

ACTION NUMBER 1201-12838

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFFS FIONA SINGH and
MUZAFFAR HUSSAIN by his litigation representative
FIONA SINGH

DEFENDANTS GLAXOSMITHKLINE INC.
GLAXOSMITHKLINE LLC and
GLAXOSMITHKLINE PLC.

Brought under the Class Proceedings Act

DOCUMENT **ORDER**

DATE ORDER WAS PRONOUNCED	September 8 th , 2026
JUDGE WHO MADE THE ORDER	Hon. Justice Janice R. Ashcroft

ORDER <i>(Settlement Distribution)</i>
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UPON THE APPLICATION of the Plaintiffs seeking approval of the distribution of the Settlement Fund established by the Settlement Agreement approved on September 24, 2024 as reflected in the *Order (Settlement Approval)* filed with this Court on October 24, 2024 and as supplemented by the *Order (Regarding Settlement Funds Arising From Settlement Approval)* filed with this Court on December 21st, 2024, and by the *Reasons for Decision on the Costs Application* filed March 7th, 2025 and reported at 2025 ABKB 136 (collectively, the “**Approval and Administration Orders**”):

AND UPON BEING ADVISED that the Claims Administrator has determined the amounts to be allocated to interested persons as provided for in the *Approval and Administration Orders* and is ready to complete the settlement administration under the terms of the orders, as described

in the *Affidavit of Paul Battaglia* sworn July 13th, 2026 (***"Battaglia Affidavit"***) and the *Supplemental Affidavit of Paul Battaglia* sworn September 2nd, 2026 (***"Supplemental Affidavit"***);

AND ON HEARING the submissions of Casey R. Churko as class counsel, Mark Freeman on behalf of Napoli Shkolnik Canada, Evatt Merchant, K.C. on behalf of Merchant Law Group LLP, Hon. Jonathan Denis, K.C. on behalf of Guardian Law Group LLP, and Randy Sutton observing as counsel for the Defendants;

AND UPON HAVING CONSIDERED all materials filed and used at the hearing;

IT IS HEREBY ORDERED:

1 Capitalized terms not defined in this order shall be as defined in the *Approval and Administration Orders*.

2 The Settlement Fund shall be distributed by the Claims Administrator as follows.

3 \$28,037.50 shall be paid to each of Norton Rose Fulbright Canada LLP and Napoli Shkolnik Canada as reimbursement for their payment of the costs of the notices of certification and the settlement approval hearing.

4 \$560,235.25 is hereby approved and shall be paid to the Claims Administrator respecting its fees, expenses, and taxes incurred and invoiced to date, comprised of \$162,500 for the six court-ordered notices, \$294,500.93 in fees, \$34,572.69 in expenses, and \$68,661.63 in taxes.

5 \$50,000 shall be held by the Claims Administrator to cover Administration Costs incurred and invoiced after June 30th, 2026. Such costs are hereby approved without the need to obtain a further order of this Court.

6 \$61,592.70 is hereby approved and shall be paid to the Claims Officer respecting his fees, expenses, and taxes.

7 \$10,000 shall be paid to Fiona Singh respecting her Honorarium.

8 \$597,724.02 plus GST of \$29,886.20 shall be paid to Merchant Law Group LLP respecting its share of the Class Counsel Fees.

9 Additional legal fees and taxes shall be paid in accordance with the *Order (Consortium Legal Fees and Taxes)* concurrently approved by separate order this date.

10 \$250,333.41 as Class Counsel Disbursements shall be paid as follows:

- (a) \$216,693.31 to Merchant Law Group LLP;
- (b) \$5,456.60 to KoT Law Professional Corporation; and
- (c) \$28,183.50 to Napoli Shkolnik Canada.

11 \$525,000 shall be paid respecting Health Insurer Claims, allocated on the basis of proportionate population as determined by Statistics Canada, namely:

Province/Territory	Population	%	Payment
Ontario	16,103,890	38.88%	\$204,140.41
Quebec	9,016,222	21.77%	\$114,303.93
British Columbia	5,646,420	13.63%	\$71,564.66
Alberta	5,057,077	12.21%	\$64,108.91
Manitoba	1,503,865	3.63%	\$19,059.41
Saskatchewan	1,266,092	3.06%	\$16,066.61
Nova Scotia	1,090,852	2.63%	\$13,808.88
New Brunswick	866,497	2.09%	\$10,973.60
Newfoundland & Labrador	547,910	1.32%	\$6,930.69
Prince Edward Island	181,715	0.44%	\$2,310.23
Yukon	48,493	0.12%	\$630.06
Northwest Territories	45,808	0.11%	\$577.56
Nunavut	42,215	0.10%	\$525.05
Total	41,417,056	99.99%	\$525,000.00

12 On or before September 29, 2026, all Eligible Claimants whose approved Claims include a structural cardiovascular defect shall provide the Claims Administrator with an affidavit confirming that they have not received any compensation through other class action proceedings in other provinces respecting such defect.

(a) The affidavits will be sent by email to Paul@trilogyclassactions.ca. The Claims Administrator will advise Justice Ashcroft after September 29, 2026 as to what affidavits have been received.

(b) If an Eligible Claimant experiences extenuating circumstances and cannot send the affidavit by way of email by September 29, 2026, that Eligible Claimant may place these circumstances before Justice Ashcroft by writing to her assistant, Rena Neale at rena.neale@albertacourts.ca no later than September 27, 2026. Justice Ashcroft will read extenuating circumstances narrowly, but it will be in her discretion.

13 Eligible Claimants whose approved Claims did not include a structural cardiovascular defect, and Eligible Claimants whose approved Claims did include a structural cardiovascular defect and who provide the affidavit described in paragraph 12 verifying that they did not previously receive compensation from any other class action proceedings in other provinces, shall receive their proportionate allocation of the Compensation Fund in accordance with the distribution described in Exhibit “A” to the *Battaglia Affidavit*.

14 Eligible Claimants who previously received compensation from another class action proceeding respecting their structural cardiovascular defects will be denied compensation in this class proceeding unless they were also approved for other Qualifying Congenital Malformations in which case they shall receive compensation only for those other Qualifying Congenital Malformations for which the Claims Officer has allocated points, and the pro rata shares of the other Eligible Claimants and their counsel as provided in Exhibit A of the *Battaglia Affidavit* will be proportionately increased by the amount of any such compensation that is denied.

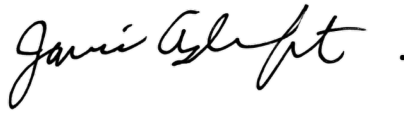
15 \$200,000 of the Compensation Fund shall be held by the Claims Administrator to account for income tax liability on the interest earned on the Account in accordance with the opinion at Exhibit “C” of the *Supplemental Affidavit*.

16 The Claims Administrator shall make best efforts to distribute the Settlement Fund in accordance with paragraphs 3-15 by November 6, 2026.

17 The balance of the Compensation Fund after adding interest on the Account, any unused portion of the holdback in paragraph 5, and unremitted tax on the interest in paragraph 15 after receiving confirmation by notice of assessment from Canada Revenue Agency shall be distributed

to Eligible Claimants in accordance with paragraph 21(a) of the *Battaglia Affidavit* and in accordance with the tax opinion as Exhibit "A" to the *Supplemental Affidavit*.

18 Compliance with paragraph 17 shall operate in full release and satisfaction of the obligations of Norton Rose Fulbright Canada LLP and the Claims Administrator under the *Order (Regarding Settlement Funds Arising From Settlement Approval)*.

A handwritten signature in black ink, reading "J.R. Ashcroft" followed by a period. The signature is written in a cursive, flowing style.

THE HONOURABLE JUSTICE J.R. ASHCROFT