

NOTICE OF PROPOSED SETTLEMENT OF THE MIRAMICHI PATHOLOGY CLASS ACTION

PLEASE READ CAREFULLY. IGNORING THIS NOTICE WILL AFFECT YOUR LEGAL RIGHTS

WHO IS ELIGIBLE?

A proposed settlement (“Settlement”) has been reached in the Miramichi Regional Hospital pathology class action. This Notice advises you of the settlement agreement and of the hearing that will be held to decide whether the Settlement should be approved.

In February 2008, notice was given to the public that all pathological tests analyzed by a former pathologist at the Miramichi Regional Hospital, Dr. Rajgopal Menon, during the period from 1995 to 2007, would be subject to an external review.

If the Settlement is approved, it will apply to all “Class Members”, which is defined as follows:

- a) Patients whose tissue samples underwent pathology testing for potential cancer or potential cancer-related disease, and were reported by Dr. Menon at the Miramichi Regional Hospital between January 1, 1995 and February 7, 2007, and whose tissue samples the Miramichi Regional Hospital subsequently caused to be retested; and
- b) The estates, children, parents and spouses (as defined by the *Fatal Accidents Act*) of deceased patients.

For clarity, not all Class Members as described above will be eligible for compensation under this Settlement. To be eligible for payment, a Class Member must be living at the date of approval of the Settlement and must not have opted out of this action. Matrimonial and common law spouses will receive no monetary reward under the Settlement.

Wagners Law Firm is class counsel. You can review the Settlement Agreement at Wagners’ website: www.wagners.co, or you can contact Wagners at the contact information provided in this Notice.

HOW MUCH WILL I RECEIVE UNDER THE SETTLEMENT?

The Settlement provides for a **\$2,500,000.00 (CDN)** settlement payment, which will be used to pay each Eligible Class Member who meets certain criteria and **who submits a Claim Form and, where required, supporting medical records within the deadlines provided**. To obtain relevant medical records to support a claim at no cost the Release of Medical Records Authorization Form must be received within the deadline provided. The Settlement will also be used to pay **legal fees, the costs of notifying Class Members about the Settlement, the costs of administering the claims and of distributing the payments**. If the Settlement is approved, the Settlement Approval Notice will be published and the Claim Forms and Release of Medical Records Authorization Form will be available to Class Members from the Claims Administrator.

The Settlement provides for two categories of awards. You are eligible for compensation under the proposed Settlement if you fall within one of the two categories. Category 1 Class Members are those who suffered harm as a result of a change in Dr. Menon’s diagnosis with respect to a cancer or cancer-related disease; Category 2 Class Members are those who had a partial or complete change in Dr. Menon’s diagnosis with respect to a cancer or cancer-related disease who do not qualify for an award under Category 1. Category 1 Class Members who submit a completed Release of Medical Records Authorization Form by 90 days after the date of publication of the Settlement Approval Notice, and a completed Category 1 Claim Form and any necessary supporting documentation by 210 days after the date of publication of the Settlement Approval Notice (the “**Claim Deadline**”) may be entitled to an award ranging from **CAD \$2,500.00 to a maximum of**

CAD \$50,000.00. Category 2 Class Members who submit a Category 2 Claim Form within the Claim Deadline may be entitled **to an award of a maximum of CAD \$750.00.** Awards may be subject to a pro rata reduction depending on the number of claims received by the Claims Administrator.

SETTLEMENT APPROVAL HEARING – JULY 4, 2019 AT 10 A.M.

The Settlement will only be effective if the Court approves it as being fair, reasonable and in the best interests of Class Members. The Court will determine this at a Settlement Approval Hearing on **July 4, 2019, at 10 a.m.** at the Miramichi Law Courts, 673 King George Highway, Miramichi, New Brunswick.

You may attend the Settlement Approval Hearing and you may make oral submissions to the Court.

OBJECTING TO THE PROPOSED SETTLEMENT – DEADLINE OF JUNE 27, 2019

If you wish to object to the proposed Settlement, you may submit a written objection to us, explaining your reason for objecting to the proposed Settlement. **Your written objection must be received by us no later than June 27, 2019 at the mailing address or email address provided below.** We will file copies of all objections with the Court. Do **NOT** send an objection directly to the Court. You may attend the Settlement Approval Hearing and you may make oral submissions to the Court, subject to the permission of the Court.

LEGAL FEES

At the Settlement Approval Hearing, Class Counsel will request approval for payment of its legal fees, disbursements and applicable taxes. Class Counsel has pursued this lawsuit on a contingency basis and will seek approval from the Court for such payment in accordance with the terms of its retainer agreement with the Representative Plaintiffs, which provides for a fee of 25% of the first \$10 million of a settlement or any part thereof, plus applicable taxes, and recovery of disbursements. The legal fees for which court approval will be sought total \$625,000 plus applicable taxes. Disbursements are estimated to be approximately \$290,000 (inclusive of applicable taxes).

CONTACT US FOR MORE INFORMATION

The Settlement Agreement is available on our website at **www.wagners.co.**

If you have any questions or wish to update your mailing address, please contact us by email at **classaction@wagners.co** or by telephone at **1-800-465-8794 / 902-425-7330.**

Our mailing address is **Wagners, 1869 Upper Water St., Halifax, Nova Scotia, B3J 1S9.**

This Notice has been approved by the New Brunswick Court of Queen's Bench