

NOTICE OF CERTIFICATION OF THE MIRAMICHI PATHOLOGY CLASS ACTION

To: Individuals Affected by the Pathology Retesting at the Miramichi Regional Hospital

Notice Of Certification:

Class Members are advised of certification of a class action lawsuit regarding testing of pathology samples that occurred at the Miramichi Regional Hospital and which the Miramichi Regional Hospital caused to be retested.

Who is included?

Patients whose tissue samples underwent pathology testing for potential cancer or potential cancer-related disease, and were reported by Dr. Menon at the Regional Hospital between January 1, 1995 and February 7, 2007, and whose tissue samples the Regional Hospital subsequently caused to be retested; and

The estates, children, parents and spouses (as defined by the *Fatal Accidents Act*) of deceased patients.

What is the Class Period?

The Class Period is January 1, 1995 to February 7, 2007.

What is the nature of the claims?

Compensation and/or damages for negligence, breach of contract and breach of fiduciary duty.

Representative Plaintiffs:

John Albert Gay (Tabusintac, NB), James Bliss Wilson (Napan, NB) and Kimberley Doyle (Miramichi, NB)

Class Counsel Compensation:

The Representative Plaintiffs have 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 Defendants 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.

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:

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