

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 Ontario 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 Gonorrhea (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 partners of Infected Patients, Cross-Infected Persons and Uninfected Patients (“Spouses”).

By order dated _____, Mr. Justice [] 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 their counsel, the firm of Ches Crosbie, Barristers of St. John’s and Klein Lyons, Barristers & Solicitors, of Toronto and Vancouver, as class counsel.

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 the allegations made in this lawsuit. The Court has made not yet made any findings on the merits of this case.

FEES AND DISBURSEMENTS

Counsel have entered into an agreement with the representative plaintiff with respect to legal fees and disbursements. 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.

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 _____ to Ches Crosbie Barristers. 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 _____ to Ches Crosbie Barristers.

CONTACT INFORMATION

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

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