

Witness Name: Rajinder Bassi
Statement No: WITN6391001
Exhibits: WITN6391002-03
Dated: 8 June 2021

INFECTED BLOOD INQUIRY

**WRITTEN STATEMENT
OF RAJINDER BASSI**

I, Rajinder Bassi, say as follows:-

1. I am a litigation partner at Kirkland & Ellis International LLP and represent Revlon, Inc. (“**Revlon, Inc.**”).
2. I provide this statement in response to a Rule 13 notification from the Inquiry Team dated 2 June 2021, notifying Revlon, Inc. of allegations contained in the Third Written Statement of Jason Jonathan Evans (Inquiry reference W1210), (the “**JJE WS**”).

Identity

3. It is important that the Inquiry are clear about exactly who Mr Evans is referring to in the JJE WS. By way of example, he uses the names “Revlon” and “Revlon, Inc.” interchangeably without identifying specifically which corporate entity he is referring to.
4. This is particularly relevant to the matters before the Inquiry as is demonstrated by the reference at paragraph 99 of the JJE WS where Mr Evans mischaracterises ‘Revlon’ as a pharma company. In paragraphs 146 and 147 of the JJE WS it is again suggested that Revlon is a pharma company. As the company website (www.revloninc.com) makes clear, Revlon, Inc. is, a global company focused on beauty products. It is certainly not a pharma company.

Threats of Legal Action

5. At paragraph 99, Mr Evans states that he and his legal representatives have received threats of legal action from 'Revlon, Pfizer and Merck Serono.' At paragraph 151, he also refers to "veiled legal threats" from Revlon, Inc. The only evidence that has been supplied in support of the allegations against Revlon, Inc. is a 27 April, 2018 e-mail from Ms Mitra Hormozi (the then GC of Revlon, Inc.) which is included both in Exhibits WITN1210030 and WITN1210034 and is referred to respectively at paragraphs 99 and 148 of the JJE WS.
6. The first point to be made is that this email did not contain any threat, veiled or otherwise. It is an email sent by Revlon, Inc.'s General Counsel informing Mr Collins of the factual inaccuracy of the information Factor 8 had uploaded to Facebook and providing a clear and accurate summary explaining why that information was inaccurate. Ms Hormozi stated:

"Dear Des,

I write to you regarding the Facebook posts of Factor8 calling for protests of Revlon for this coming Monday. It is factually inaccurate to hold Revlon, Inc. responsible for the conduct of Armour Pharmaceutical Company ("Armour"). Armour was acquired by Rorer Group Inc. ("Rorer") in November 1985, the same month that Pantry Pride acquired its interest in the then Revlon predecessor company. Pantry Pride's negotiations to acquire Revlon's predecessor in November 1985 were premised on Rorer simultaneously acquiring Armour, and Pantry Pride never sought to, nor did it, own any interest in Armour.

The current Revlon, Inc. was created on April 24, 1992 and did not have any ownership or control over Armour. Accordingly, there is no link or connection to Revlon, Inc. or its directors and stockholders and Armour and to say or suggest otherwise is factually inaccurate.

Please contact me at your earliest convenience."

In my respectful submission there can be no criticism of Revlon, Inc. for seeking to clarify the situation in the even-handed way that Ms Hormozi's e-mail did.

7. The second important point of which the Inquiry will be aware is the context in which that e-mail was sent. A protest was being planned by Factor 8 outside Revlon, Inc.'s offices in London. Ms. Hormozi's e-mail of 27 April, 2018 explained why it was

factually wrong to hold Revlon, Inc. responsible for the conduct of Armour Pharmaceutical Company (“**Armour**”) nearly four decades earlier. As summarised in her e-mail above and as set out in further detail in paragraph 13 below, in November 1985, Pantry Pride succeeded in a hostile takeover of what was Revlon at that time. Since Pantry Pride’s only interest was in the cosmetics division of Revlon (not the healthcare division) it had pre-emptively lined up buyers for the sale of the various parts of the healthcare division (including the sale of Armour to Rorer Group Inc.). These sales took place shortly after the takeover in late November 1985. Therefore, in the context of the threat of protests at the London offices of Revlon, Inc., and the historical context of the sale of Armour where it was clear that Revlon, Inc. had never had ownership of Armour, Ms Hormozi’s email was entirely reasonable. Despite her request that Mr Collins contact her, there was no further correspondence and certainly no issue was taken with the accuracy of the information she had provided. Indeed, as is further described in the paragraph below, it appears Factor 8 accepted Ms Hormozi’s position.

8. Thirdly, on 29 April 2018, only two days after receipt of Ms Hormozi’s email, Factor 8 issued a press release, regarding the protests (**Exhibit WITN6391002**). This is not referenced in the JJE WS and despite previously having been uploaded onto Factor 8’s website, no longer appears to be available there. The concluding paragraph of the press release, stated: *“For the avoidance of doubt, allegations and claims pertaining to the Contaminated Blood Scandal and Revlon are directed to the corporate structure as it stood at the material time and should not be misinterpreted as being directed towards Revlon, Inc. as it exists today.”* Factor 8’s acceptance of the factual position in 2018 is at odds with the position that Mr Evans now sets out in the JJE WS.
9. Fourthly, Mr Evans asserts at paragraph 148 of the JJE WS that Revlon, Inc. proactively *“complained to media outlets and representatives of Revlon Inc in New York, contacted Sky News and persuaded them not to mention Revlon in any coverage of the protest.* In fact, a Sky News correspondent reached out to Revlon, Inc.’s press team in connection with a proposed report and asked for comment, which is standard practice for virtually every media outlet. Revlon, Inc.’s position was conveyed to the correspondent. I have no insight as to why Sky News chose not to reference Revlon

but one may infer that if they thought it relevant to reference Revlon, Inc., they would have done so.

Misleading Statements

10. In paragraph 150 of the JJE WS, Mr Evans suggests that representations made by 'Revlon' to the press and his legal team were misleading. It is not clear from the JJE WS exactly what representations to the press he is referring to.
11. In support of his suggestion of misleading representations, Mr Evans highlights the founders section of Revlon, Inc.'s website and, in particular, Charles Revson who managed Revlon for 50 years and passed away in 1975. Mr Evans therefore suggests that Revlon, Inc. misrepresented that it was only formed in 1992 and had no link or connection to Revlon's past. The allegation of "misrepresentation" is without foundation. Revlon, Inc. was formed in 1992. The Revlon, Inc. website does acknowledge the founders of both Revlon and Elizabeth Arden (which Revlon, Inc. acquired in 2016). Revlon, Inc. is a global beauty product business so it is not surprising that the Revlon, Inc. web-site highlights the founders and major milestones of the cosmetics/beauty products businesses of Revlon and Elizabeth Arden. Notably, there is no reference to a healthcare business as that is not and never has been part of Revlon, Inc.'s business. Accordingly, Revlon, Inc. has not misled Mr Evan's legal representative.
12. I also note Mr Evans' suggestion (paragraph 151/line 2 of the JJE WS) that Revlon, Inc. "*aggressively distances*" itself from its past. As any impartial reader of Ms Hormozi's 27 April, 2018 e-mail will appreciate, she was doing no more and no less than ensuring that Factor 8 had an accurate account of Revlon, Inc.'s actual connection to Armour. I have already referred, at paragraph 8 above, to Factor 8's own press release of 29 April 2018 which accepted Ms Hormozi's explanation.
13. I would like to make it clear that Revlon, Inc. has been forthcoming with explanations and assistance to the Inquiry from an early stage. On 4 April, 2019, of its own volition, Revlon, Inc. (via its legal representatives, Kirkland & Ellis International LLP) wrote to the Inquiry (the "**Kirkland Letter**"), to explain in detail the actual link between Revlon, Inc. and Armour and to emphasise that today's Revlon, Inc. has never had any ownership or control over Armour. The Kirkland Letter is exhibited at **Exhibit**

WITN6391003. Paragraphs 1-7 of the Kirkland Letter deal with the chronology of Armour and are set out below.

1. *In the 1980s, Revlon, Inc. (as it was constituted then, referred to in this letter as "Old Revlon, Inc.") had a number of distinct divisions, including a cosmetics division and a healthcare division.*
2. *In June 1985, an entity known as Pantry Pride, Inc. ("Pantry Pride") approached Old Revlon, Inc. as Pantry Pride was interested in making a bid to acquire Old Revlon, Inc. In the following months, the matter became contentious as other entities were also interested in acquiring Old Revlon, Inc. The matter culminated in a battle for control over Old Revlon, Inc. before the Delaware courts. A ruling by the Delaware Supreme Court on 1 November 1985 paved the way for Pantry Pride to acquire 90% of Old Revlon, Inc.'s outstanding shares (via a hostile takeover) on 5 November 1985.*
3. *We understand that, for commercial reasons, Pantry Pride was focused on acquiring Old Revlon, Inc.'s cosmetics rather than non-cosmetics businesses. In particular, Pantry Pride informed the SEC that if its planned takeover of Old Revlon, Inc. were to succeed it would sell everything except the cosmetics business. There was also a commercial need to sell certain of Old Revlon, Inc.'s non-cosmetics businesses to meet the significant debt that Pantry Pride was to incur if it was successful in acquiring Old Revlon, Inc.*
4. *Accordingly, in anticipation of a successful takeover, Pantry Pride had already negotiated with and lined up buyers to purchase certain of the non-cosmetic businesses of Old Revlon, Inc. Therefore, promptly after Pantry Pride's takeover of Old Revlon, Inc. on 5 November, 1985, the following divestitures were made:*

21 November 1985 - Sale of Norcliff Thayer Inc. to Beecham Holdings Inc.

21 November 1985 - Sale of Fine Chemicals (Reheis, Chemical Company Inc.) to Beecham Holdings Inc.

27 November 1985 - Sale of Ethical Pharmaceutical Business (USV Pharmaceutical Corporation, Armour Pharmaceutical Company, Plasma Alliance, Inc. and Meloy Laboratories, Inc.) to Rorer Group Inc.

5. *The sale of Armour to Rorer Group Inc. was documented in an Agreement dated 27 November 1985 and the deal closed on January 7, 1986. Since that time we understand that Armour has been sold on a number of times and is now owned by Sanofi. It is clear from the above that the new owners of Old Revlon, Inc. never intended to retain and operate Armour after the takeover.*
6. *In April 1987, the parent company of Pantry Pride acquired the remaining outstanding shares of the Revlon Group making it a private company.*
7. *On 24 April 1992, Revlon, Inc. (as it is constituted today) ("New Revlon, Inc.") was incorporated. There was an intention to complete an initial public equity offering of New Revlon, Inc. in 1992, but the plan was postponed due to difficult market conditions. However, on 5 March 1996, New Revlon, Inc. completed an initial public equity offering and it remains a public company today. Since its formation, New Revlon, Inc. has manufactured, marketed, and sold a range of cosmetics, skin care, fragrance, personal care, and professional products and has not operated in the pharmaceutical/healthcare sector."*
14. In light of the content of the Kirkland Letter (much of which was presaged in Ms Hormozi's 27 April, 2018 email) the criticisms of misleading representations at paragraph 150 of the JJE WS are without merit or foundation.
15. As demonstrated by the Kirkland Letter, Revlon, Inc. has been open to the Inquiry as to the alleged connection to Armour as it is important that the Inquiry is aware of the

changes in corporate structure and where responsibility for historical activity properly falls. Revlon, Inc. has also actively sought to locate any documents which could be of assistance to the Inquiry.

16. Whilst Revlon, Inc. wishes to address any inaccurate statements made in the JJE WS, in this statement, it is very mindful of the pain and suffering of victims and families involved in this tragedy and expresses its sympathy to those who have been impacted by the issues which are the subject of this Inquiry.

Statement of Truth

I believe that the facts stated in this witness statement are true.

..... GRO-C

Signed:

Dated: 8 June 2021