

Miramichi Pathology Class Action – Update

Class counsel Ray Wagner and Ches Crosbie were in Miramichi on February 9 for a hearing with Justice Oulette to get an early date for the certification hearing. The judge will make the all-important decision as to whether the Menon injury victims will be able to combine forces against the Health Authority. The Health Authority wants to delay the hearing, probably until September. The insurance company HIROC has been retained to act for the Health Authority in the defence of the class action. The Provincial Government is the insurer, meaning that any injury compensation which is paid will be paid directly by the province, not by an insurance company.

While in Miramichi, Ray Wagner and I met with your representative plaintiffs, Albert Gay, Kimberley Doyle, and James Wilson.

Our preliminary analysis shows that over 15,000 patients had their samples retested, and suffered the worry, anxiety and loss of confidence in the healthcare system which having your pathology testing questioned would cause. In addition, there may be about 200 patients who have suffered serious injury as a result of faulty pathology testing.

We have proposed to the defence lawyer that doing the right thing in this case would involve making an effort toward an early settlement. Any decision on whether to fight the case for years, or attempt early settlement, will ultimately be made at the political level in the Provincial Government. Therefore it would make sense for you to tell your elected representatives that the Health Authority and the Government should get down to the business of settling the class action claims.

We will keep you advised of important developments. This firm and Ray Wagner's firm continue to work hard on your claim.