

**Exhibit “R-3”**

**CANADIAN REXULTI® CLASS ACTION**

**NOTICE OF SETTLEMENT APPROVAL HEARING IN QUÉBEC**

**Please read this notice carefully. Ignoring this notice will affect your legal rights**

TO: All persons in Canada, including their estates, who:

- were prescribed and ingested REXULTI® between **February 16, 2017** and **August 23, 2025**;
- by virtue of a personal relationship with a REXULTI® Class Member, are entitled to assert a claim pursuant to the *Civil Code of Québec*, the *Ontario Family Law Act* as amended, or equivalent provincial and territorial legislation (such as spouses, children, grandchildren, parents, grandparents, brothers and sisters).

The Canadian class action lawsuit alleges that the Defendants were negligent in failing to warn Class Members that REXULTI® can cause, contribute to, or exacerbate Compulsive Behaviours and Impulse Control Disorders, specifically compulsive or pathological gambling, hypersexuality, binge-eating, and uncontrollable shopping.

The parties in the class action have reached a proposed settlement (the “Settlement”), subject to approval of the Superior Court of Québec (the “Court”).

The Court has not made any determination of the merits of the claim. The Defendants have denied, and continue to deny, the allegations against them in the Class Action and have had no role in the determination of Settlement Class Member eligibility to participate in the Settlement or the allocation of benefits available to Settlement Class Members (see Section “D” below).

The Settlement provides for the creation of a CDN \$4.75 million Settlement fund, of which approximately CDN \$2.85 million will be used to pay compensation for Approved Claims, including CDN \$118,750.00 in satisfaction of the claims of the Public Health Insurers, CDN \$199,500.00 for Family Class Members and CDN \$570,000.00 for economic losses. The Settlement fund will also be used to pay the costs of notice (CDN \$186,303.52), claims administration (CAD \$55,000.00), and Court-approved Class Counsel Legal Fees (CDN \$1.425 million), plus disbursements and applicable sales taxes.

This Notice explains your rights and options as a Settlement Class Member.

**A) THE REXULTI® CLASS ACTION**

REXULTI® (generic name brexpiprazole) is a prescription medicine which is prescribed to treat certain mental health conditions, including schizophrenia, bipolar disorder and as an adjunctive treatment for major depressive disorder. During the time periods above, REXULTI® was sold in

Canada by Otsuka Canada Pharmaceuticals Inc (“Otsuka Canada”) and Lundbeck Canada Inc. (“Lundbeck Canada”).

The Class Action alleges that REXULTI® can cause, contribute or exacerbate a variety of compulsive behaviours and impulse control disorders, specifically compulsive or pathological gambling, hypersexuality, binge-eating, and uncontrollable shopping.

## **B) AUTHORIZATION OF A NATIONAL CLASS ACTION BY THE SUPERIOR COURT OF QUÉBEC**

On December 3, 2021, the Superior Court of Québec authorized a national class action on behalf of:

All persons who reside or have resided in Canada who were prescribed and ingested the drug REXULTI® during the Class Period, starting from February 16, 2017, and who thereafter developed one or more of the following Compulsive Behaviours and Impulse Control Disorders:

- compulsive gambling;
  - hypersexuality;
  - binge eating;
  - compulsive shopping and/or spending;
- and their family members, dependents, heirs and estates.

All appeals were completed on May 5, 2023.

Notice of Authorization of the Class Action was previously published on March 15, 2024. The opt out deadline for Class Members who did not wish to participate in the Class Action expired on May 15, 2024. Those who became Class Members after the opt out deadline, meaning they first experienced Compulsive Behaviours between May 16, 2024 and August 23, 2025, may still opt out by completing an Opt Out Form as further described in Section G.

## **C) THE SETTLEMENT AGREEMENT & BENEFITS AVAILABLE TO SETTLEMENT CLASS MEMBERS**

The parties to the Class Action have reached a proposed national Settlement on behalf of Settlement Class Members. The Settlement offers monetary benefits to Settlement Class Members who experienced Compulsive Behaviours or Impulse Control Disorders and related consequences, including psychological harm, illness and hospitalization, financial loss, and loss of care, guidance, and companionship.

The Defendants will pay CDN \$4,750,000.00 (the “Settlement Amount”) to settle the Class Action on a national basis, without admitting liability. This amount is inclusive of all amounts claimed including without limitation damages, costs, interest, notice costs, administrative costs, and the claims of provincial health insurers. The Settlement Agreement, in English or French, can be obtained from the [Settlement Website](#), through [Rochon Genova](#) or by contacting the Claims Administrator, as listed below.

MNP Ltd. – Class Actions Claims Administration  
 2000, 112 - 4th Avenue SW  
 Calgary, AB, T2P 0H3  
[rexultisettlement@mnp.ca](mailto:rexultisettlement@mnp.ca)  
 Toll-Free: 1 (855) 653-0027

Your entitlement to benefits under the Settlement will be determined by the Claims Administrator, or, in the case of a disagreement, by a referee, based on the court-approved Distribution Plan, which provides for monetary compensation based on the following categories of psychological harm and financial harm, as well as compensation to Family Class Members. If you are represented by a Legal Representative, the Settlement benefits will be paid directly to them for your benefit. The Defendants have had no role in the development of the proposed Distribution Plan or the categories for which compensation may be available.

Claimants can qualify for compensation for both **Psychological Harm** and **Financial Loss**.

#### A. Compensation for Psychological Harm

##### 1. Mild:

- a) documentary evidence of prescription<sup>1</sup> of REXULTI® during the class period for **at least 1-6 months; and**
- b) a signed attestation by or on behalf of the Class Member that they both ingested REXULTI® for 1-6 months and experienced one or more Compulsive Behaviours or Impulse Control Disorders while on or within 3 months of discontinuing their use of REXULTI®.

##### 2. Moderate: Claimants can qualify under the following scenarios:

- **Scenario #1:**

- a) documentary evidence of prescription of REXULTI® for **more than 6 months; and**
- b) a signed attestation by or on behalf of the Class Member that they both ingested REXULTI® and experienced one or more Compulsive Behaviours or Impulse Control Disorders while on or within 3 months of discontinuing their use of REXULTI®.

- **Scenario #2:**

- a) documentary evidence of prescription of REXULTI® **for 1-6 months; and**

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<sup>1</sup> The terms “prescribed” and” “prescription” include receipts of samples of REXULTI® from healthcare professionals.

- b) medical records specifying the form of treatment or counselling sought or provided and the specific Compulsive Behaviours or Impulse Control Disorders for which treatment or counselling was sought or provided. If the treatment in question was not covered by provincial health insurance, attach receipts or confirmation of payment; **and**
  - c) a signed attestation by or on behalf of the Class Member that they both ingested REXULTI® for 1-6 months and, while on or within 3 months of discontinuing their use of REXULTI®, they experienced one or more Compulsive Behaviours or Impulse Control Disorders of such severity that treatment or counselling was sought for the Compulsive Behaviours or Impulse Control Disorders in question.
- b) **Severe:** Claimants can qualify under the following scenarios, based on duration of usage:
- **Scenario #1:**
    - a) documentary evidence of prescription of REXULTI® for a period of **more than 6 months; and**
    - b) records demonstrating that the Class Member experienced Compulsive Behaviours or Impulse Control Disorders while on or within 3 months of discontinuing their use of REXULTI® (e.g. gambling records, such as ATM withdrawals at casinos, self-exclusion from a casino, credit card or banking statements showing payments for gambling, medical records referencing the Compulsive Behaviors, or medical records or counselling records documenting that treatment was sought for Compulsive Behaviours or Impulse Control Disorders); **and**
    - c) documentary evidence of bankruptcy, divorce, re-mortgaging of a property, and/or criminal prosecution for fraud, theft, etc. contemporaneous to or after experiencing Compulsive Behaviours and/or Impulse Control Disorders; **and**
    - d) a signed attestation by or on behalf of the Class Member that they experienced one or more Compulsive Behaviours or Impulse Control Disorders while on or within 3 months of discontinuing their use of REXULTI® and that they experienced bankruptcy, divorce, re-mortgaging of a property, and/or criminal prosecution for fraud, theft, etc. contemporaneous to or after experiencing the Compulsive Behaviours and/or Impulse Control Disorders.

***AND/OR***

- **Scenario #2:**

- a) documentary evidence of both prescription of REXULTI® for a period of **more than 6 months; and**
- b) identify and attach medical records specifying the form of treatment or counselling sought or provided and the specific Compulsive Behaviour or Impulse Control Disorders for which treatment or counselling was sought or provided. If the treatment in question was not covered by provincial health insurance, attach receipts or confirmation of payment; **and**
- c) records demonstrating that the Class Member experienced Compulsive Behaviours or Impulse Control Disorders (e.g. gambling records, such as ATM withdrawals at casinos, self-exclusion from a casino, credit card or banking statements showing payments for gambling, medical records referencing the compulsive behaviors, or medical records or counselling records documenting that treatment was sought for Compulsive Behaviours or Impulse Control Disorders); **and**
- d) a signed attestation by or on behalf of the Class Member that, while on or within 3 months of discontinuing their use of REXULTI®, they experienced one or more Compulsive Behaviours or Impulse Control Disorders of such severity that treatment or counselling was sought for the Compulsive Behaviours or Impulse Control Disorders in question **for more than 6 months.**

4. **Residual Catastrophic Injury (compensation available for catastrophic injury in addition to compensation available for Mild, Moderate and Severe Psychological Harm):** documentary evidence demonstrating that the Class Member experienced catastrophic physical or psychological consequences of Compulsive Behaviours or Impulse Control Disorders alleged to have been caused by the use of REXULTI®, including but not limited to: contracting HIV, Hepatitis, or a non-treatable STI (sexually transmitted infection) as a result of hypersexuality, suicidality and related hospitalization related to Compulsive Behaviours or Impulse Control Disorders and their consequences.

## **B. Compensation for Financial Loss**

In addition, CND \$570,000 will be set aside from the Settlement to compensate financial harm for Claimants with provable loss of income or employment, gambling losses, or loans incurred as a result of gambling caused or exacerbated by REXULTI®. Such losses will require, in addition to the documentation necessary to qualify for a claim for psychological harm, the following:

- **Compensable gambling losses:**

- a) all available Gambling Records for all venues at which gambling took place. This documentation must show the gambling activities at each venue. Gambling venues include casinos, online gambling websites, and any other venue in which the at issue gambling occurred whether in person or virtually. Supportive documentation may include, but is not limited to, records of gambling counselling, ATM withdrawal at casinos, credit card or banking statements showing payments for gambling); **and**
- b) a signed attestation by or on behalf of the Class Member of the net amount of any gambling losses; **and**
- c) Class Members will be required to disclose if they took any other prescription medications with dopamine agonist properties while the at issue gambling occurred;

- **Compensable income loss:**

- a) documentation to demonstrate that the Class Member experienced the Compulsive Behaviours (gambling records, such as ATM withdrawals at casinos, self-exclusion from a casino, credit card or banking statements showing payments for gambling, or medical records or counselling records documenting that treatment was sought for Compulsive Behaviours); **and**
- b) a signed attestation that the Class Member experienced the Compulsive Behaviours or Impulse Control Disorders; **and**
- c) records of any income loss demonstrating that the Class Members' Compulsive Behaviours or Impulse Control Disorders resulted in their termination or loss of employment, including: the applicable employment agreement and income tax returns for the two years preceding the termination; **and**
- d) an attestation by or on behalf of the Class Member **and/or** an attestation from each of the Class Member's previous employers describing the reason for termination of the Class Members' employment;

- **Compensable loan loss:**

- a) documentation to demonstrate that the Class Member experienced the Compulsive Behaviours (gambling records, such as ATM withdrawals at casinos, self-exclusion from a casino, credit card or banking statements showing payments for gambling, or medical records or counselling records documenting that treatment was sought for Compulsive Behaviours); **and**
- b) a signed attestation by or on behalf of the Class Member that they experienced the Compulsive Behaviours; **and**

- c) all available financial records related to any loan for which compensation is sought. If the loan is from a financial institution, a current statement of account for the loan must be included. If the loan is from a private lender, friend, or family member, an attestation from the lender, under penalty of law, must be provided confirming: the balance of the loan outstanding, the loan principal, accrued interest to date, and an account of all payments toward the loan received to date.

**C. Compensation for Family Class Members (such as spouses, children, grandchildren, parents, grandparents, brothers and sisters)**

Eligible Family Class Members are entitled to claim compensation. Eligible Family Class Members are spouses, children, parents, grandparents, brothers, and sisters of a Class Member by or for whom a claim is being advanced under the Settlement.

Eligible Family Members are entitled to file a claim only if the Class Member has not opted out of the class action and is submitting a claim to receive benefits under the Settlement.

Family Class Members must fill out and sign the relevant section of the Claims Package and the Claimant will file the claim on behalf of both themselves and Family Class Members, if Family Class Members wish to make claims. The following must be provided for Family Class Members to be entitled to settlement benefits:

- a) document(s) demonstrating proof of each Family Class Member's relationship to the Class Member and, where the Family Class Member is a minor, under a legal disability or deceased, document(s) demonstrating proof of the individual's authority to act on behalf of the Family Class Member; **and**
- b) the name, address, relationship to a Claimant, as well as the Family Class Member's signature.

Family Class Members who are eligible for settlement benefits will receive a fixed sum that is a percentage of the Claimant's payment for psychological harm. Spouses will receive 10%, parents and children will receive 5% each, and grandparents, brothers and sisters will receive 2.5% each. These awards are in addition to, not deducted from, the benefits conferred to the Claimant. Total compensation to Family Class Members will be capped at \$199,500.00. If the fund for Family Class claimants is oversubscribed or undersubscribed, it will be adjusted downwards or upwards on a *pro rata* basis.

**D) SETTLEMENT APPROVAL HEARING**

For the Settlement to become effective, it must be approved by the Superior Court of Québec.

A hearing to approve the Settlement will be held before the Superior Court of Québec **on October 31, 2025** (the "**Settlement Approval Hearing**"). The Approval Hearing will proceed in room 2.08 of the Montreal Court House or in any other room as the Judge sitting in room 2.08 on that day,

may designate, subject to any adjournment by the Court without further notice to the Class Members other than that which may be posted on the Settlement Website or on Class Counsel's website. The Microsoft Teams link created for the Settlement Approval Hearing will be made available to Class Members on Class Counsel's website.

At this hearing, the Court will determine if the Settlement is fair, reasonable and in the best interests of the Class Members.

Settlement Class Members have the right to opt out of the settlement if they became Settlement Class Members between May 16, 2024 and August 23, 2025 and/or object to the Settlement, as detailed below.

If the Settlement is approved by the Court, a further notice will be posted on the [Settlement Website](#) and the website of Class Counsel at [Rochon Genova](#).

#### **E) IF YOU WANT TO PARTICIPATE IN THE SETTLEMENT**

Settlement Class Members who wish to participate in the proposed Settlement do not need to appear at the Settlement Approval Hearing or take any other action at this time. You do not need to appear at the Settlement Approval Hearing.

If the Settlement is approved, Claim Forms will be made available at [Rochon Genova](#) and further information regarding the process for filing claims will be made available on the [Settlement Website](#), the website of [Rochon Genova](#) or from the Claims Administrator.

#### **F) HOW TO OBJECT TO THE PROPOSED SETTLEMENT**

If you are a Settlement Class Member and wish to object to the Settlement, you may deliver a written objection to the Claims Administrator. A valid objection must be postmarked or received by the Claims Administrator at the address below, at the latest **on October 21, 2025** (10 days in advance of the Settlement Approval Hearing).

A Settlement Class Member who wishes to object to the Settlement, or their counsel (if they are represented), shall provide in their objection:

- a) A caption or title that identifies it as an objection to the Settlement;
- b) The full name, current mailing address, telephone number, and email address of the person who is objecting or on whose behalf an objection is being delivered;
- c) A clear statement of the nature and reasons for the objection;
- d) A declaration that the person believes they are a Settlement Class Member and supporting documentation sufficient to establish the basis for that belief;



- e) 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, and email address of counsel; and
- f) A declaration that the foregoing information is true and correct.

The Claims Administrator will provide a copy of your objection to Class Counsel, who will in turn provide it to the Superior Court of Québec and the Defendants. You may, but are not required to, appear at the Settlement Approval Hearing in order to make submissions orally with respect to your objection. A Teams Link will be made available on the [Settlement Website](#) and Class Counsel's Website for the Settlement Approval Hearing. If you wish to do so, whether in person or through a lawyer, you must send a notice of intention to appear in writing served, filed and received by the Claims Administrator **at the latest on October 21, 2025**.

The judge presiding over the Settlement Approval Hearing has discretion to determine whether you will be permitted to make oral submissions during the hearing.

DO NOT send an objection directly to the Superior Court of Québec.

An objection to the Settlement will not exclude you. If you object to the Settlement, you will remain bound by its terms if it is approved by the [Superior Court of Québec](#).

## **G) HOW TO OPT OUT OF THE PROPOSED SETTLEMENT**

If you were prescribed and ingested REXULTI® between February 16, 2017 and August 23, 2025 and first experienced Compulsive Behaviours between May 16, 2024 and August 23, 2025 and you do not wish to participate in the Settlement, you may opt out and exclude yourself from the Settlement by delivering a completed Opt Out Form to the Clerk of the Superior Court of Québec by the Opt-Out Deadline. **The Opt-Out Deadline is October 23, 2025.**

The Opt Out Form is available on the [Settlement Website](#) and Class Counsel's website.

It **must** be postmarked or delivered by mail by the Opt Out Deadline to the Clerk of the Superior Court of Québec at the following address:

Clerk of the Superior Court of Québec,  
Montreal Courthouse,  
1 Notre-Dame Street East, Room 1.120,  
Montreal (Québec) H2Y 1B6,  
Court file no. 500-06-000948-188.

If you became a Class Member prior to the expiration of the opt out deadline of May 15, 2024 that was set by the Superior Court of Québec on March 7, 2024, you may no longer opt out of the Class Action.

Settlement Class Members who have not opted out will be bound by the Proposed Settlement if it is approved by the Court. The Settlement includes a release of any rights you may have to take

further legal action against the Defendants if the settlement is approved by the Superior Court of Québec.

No person may opt out a minor or a mentally incapable member of the Class without permission of the Court after providing notice to The Children's Lawyer and/or the Public Guardian and Trustee and/or the Curateur public du Québec, as appropriate.

Settlement Class Members who have previously opted out of the Class Action do not need to take any further action to opt out of the Settlement.

## **H) WHO IS CLASS COUNSEL?**

The Superior Court of Québec has appointed *Rochon Genova* as Class Counsel. If you have any questions or wish to learn more about the Settlement, you may contact them at the phone number or e-mail address below.

### **ROCHON GENOVA**

900-121 Richmond St. W.  
Toronto, Ontario, M5H 2K1

Joel P. Rochon  
Golnaz Nayerahmadi  
Jessica Marshall

Tel: (416) 363-1867  
1-800-462-3864  
[contact@rochongenova.com](mailto:contact@rochongenova.com)

## **I) WHO IS THE CLAIMS ADMINISTRATOR?**

The parties have agreed that MNP Ltd. will serve as the Claims Administrator. The Claims Administrator may be contacted at the phone number or email address below:

MNP Ltd. – Class Actions Claims Administration  
2000, 112 - 4th Avenue SW  
Calgary, AB, T2P 0H3  
[rexultisettlement@mnp.ca](mailto:rexultisettlement@mnp.ca)  
Toll-Free: 1 (855) 653-0027

## **J) LEGAL FEES APPLICABLE TO ALL CLASS MEMBERS**

At the Settlement Approval Hearing, Class Counsel will seek court approval of legal fees of \$1.425 million, plus disbursements and applicable taxes. The legal fees, disbursements, and taxes, if approved by the Court, will be deducted from the Settlement Amount.

**K) INTERPRETATION**

If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail. If there is a conflict between the English and the French versions of this document, the English version shall prevail. If the Settlement of the Class Action is approved by the Superior Court of Québec, a further notice will be published on the [Settlement Website](#) and the website of *Rochon Genova*, about how to participate in the Settlement. Questions regarding your right to participate in the Settlement may also be directed to the lawyers at the contact information above.

This Notice has been authorized by the Superior Court of Québec. Any questions about the matters in this Notice should not be directed to the Court.