

MOOSE VEHICLE COLLISION CLASS ACTION

Attention: Victims, estates, and family members of victims of moose vehicle collisions
in Newfoundland and Labrador

THE ACTION

A lawsuit was started in the Supreme Court of Newfoundland and Labrador on behalf of the following class:

- (a) Persons or the estates of persons who were admitted as inpatients to a hospital, and the estates of persons who are deceased, as a result of a collision or near collision with a moose while operating or occupying a motor vehicle on a highway in the island portion of Newfoundland and Labrador outside the boundaries of Gros Morne and Terra Nova National Parks.
- (b) All living children, parents and partners (as those terms are defined in the *Fatal Accidents Act*) and spouses of such persons or estates who have suffered a loss of care, guidance and companionship.¹

The Class Period is from January 5, 2001 until 90 days from the date of the second publication of this notice.

By order dated July 25, 2011 Justice LeBlanc of the Supreme Court of Newfoundland and Labrador certified the action *George and Bellows v. Her Majesty the Queen in right of Newfoundland and Labrador* as a class action, appointed Hugh George and Ben Bellows as representative plaintiffs for the class, and appointed the law firm of Ches Crosbie Barristers of St. John's as class counsel. This notice is given by order of Justice LeBlanc.

The lawsuit seeks damages for class members who have suffered losses as a result of being in a moose vehicle collision ("MVC") or as a result of being a family member who was injured or killed in a MVC. The lawsuit alleges that the Defendant is liable in negligence, tort of strict liability, and tort of public nuisance. The Court has not yet made findings on the merits of this case and the Defendant is denying any wrongdoing.

FEES AND DISBURSEMENTS

Plaintiffs' counsel have entered into an agreement with the representative plaintiffs with respect to legal fees and disbursements for the trial of the common issues. This agreement provides that plaintiffs' counsel will not receive payment for their work unless and until the class action is successful or costs are recovered from the defendant. This agreement must be approved by the Court.

Once the Court has determined the common issues, it may be necessary that each class member participate in individual proceedings to determine issues which are not common to the class in order to establish their own entitlement to damages. If a class member is successful in establishing damages on an individual basis, the class member will have to pay for legal services provided to them by their lawyers. This will include both the lawyer for the class and any lawyer retained to assist in establishing damages on an individual basis. These fees may be paid out of an individual's award of damages. If a class member is not successful in recovering damages individually, he or she could be liable to pay a portion of the defendant's expenses incurred with respect to such individual proceedings.

RESIDENTS OF NEWFOUNDLAND AND LABRADOR

Any person or estate in Newfoundland and Labrador who wishes to opt out of the class action as certified must do so by sending a written notice on or before November 19, 2011 to Ches Crosbie Barristers. Persons in Newfoundland and Labrador not opting out will be bound by the Court's judgment whether favourable or not.

NON-RESIDENTS OF NEWFOUNDLAND AND LABRADOR

Any person or estate not residing in Newfoundland and Labrador who wishes to opt in to the class action as certified must do so by sending a written notice on or before November 19, 2011 to Ches Crosbie Barristers. Persons not resident in Newfoundland and Labrador who opt in will be bound by the Court's judgment whether favourable or not.

CONTACT INFORMATION

For more information, or to opt out of or in to this action, contact Ches Crosbie Barristers:

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¹ The *Fatal Accidents Act* definitions can be viewed online at www.canlii.ca or by contacting Ches Crosbie Barristers and requesting a copy of the definitions.