

2003 01 T 4242 CPP

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

BETWEEN:

BRENDA RIDEOUT

PLAINTIFF

AND:

HEALTH LABRADOR CORPORATION

DEFENDANT

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

CONSENT ORDER

Before the Honourable Mr. Justice Russell

UPON HEARING Pamela L. Taylor, counsel for the Plaintiff, and Daniel M. Boone, counsel for the Defendant, **AND UPON READING** the Affidavit of Pamela L. Taylor, **IT IS HEREBY ORDERED,**

- (a) Pursuant to section 22 of the *Class Actions Act*, the Notice of Certification in the form attached hereto as Exhibit "A" is approved;
- (b) Pursuant to sections 19 and 23 of the *Class Actions Act*, Notice of Certification shall be provided to members of the Class in the following manner:
 - (i) The Plaintiff's solicitors shall send a copy of the notice to members of the class with whom they have been in contact. The notices shall be sent by registered mail over a three week period with one third of the notices sent in each week.
 - (ii) The Plaintiff's solicitors shall provide to the Defendant a list of the women to whom it is sending a copy of the Notice of Certification.

- (iii) The Defendant shall send a copy of the notice to the remaining women on the mailing list. The notice shall be sent to the addresses noted on the hospital records. The notices shall be sent by registered mail over a three week period with one third of the notices sent in each week.
- (iv) Notice shall be published in *The Aurora*, posted on a web site maintained by the Plaintiff's solicitors, and forwarded by the Plaintiff's solicitors to anyone who requests it;
- (c) Upon expiry of the opt out period, the Defendant and Plaintiff shall each file an affidavit with the Court advising of the following:
 - (i) the number of registered letters sent;
 - (ii) the number of registered letters returned as undeliverable; and
 - (iii) the number of opt out notices received.
- (d) Pursuant to Section 24 of the *Class Actions Act*, the Plaintiff and the Defendant shall each pay the respective costs of mailing copies of the Notice of Certification to class members and the Plaintiff shall bear the other costs of the Notice Programme.
- (e) Costs of this application shall be costs in the cause.

DATED at St. John's, Newfoundland and Labrador, this day of , 2006.

I, Pamela L. Taylor, solicitor for the Plaintiff, hereby consent to the within Order.

CHES CROSBIE BARRISTERS
Solicitors for the Plaintiff
169 Water Street, 4th Floor
St. John's, NL A1C 1B1
Per: Pamela L. Taylor

I, Daniel M. Boone, solicitor for the Defendant, hereby consent to the within Order.

Stewart McKelvey Stirling Scales
11th Floor, Cabot Place
100 New Gower Street
St. John's, NL A1C 5V3
Per: Daniel M. Boone