



2009

Hfx. No. 315567

SUPREME COURT OF NOVA SCOTIA

BETWEEN:

ALBERT CARL SWEETLAND and BARBARA FONTAINE

Plaintiffs

- and -

GLAXOSMITHKLINE INC. and GLAXOSMITHKLINE LLC

Defendants

Affidavit of Barbara Fontaine

I, Barbara Fontaine, of Thunder Bay, Ontario, make oath and give evidence as follows:

1. I am a representative plaintiff in this proceeding. As such, I have personal knowledge of the matters to which I depose except for the statements I have indicated are based on information and belief. To the extent that my knowledge is based on information and belief, I identify the source of that information and believe it to be true.
2. I swear this affidavit in support of a motions for an order approving the Settlement Agreement executed on October 11, 2018 and a motion for an order approving legal fees to be paid to Class Counsel.

Background

3. On October 2, 2011, my late husband Richard Fontaine and I retained Siskinds LLP to advance Richard's claim arising from Avandia use as a litigant in individual litigation or as a member of a class proceeding.
4. In August 2018, I was advised the parties had reached a national Settlement Agreement to resolve all claims for damages due in any way to the use of Avandia by (a) all persons in Canada, including their estates, who were prescribed and ingested Avandia (the "Primary Class"); and (b) the spouses (including common-law spouses and same-sex spouses), children, grandchildren, parents, grandparents and siblings of the deceased members of the Primary Class (the "Family Class"). I was advised that Richard was a member of the Primary Class and that I was member of the Family Class.
5. On October 10, 2018, I swore an affidavit in support of the Plaintiffs' motion in the within action to amend the Second Amended Notice of Action and Statement of Claim and to amend the Certification Order issued on December 7, 2017, to reflect my appointment as a Representative Plaintiff for the certified Family Class.
6. By Order dated October 23, 2018, I was appointed as a Representative Plaintiff for the certified Family Class.
7. On December 5, 2018, I signed a revised contingency fee agreement and indemnity agreement with Siskinds LLP reflective of my role as a Representative Plaintiff.

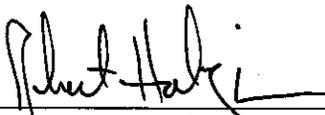
Settlement Agreement

- 8. My counsel explained to me the terms of the Settlement Agreement.
- 9. I believe that the Settlement Agreement is fair, reasonable, and in the best interests of the Class. I recommend the Settlement Agreement for Court approval.

Class Counsel Fees

- 10. I am fully aware and understand that Class Counsel has funded the litigation and would only be paid in the event of success, either by way of judgment or settlement. In the event of success, Class Counsel would seek to be paid legal fees of 25% of the first \$10 million or any part thereof.
- 11. I also understand that in addition to payment of legal fees, Class Counsel is entitled to seek to recover from any settlement all disbursements incurred.
- 12. I consider this arrangement to be fair, reasonable and favourable to both myself and my fellow Class Members.
- 13. I would not have been in a position to advance this litigation had Class Counsel not been prepared to act on a contingency basis.

Sworn before me)
on the 5th day of December,)
2018 at Thunder Bay, Ontario.)



Signature of Authority



Barbara Fontaine

ROBERT MICHAEL HABJAN
Barrister and Solicitor, LSUC #738510
Notary Public and Commissioner for the
Province of Ontario.