the best interest of the Class. The hearing of the motion to approve the Settlement Agreement will be held on **August 31, 2022 at 9:30 am AST at The Law Courts Building, 1815 Upper Water St in Halifax, Nova Scotia.**

**The Terms of Proposed Settlement**

If approved, the proposed settlement will provide compensation to all Class Members who purchased the recalled product from Organigram. Further terms and conditions of eligibility are outlined in the Settlement Agreement.

The Defendants have agreed to pay a total of \$2,310,000.00 CDN (the "Settlement Fund"), in addition to the third-party costs of administering notice and the settlement, to provide to Class Members a refund of the amounts paid to purchase the recalled product, less any refunds they have already received. Legal fees and expenses of class counsel will also be paid from the Settlement Fund.

At the hearing on August 31, 2022, class counsel will be seeking the Court's approval of legal fees in the amount of 30% of the Settlement Fund plus applicable taxes, for their work in relation to this class action and settlement,

in addition to reimbursement of expenses class counsel has paid. Wagners will also seek approval of payment of an honorarium to the Representative Plaintiff in the amount of \$5,000.

### **Participation in Settlement**

If the Settlement Agreement is approved, the notification process and distribution process will be administered by a third party claims administrator, RicePoint Administration Inc (“RicePoint”). If the Settlement Agreement is approved, eligible Class Members will automatically receive from RicePoint the Phase II Notice, an individualized notification letter via email describing the amount of the individual payment (“Individual Payment”) along with an Interac e-Transfer in the amount of the Individual Payment. Eligible class members do not need to contact RicePoint or take any steps in order to receive their Individual Payments, as the Defendants are providing to RicePoint the list of eligible class members based on records of the purchases of the recalled product.

### **Update Your Contact Information If Details Have Changed Since Purchase**

*However, if your email address or regular mail address have changed since you purchased the recalled product in 2016 or 2017, please be sure to contact RicePoint right away to ensure that they have your up-to-date contact information. This allows RicePoint to send you notices and your Individual Payment. If you do not contact RicePoint in time, you may not receive your Individual Payment.*

### **Who is Included, and What If I Don’t Want to Participate in the Settlement?**

If approved, the proposed settlement will include all Class Members except for those who opt-out of the class action. A settlement will bind all Class Members who do not opt-out.

If you do not want to participate in the settlement and be bound by the terms of the Settlement Agreement, you must opt-out by sending an opt-out form to RicePoint to be received on or before August 23, 2022. If you opt-out you will not be entitled to participate in the settlement and will not receive any compensation from the settlement. If you have any questions about the legal consequences of exercising your right to opt-out, please do not hesitate to contact Wagners at the contact information below for free advice.

### **Settlement Approval Hearing and Your Right to Participate**

If you wish to object to the proposed settlement or the payment of legal fees to class counsel, you may submit a written objection, referencing this class action, to Wagners. It must be sent no later than August 8, 2022. Objections received by August 8, 2022, will be provided to the Court. You may also attend the settlement approval hearing on August 31, 2022 and, subject to the directions of the Court, you may be able to make a submission to the Court.

A Class Member who wishes to object to the settlement or legal fees shall provide in his or her objection:

- (a) The full name, current mailing address, fax number, telephone number, and email address of the person who is objecting;
- (b) A brief statement of the nature and reasons for the objection;

- (c) A declaration that the person believes he or she is a member of the Class and the reason for that belief;
- (d) Whether the person intends to appear at the approval hearing or intends to appear by counsel, and if by counsel, the name, address, telephone number, fax number, and email address of counsel, and
- (e) A declaration under the penalty of perjury that the foregoing information is true and correct.

Class Members who do not object to the settlement need not appear at the hearing or take any other action at this time to indicate their desire to participate in the proposed settlement.

### **More Information**

If you would like to **update your contact information** or send in an **opt-out form**, please contact the Settlement Administrator:

RicePoint Administration Inc.  
P.O. Box 3355  
London, Ontario N6A 4K3  
Email: [organigram@ricepoint.com](mailto:organigram@ricepoint.com)

For a copy of the proposed Settlement Agreement or for **questions relating to the Settlement Agreement**, please visit Wagners' website at [www.wagners.co](http://www.wagners.co) or contact Wagners at the below contact information:

Wagners  
1869 Upper Water Street  
Suite PH 301, Pontac House  
Historic Properties  
Halifax NS B3J 1S9  
Telephone: 1-800-465-8794/902-425-7330  
Email: [classaction@wagners.co](mailto:classaction@wagners.co)

This notice has been approved by the Supreme Court of Nova Scotia.

Do not contact the Court about this notice.