

2011 01G 0013CP

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (GENERAL)

BETWEEN:

HUGH GEORGE and BEN BELLOWS

PLAINTIFFS

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF
NEWFOUNDLAND AND LABRADOR**

DEFENDANT

BROUGHT UNDER THE *CLASS ACTIONS ACT*
BEFORE THE HONOURABLE MR. JUSTICE RICHARD LEBLANC,
CASE MANAGEMENT JUDGE

AFFIDAVIT OF HUGH GEORGE

SUMMARY OF CURRENT DOCUMENT	
Court File Number:	2011 01G 0013 CP
Date of Filing of Document:	February 16 , 2011
Name of Filing Party or Person:	Plaintiffs
Application to which Document being filed relates:	Application of Plaintiffs for an order certifying the action as a Class Action
Statement of purpose in filing:	Affidavit.

I, Hugh George, of the Town of Dildo, in the Province of Newfoundland and Labrador,
MAKE OATH AND SAY:

1. I am one of the proposed representative plaintiffs in this action. Unless otherwise stated,
I have personal knowledge of the facts to which I depose and which I believe are true.

2. On August 5, 2010 at approximately 20:30 hours I was returning home travelling west on the Argentia Access Road near Placentia Junction when I struck a moose. I was the sole occupant of my motor vehicle.

3. As a result of the collision I suffered a haemorrhage deep within my brain. I was taken from the scene of the accident to the Health Sciences Centre in St. John's where I remained as a patient until I was transferred to the Miller Centre for rehabilitation. On January 12, 2011 I was discharged from the Miller Centre, although I am still required to complete a day program. I am now able to walk short distances with the support of a four point cane and the help of an assistant. For the most part, however, I am confined to a wheelchair and I have no use of my left arm.

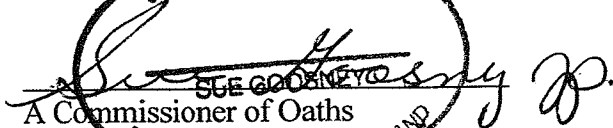
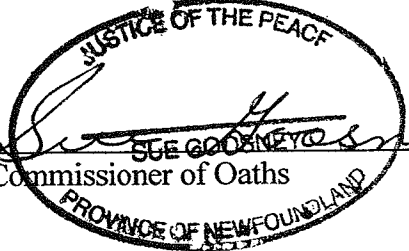
4. I am prepared to act as one of the representative plaintiffs in this action if it is certified as a class action. It has been explained to me that the major steps in a class action are generally as follows:
 - (a) commencement of the action by issuance of a statement of claim;
 - (b) application for certification;
 - (c) notice to the Class of the certification and the right to opt out;
 - (d) discovery of documents (listing of relevant documents);
 - (e) examination for discovery (lawyers asking me questions);
 - (f) pre-trial conferences (where a judge may help the parties explore the possibilities of settlement);
 - (g) trial of the common issues;

- (h) notice to the class if individual participation is required;
 - (i) determination of individual issues, if required (I understand that who gets how much may be decided at this stage);
 - (j) distribution of proceeds of resolution by way of judgment or settlement;
 - (k) appeals (at various stages); and
 - (l) settlement (at any time).
5. It has also been explained to me that, in agreeing to seek and accept an appointment by the Court as a representative plaintiff, it is my responsibility, among other things:
- (a) to become familiar with the issues to be decided by the Court;
 - (b) to review the statement of claim and any amendments;
 - (c) to assist in the preparation and execution of an affidavit in support of the motion for certification;
 - (d) to attend, if necessary, with counsel for cross-examination on my affidavit;
 - (e) to attend, if necessary, with counsel for an examination for discovery where I will be asked questions;
 - (f) to assist, if necessary, in the preparation and execution of a list of documents (listing documents I have);
 - (g) to attend, if necessary, with counsel at trial and give evidence regarding the case;
 - (h) to receive briefings from Class counsel;

- (i) to express my opinion to Class counsel and to the Court if offers to settlement are made;
 - (j) to express my opinion to Class counsel and to the Court if settlement positions are to be formulated; and
 - (k) to assist in preparation of and execution of an affidavit in support of Court approval of any settlement.
6. To date, I have taken the following steps to fairly and adequately represent the interest of the Class members:
- (a) I retained Mr. Crosbie as Class counsel;
 - (b) I provided information for the Statement of Claim;
 - (c) I have reviewed the Statement of Claim;
 - (d) I attended with Mr. Crosbie at a press conference to announce the filing of this action; and
 - (e) I aided in drafting this affidavit.
7. I am not aware of any conflict of interest between myself and any members of the proposed class. I believe that I can fairly and adequately represent the interests of the proposed class and I am committed to fulfilling my responsibilities. I understand that there may be an issue as to a defence of limitations for class members whose accidents occurred more than two years before the date of my Statement of Claim. If a conflict of interest arises over this in future, appropriate steps can be taken, but at present this is only a potential issue.

8. With respect to the requirements of Rule 7A.04(4) of the *Rules of the Supreme Court*, I have no personal information as to the class size other than the information described in the affidavit of Sheri Geehan, which I believe to be true. I have no personal knowledge of any other class or representative proceedings in this or any other jurisdiction relating to all or part of the action to be certified. The basis of my personal claim and the reasons that similar circumstances exist for the rest of the class members are set out herein, and in my Statement of Claim, and in the affidavit of the second plaintiff, Ben Bellows, and of Anthony Clevenger, a wildlife scientist. My awareness of my responsibilities as representative plaintiff and my willingness to undertake this role are described above. I know of no fact material to the application that has not been disclosed.

SWORN TO before me at the Town of Dildo, in the Province of Newfoundland and Labrador, this 9th day of February, 2014.


 SUE GOODNEY
 A Commissioner of Oaths



 HUGH GEORGE