

# NOTICE OF CERTIFICATION OF THE MIRAMICHI COLPOSCOPY CLASS ACTION

## Notice Of Certification:

Class Members are advised of certification of a class action lawsuit arising from the colposcopy clinic at the Miramichi Regional Hospital not following the recommended cleaning practices on biopsy forceps between 1999 and May 2013.

## Who is included?

Class Members are all patients of the colposcopy clinic at the Miramichi Regional Hospital, and their matrimonial and common-law partners, who received correspondence in 2013 from the Horizon Health Network advising of the risk of infection associated with the colposcopy clinic not following recommended cleaning practices on forceps used for biopsies.

## What is the Class Period?

1999 – May 2013 (see “Who is included?”).

## What is the nature of the claims?

Compensation and/or damages for negligence, breach of contract, breach of privacy rights and battery.

## Representative Plaintiff:

Alta Christine Little (Miramichi, NB)

## Class Counsel Compensation:

The Representative Plaintiff has entered into a Contingency Fee Agreement. Should settlement or judgment be awarded in favor of the Class, the Class Counsel will receive a percentage of the net award, subject to Court approval.

## Costs

If you are a Class Member who is not a Representative Plaintiff, you will not be liable for any legal costs of the Defendant should the trial be unsuccessful. However, if you are unsuccessful in your own individual claim, you may be liable for legal costs incurred by the Defendant in relation to that portion of the litigation. Class Members are encouraged to contact Class Counsel for further explanation of costs.

## What options do Class Members have?

Class Members who reside in New Brunswick (“Resident Class Members”) can do nothing and will be part of the Class Action. The lawsuit will proceed and Resident Class Members may obtain compensation at some future date. A judgment on the common issues, whether favourable or not for the Class, will bind all Resident Class Members who do not opt-out.

Alternatively Resident Class Members may choose to be excluded from the Class and may opt-out of the class action. Those who opt out are not bound by any judgment on the common issues. To opt out, those who meet the definition above (see “Who is included?”) must send an “Opt-out Form,” signed by the Resident Class Member, to Class Counsel on or before July 1, 2016.

Class Members who reside outside of New Brunswick may opt into the proceeding by delivering a completed “Opt-In Form” to Class Counsel on or before July 1, 2016.

For more information, or to access an Opt-Out or Opt-In Form, visit <http://www.wagners.co> or contact Class Counsel at the addresses below:

Wagners  
1869 Upper Water Street  
Suite PH 301, Pontac House  
Historic Properties  
Halifax NS B3J 1S9  
Office: 902-425-7330  
Toll Free: 1-800-465-8794  
Fax: 902-422-1233

Ches Crosbie Barristers  
169 Water Street  
St. John's, NL A1C 1B1  
Office: 866-645-3190  
Fax: 709-579-9671