

9 April , 2024

## **Stichting Essure Claims**

### **Report of the management board for the period**

**1 January - 31 December 2023**

#### **INTRODUCTION**

Stichting Essure Claims (the “**Foundation**”) acts on behalf of all women who had the device Essure implanted in their ovaries in the Netherlands (“**Aggrieved Parties**”). The management board (the “**Board**”) of the Foundation is in charge of the Foundation’s policy and the day-to-day running of the Foundation.

As per 1 January 2023 the Board consists of three directors:

1. Mrs. Antoinette Collignon (chair),
2. Mr. Jules Schagen van Leeuwen,
3. Mr. Guido Rooijackers.

#### **REPORT OF THE BOARD**

##### **Activities**

On 27 February 2023 a combined meeting took place between the Board and the supervisory board of the Foundation (“**Supervisory Board**”) during which the supervisory board approved entering into legal proceedings against Bayer AG, Bayer Healthcare LLC, Bayer Essure Inc. and Bayer B.V. (together “**Bayer**”).

The Board held various consultations with its attorney, Mr. M.N. van Dam at Lemstra Van der Korst.

On 3 April 2023, the Foundation filed a writ of summons vis-a-vis Bayer to appear before the District Court of Midden-Nederland. In the writ, the Foundation requests, amongst others, a declaratory judgment holding Bayer liable for the damages incurred by the Aggrieved Parties and to determine adequate compensation for women in the Netherlands who needed to have their Essure device removed.

On 5 April 2023 the Foundation issued a newsletter to the Aggrieved Parties with an update on the proceedings.

On 2 August 2023, procedural arrangements were agreed upon between the Foundation and Bayer. On 9 August 2023, these arrangements were approved by the Court. The arrangements include the dates on which procedural acts must be performed by the parties and which issues will be dealt with at which stage of the proceedings.

On 1 November 2023 Bayer issued its statement of preliminary defences in which it also brought forward several formal arguments regarding the Court's jurisdiction and the admissibility of the Foundation and its claims.

### **Financial Statements 2023**

The Foundation's day-to-day costs mainly comprise the Board and Supervisory Board members' remuneration and legal fees. Each of the Board and Supervisory Board members invoice the Foundation in accordance with the respective engagement agreement between the Foundation and the individual Board and Supervisory Board members.

### **Claim Code Compliance**

The Foundation endorses the Claim Code that came into force on July 1, 2011 as amended on March 4, 2019. The Foundation complies with the Claim Code. This is further elaborated on in the Claim Code compliance, which the Foundation publishes on its website on an annual basis.

### **Outlook**

On 24 January 2024 the Foundation filed its defence against the statement from Bayer of 1 November 2023 with the Court. On 17 April 2024, Bayer is due to file its statement of reply. 10 July 2024 is the date for the Foundation to file its rejoinder. Depending on availability, an oral hearing will take place in September 2024.

On 24 January 2024 the Foundation issued a newsletter to the Aggrieved Parties with an update on the proceedings. An information meeting for the Aggrieved Parties is planned for 29 June 2024.

Amsterdam, 9 April 2024