

UNSTERILIZED INSTRUMENTS CLASS ACTION
Attention: Patients of the Gynaecological Clinic at the Captain William Jackman Memorial Hospital (the "Clinic") and other affected persons

THE ACTION

An action was commenced in the Supreme Court of Newfoundland and Labrador court on behalf of the following class:

(a) All persons who were patients at the gynaecological clinic at the Captain William Jackman Memorial Hospital (the "Clinic") between October 2001 and March 2003 and who contracted HIV, Hepatitis B, Hepatitis C., Chlamydia and/or Gonorrhoea (the "Diseases") following treatment at the Clinic, or where such person is deceased, the personal representative of the estate of the deceased person (persons in paragraph (a) are hereinafter referred to as "Infected Patients");

(b) All persons who contracted the Diseases from an Infected Patient, or from another Cross-Infected Person, or where such person is deceased, the personal representative of the estate of the deceased person (persons in paragraph (b) are hereinafter referred to as "Cross-Infected Persons");

(c) All persons who were patients at the Clinic between October 2001 and March 2003, who (i) did not contract the Diseases following treatment at the Clinic; (ii) received a notice from the Health Labrador Corporation advising that they may have contracted the Diseases and advising of the need for medical testing; (iii) attended at a hospital or medical clinic for testing for the Diseases; or where such person is deceased, the personal representative of the estate of the deceased person (persons in paragraph (c) are hereinafter referred to as "Uninfected Patients"); and

(d) The matrimonial and common-law partners of Infected Patients, Cross-Infected Persons, and Uninfected Patients ("Spouses").

It is important for you to note that there are no risks of infection, and that neither party to this litigation is aware of any person who claims to have been infected or cross-infected with the Diseases as a result of treatment at the Clinic.

By order dated July 7, 2005, Mr. Justice Russell of the Supreme Court of Newfoundland and Labrador certified the action *Rideout v. Health Labrador Corporation Inc.* as a class action, appointed Brenda Rideout as representative plaintiff for the class and appointed her counsel, the firm of Ches Crosbie Barristers of St. John's as class counsel.

This notice is given to you by order of Mr. Justice Russell of the Supreme Court of Newfoundland and Labrador dated February 03, 2006.

The action seeks damages for personal injury and breach of privacy and alleges negligence, breach of contractual and fiduciary duties and breach of a duty of privacy by the Defendant. The Defendant denies any wrongdoing. The Court has not yet made any findings on the merits of this case. The common issues to be resolved at the trial of this action are as follows: (a) Did the Defendant breach a duty or duties of care owed to class members; (i) in respect of its provision of medical services to class members between October 2001 and March 2003; and (ii) in respect of its subsequent conduct? (b) Whether class members are entitled to damages under the *Privacy Act*, and if so, whether such damages

may be determined on a global basis? (c) Whether class members are entitled to punitive damages, and if so, whether such damages may be determined on a global basis? There may be additional individual issues which will need to be resolved in further, individualized proceedings, following a resolution of these common issues.

FEES AND DISBURSEMENTS

Counsel have entered into an agreement with the representative plaintiff with respect to legal fees and disbursements for the trial of the common issues. This agreement provides that counsel will not receive payment for their work unless and until the class action is successful or costs are recovered from the defendants. 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 individual lawyer you may retain. These fees may be paid out of an individual's award of damages. If a class member is not successful in recovering damages individually, they could be liable to pay a portion of the Defendant's expenses incurred with respect to such individual proceedings.

RESIDENTS OF NEWFOUNDLAND & LABRADOR

Any affected person in Newfoundland & Labrador who wishes to opt out of the class action as certified must do so by sending a written notice on or before March 31, 2006 to Ches Crosbie Barristers or to Ms. Ozette Simpson, Chief Operating Officer, Captain William Jackman Memorial Hospital, 410 Booth Avenue, Labrador City, NL, A2V 2K1. Persons in Newfoundland & Labrador not opting-out will be bound by the court's judgment whether favourable or not. If you are resident of Newfoundland & Labrador, and you wish to be part of this suit, you do not need to take any action at this time.

OUT -OF-PROVINCE RESIDENTS

Any affected person resident outside of Newfoundland & Labrador who wishes to participate in this lawsuit must send written notice on or before March 31, 2006 to Ches Crosbie Barristers or to Ms. Ozette Simpson, Chief Operating Officer, Captain William Jackman Memorial Hospital, 410 Booth Avenue, Labrador City, NL, A2V 2K1.

CONTACT INFORMATION

For more information, or to opt in or out of this proceeding, contact:

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