

The representative plaintiff has instructed us to enter a settlement of this matter on your behalf.

The settlement is contained in the attached agreement. We were instructed by the representative plaintiff and her negotiating committee that the principle objective was improvement of health care in the region. We have accomplished that with the following agreement:

#### **SECTION VII – NON-COMPENSATORY RELIEF**

7.1 Within sixty (60) days of the Final Order Date, the Defendant shall publish in The Aurora and 53 North magazine a notice outlining changes in policy and procedure which have been implemented in response to the sterilization breach. The Defendant shall also, within sixty (60) days of the Final Order Date, place on its corporate website a copy of the same notice which is to be published.

7.2 The Defendant's Chief Executive Officer, Boyd Rowe, shall be available to the media to discuss and publicize the changes in sterilization procedures implemented by the Defendant.

7.3 The Defendant shall appoint a community representative, approved by the representative plaintiff, to the Environmental Services Team responsible for developing infection control processes.

7.4 The Defendant's insurer shall, within six months conduct an educational seminar on the topic of infection control.

We also negotiated a monetary settlement. Under this item, we have agreed that \$450 will be payable to affected women, and \$100 to spouses. Claim forms must be filled out in order to obtain the agreed amount. Any person who believes he or she was infected must take individual legal action within 60 days of Court approval.

This firm, as your class counsel, is entitled under the agreement to a legal fee of just under one third of the total potential value of the settlement. Please review the attached agreement for details.

To obtain remedy without this class action, class members might have chosen to individually take action in small claims court. The amounts awarded might be higher, lower or nothing, due to failure to prove liability. Without settlement of this class action, several more years would be required to try or settle all claims. Expense and uncertainty would surround this process. The representative plaintiff, on our advice, has recommended that the settlement of this class action is reasonable.

The settlement approval hearing will take place before Justice Russell at the Courthouse on Water Street, in St. John's, at 10 AM on June 13, 2007. You are welcome to attend if you wish. A copy of the Settlement Agreement is posted on our website. If you object to the settlement and wish to come to court to oppose it, we ask that you notify us by email or otherwise in writing, at least a week before the hearing. If the settlement is approved by the Court, class members will receive claims forms soon thereafter, which can be filled out to obtain compensation.

#### **Chesley F. Crosbie, Q.C**

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