

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

DIANNA LOUISE PARSONS, deceased by her Estate Administrator, William John Forsyth,  
MICHAEL HERBERT CRUICKSHANKS, DAVID TULL, MARTIN HENRY GRIFFEN, ANNA  
KARDISH, ELSIE KOTYK, Executrix of the Estate of Harry Kotyk,  
deceased and ELSIE KOTYK, personally

Plaintiffs

and

THE CANADIAN RED CROSS SOCIETY, HIS MAJESTY THE KING IN RIGHT OF ONTARIO and  
THE ATTORNEY GENERAL OF CANADA

Defendants

and

HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF ALBERTA  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF SASKATCHEWAN,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF MANITOBA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEW BRUNSWICK  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF PRINCE EDWARD ISLAND,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NOVA SCOTIA  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEWFOUNDLAND,  
THE GOVERNMENT OF THE NORTHWEST TERRITORIES,  
THE GOVERNMENT OF NUNAVUT and THE GOVERNMENT OF THE YUKON TERRITORY

Intervenors

**Proceeding under the Class Proceedings Act, 1992**

Court File No. 98-CV-146405

B E T W E E N:

JAMES KREPPNER, BARRY ISAAC, NORMAN LANDRY, as Executor of the Estate of the late  
SERGE LANDRY, PETER FELSING, DONALD MILLIGAN, ALLAN GRUHLKE, JIM LOVE and  
PAULINE FOURNIER as Executrix of the Estate of the late PIERRE FOURNIER

Plaintiffs

and

THE CANADIAN RED CROSS SOCIETY, THE ATTORNEY GENERAL OF CANADA and  
HIS MAJESTY THE KING IN RIGHT OF ONTARIO

Defendants

and

HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF ALBERTA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF SASKATCHEWAN,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF MANITOBA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEW BRUNSWICK,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF PRINCE EDWARD ISLAND  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NOVA SCOTIA  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEWFOUNDLAND,  
THE GOVERNMENT OF THE NORTHWEST TERRITORIES,  
THE GOVERNMENT OF NUNAVUT AND THE GOVERNMENT OF THE YUKON TERRITORY

Intervenors

**Proceeding under the Class Proceedings Act, 1992**

No. C965349  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between

Anita Endean, as representative plaintiff

Plaintiff

and

The Canadian Red Cross Society,  
His Majesty the King in Right of the Province of  
British Columbia, and The Attorney General of Canada

Defendants

and

Prince George Regional Hospital, Dr. William Galliford,  
Dr. Robert Hart Dykes, Dr. Peter Houghton,  
Dr. John Doe, His Majesty the King in Right of Canada, and  
His Majesty the King in Right of the Province of BC

Third Parties

Proceeding under the *Class Proceedings Act*, R.S.B.C. 1996, C. 50

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

NO : 500-06-000016-960

SUPERIOR COURT  
Class action

---

DOMINIQUE HONHON

Plaintiff

-vs-

THE ATTORNEY GENERAL OF CANADA  
THE ATTORNEY GENERAL OF QUÉBEC  
THE CANADIAN RED CROSS SOCIETY

Defendants

-and-

MICHEL SAVONITTO, in the capacity of the Joint  
Committee member for the province of Québec

PETITIONER

-and-

FONDS D'AIDE AUX RECOURS COLLECTIFS

-and-

LE CURATEUR PUBLIC DU QUÉBEC

Mis-en-cause

---

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF MONTRÉAL

NO : 500-06-000068-987

SUPERIOR COURT  
Class action

---

DAVID PAGE

Plaintiff

-vs-

THE ATTORNEY GENERAL OF CANADA  
THE ATTORNEY GENERAL OF QUÉBEC  
THE CANADIAN RED CROSS SOCIETY

Defendants

-and-

FONDS D'AIDE AUX RECOURS COLLECTIFS

-and-

LE CURATEUR PUBLIC DU QUÉBEC

Mis-en-cause

**SECOND SUPPLEMENTAL MOTION RECORD**  
(Joint Committee Motion to Allocate 2019 Excess Capital)

May 25, 2023

PODREBARAC BARRISTERS  
PROFESSIONAL CORPORATION  
402-1246 Yonge Street  
Toronto, ON M4T 1W7

KATHRYN PODREBARAC  
LSO#: 35640P  
kp@PodrebaracMediation.com  
Tel: 416.568.1299

STROSBERG SASSO SUTTS LLP  
Lawyers  
1561 Ouellette Avenue  
Windsor ON N8X 1K5

HARVEY T. STROSBERG, Q.C.  
LSO#: 126400  
harvey@strosbergco.com  
Tel: 519.258.9333  
Fax: 866.316.5308

Members of the Joint Committee

TO:  
DEPARTMENT OF JUSTICE  
Ontario Regional Office  
Senior Counsel - Regulatory Law  
Section  
120 Adelaide Street West, Suite 400  
Toronto, ON M5H 1T1

VICTOR PAOLONE  
ADAM GILANI  
Tel: 647 256-1672  
Email: [Victor.Paolone@justice.gc.ca](mailto:Victor.Paolone@justice.gc.ca)  
[Adam.Gilani@justice.gc.ca](mailto:Adam.Gilani@justice.gc.ca)

Counsel for the Attorney General  
of Canada

AND TO:  
MINISTRY OF ATTORNEY  
GENERAL  
FOR ONTARIO  
Crown Law Office - Civil Law  
8<sup>th</sup> Floor, 720 Bay Street  
Toronto, ON M5G 2K1

ERIN RIZOK  
Tel: 416.326.4098  
Email: [erin.rizok@ontario.ca](mailto:erin.rizok@ontario.ca)

Counsel for the Province of Ontario



AND TO:  
MCCARTHY TÉTRAULT LLP  
Lawyers  
44th Floor, Toronto Dominion Tower  
66 Wellington Street West  
Toronto, ON M5K 1E6

CAROLINE ZAYID  
MICHAEL ROSENBERG  
Tel: 416.601.7768  
Email: [czayid@mccarthy.ca](mailto:czayid@mccarthy.ca)  
[mrosenberg@mccarthy.ca](mailto:mrosenberg@mccarthy.ca)

Counsel for the Intervenors

AND TO:  
OFFICE OF THE CHILDREN'S LAWYER  
14<sup>th</sup> Floor  
393 University Avenue  
Toronto, ON M5G 1W9

KATHERINE ANTONACOPOULOS  
Tel: 416.314.8027  
Email: [Katherine.Antonacopoulos@ontario.ca](mailto:Katherine.Antonacopoulos@ontario.ca)

Lawyer for the Children's Lawyer

AND TO:  
STOCKWOODS LLP  
Barristers  
77 King Street West  
Suite 4130  
Toronto, ON M5K 1H1

LUISA J. RITACCA  
Tel: 416.593.2492  
Email: [luisar@stockwoods.ca](mailto:luisar@stockwoods.ca)

Monitor for the Court

AND TO:  
GOWLING WLG  
1 First Canadian Place  
100 King Street West, Suite 1600  
Toronto, ON M5X 1G5

JOHN C. CALLAGHAN  
BELINDA BAIN  
Tel: 416.369.6174  
Email: [John.Callaghan@gowlingwlg.com](mailto:John.Callaghan@gowlingwlg.com)  
[Belinda.Bain@gowlingwlg.com](mailto:Belinda.Bain@gowlingwlg.com)

Fund Counsel for Ontario

AND TO:  
OFFICE OF THE PUBLIC GUARDIAN  
AND TRUSTEE  
Suite 800  
595 Bay Street  
Toronto, ON M5G 2M6

MARY PHAN  
Tel: 416.314.2777  
Email: [Mary.X.Phan@ontario.ca](mailto:Mary.X.Phan@ontario.ca)

Counsel for The Public Guardian and  
Trustee

AND TO:  
BERNARD, ROY (JUSTICE-QUÉBEC)  
Ministère de la Justice du Québec  
Service du contentieux  
1, rue Notre-Dame Est, 8<sup>e</sup> étage  
Montreal, QC H2Y 1B6

LOUISE COMTOIS  
Tel : 514. 393.2336, poste 51615  
Email : [louise.comtois@justice.gouv.qc.ca](mailto:louise.comtois@justice.gouv.qc.ca)  
[bernardroy@justice.gouv.qc.ca](mailto:bernardroy@justice.gouv.qc.ca)

Counsel for the Province of Québec

AND TO:  
McCARTHY TÉTRAULT  
1000, rue de la Gauchetière Ouest  
Bureau 2500  
Montréal (Québec) H3B 0A3

MASON POPLAW  
KIM NGUYEN  
Tel: 514.397.4155  
[mpoplaw@mccarthy.ca](mailto:mpoplaw@mccarthy.ca)  
[knguyen@mccarthy.ca](mailto:knguyen@mccarthy.ca)

Quebec Fund counsel  
AND TO:  
MacKenzie Fujisawa LLP  
1600 - 1095 W Pender Street  
Vancouver BC V6E 2M6

GORDON KEHLER  
Tel.: (604) 443-1222  
Email: [gkehl@macfuj.com](mailto:gkehl@macfuj.com)

AND TO:  
MINISTRY OF ATTORNEY GENERAL  
OF BRITISH COLUMBIA  
Legal Services Branch  
865 Hornby Street  
Vancouver BC V6Z 1T9

KEITH EVANS  
Tel.: (604) 660-3360  
Email: [keith.evans@gov.bc.ca](mailto:keith.evans@gov.bc.ca)

Counsel for the Province of British  
Columbia

## INDEX

TAB			PAGE #
31.	<b>Affidavit of Heather Rumble Peterson, sworn May 25, 2023</b>		3158 – 3162
	Exhibit A	Additional Written Submissions of Class Members and Family Class Members	3163 – 3218
		Recommendation One - Fixed Payments	3164 – 3179
		Recommendation Two – Family Member Loss of Guidance, Care and Companionship	3180 – 3218
	Exhibit B	Revised version of Schedule B to Factum/Submissions/Written Argument of the Joint Committee	3219 – 3227
	Exhibit C	Revised draft Ontario Order found at Schedule D to Factum/Submissions/Written Argument of the Joint Committee	3228 – 3236
	Exhibit D	Revised draft Quebec Judgment found at Schedule E to Factum/Submissions/Written Argument of the Joint Committee	3237 – 3244
	Exhibit E	Revised draft British Columbia Order found at Schedule F to Factum/Submissions/Written Argument of the Joint Committee	3245 – 3254

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

DIANNA LOUISE PARSONS, deceased by her Estate Administrator, William John Forsyth, MICHAEL HERBERT  
CRUICKSHANKS, DAVID TULL, MARTIN HENRY GRIFFEN, ANNA KARDISH, ELSIE KOTYK,  
Executrix of the Estate of Harry Kotyk, deceased and ELSIE KOTYK, personally

Plaintiffs

and

THE CANADIAN RED CROSS SOCIETY, HIS MAJESTY THE KING IN RIGHT OF ONTARIO  
and THE ATTORNEY GENERAL OF CANADA

Defendants

and

HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF ALBERTA, HIS MAJESTY THE KING IN THE RIGHT OF  
THE PROVINCE OF SASKATCHEWAN, HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF MANITOBA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEW BRUNSWICK, HIS MAJESTY THE KING IN THE  
RIGHT OF THE PROVINCE OF PRINCE EDWARD ISLAND, HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE  
OF NOVA SCOTIA, HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEWFOUNDLAND, THE  
GOVERNMENT OF THE NORTHWEST TERRITORIES, THE GOVERNMENT OF NUNAVUT and THE GOVERNMENT OF  
THE YUKON TERRITORY

Intervenors

Proceeding under the *Class Proceedings Act, 1992*

Court File No. 98-CV-146405

B E T W E E N:

JAMES KREPPNER, BARRY ISAAC, NORMAN LANDRY, as Executor of the Estate of the late SERGE LANDRY,  
PETER FELSING, DONALD MILLIGAN, ALLAN GRUHLKE, JIM LOVE  
and PAULINE FOURNIER as Executrix of the Estate of the late PIERRE FOURNIER

Plaintiffs

and

THE CANADIAN RED CROSS SOCIETY, THE ATTORNEY GENERAL OF CANADA  
and HIS MAJESTY THE KING IN RIGHT OF ONTARIO

Defendants

and

HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF ALBERTA, HIS MAJESTY THE KING IN THE RIGHT OF  
THE PROVINCE OF SASKATCHEWAN, HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF MANITOBA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEW BRUNSWICK, HIS MAJESTY THE KING IN THE  
RIGHT OF THE PROVINCE OF PRINCE EDWARD ISLAND, HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE  
OF NOVA SCOTIA, HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEWFOUNDLAND, THE  
GOVERNMENT OF THE NORTHWEST TERRITORIES, THE GOVERNMENT OF NUNAVUT and THE GOVERNMENT OF  
THE YUKON TERRITORY

Intervenors

Proceeding under the *Class Proceedings Act, 1992*

This is the 45th Affidavit  
of Heather Rumble Peterson in the BC Action  
and was made on May 25, 2023

No. C965349  
Vancouver Registry

**In the Supreme Court of British Columbia**

Between:

**Anita Endean, as representative plaintiff**

**Plaintiff**

**and**

**The Canadian Red Cross Society,  
His Majesty the King in Right of the Province of  
British Columbia, and The Attorney General of Canada**

**Defendants**

**and**

**Prince George Regional Hospital, Dr. William Galliford,  
Dr. Robert Hart Dykes, Dr. Peter Houghton,  
Dr. John Doe, His Majesty the King in Right of Canada, and  
His Majesty the King in Right of the Province of BC**

**Third Parties**

**Proceeding under the *Class Proceedings Act*, R.S.B.C. 1996, C. 50**

**CANADA**  
**PROVINCE OF QUÉBEC**  
**DISTRICT OF MONTRÉAL**

**NO : 500-06-000016-960**

**SUPERIOR COURT**

**Class action**

---

**DOMINIQUE HONHON**

Plaintiff

-vs-

**THE ATTORNEY GENERAL OF CANADA**  
**THE ATTORNEY GENERAL OF QUÉBEC**  
**THE CANADIAN RED CROSS SOCIETY**

Defendants

-and-

**MICHEL SAVONITTO, in the capacity of the Joint  
Committee member for the province of Québec**

**PETITIONER**

-and-

**FONDS D'AIDE AUX RECOURS COLLECTIFS**

-and-

**LE CURATEUR PUBLIC DU QUÉBEC**

Mis-en-cause

---

**CANADA**  
**PROVINCE OF QUÉBEC**  
**DISTRICT OF MONTRÉAL**

**NO : 500-06-000068-987**

**SUPERIOR COURT**

**Class action**

---

**DAVID PAGE**

Plaintiff

-vs-

**THE ATTORNEY GENERAL OF CANADA**  
**THE ATTORNEY GENERAL OF QUÉBEC**  
**THE CANADIAN RED CROSS SOCIETY**

Defendants

-and-

**FONDS D'AIDE AUX RECOURS COLLECTIFS**

-and-

**LE CURATEUR PUBLIC DU QUÉBEC**

Mis-en-cause

**AFFIDAVIT OF HEATHER RUMBLE PETERSON**  
**(Sworn May 25, 2023)**

I, HEATHER RUMBLE PETERSON, of the Town of Harrow, in the County of Essex, lawyer, MAKE OATH AND SAY:

1. This is my fourth affidavit in support of the Joint Committee's applications to have the Courts exercise their unfettered discretion to allocate the 2019 Excess Capital for the benefit of approved class members and family members. To the extent I do not have personal knowledge of the facts deposed herein, I have been so advised by Jason Lobo, the HCV settlement project manager for the Administrator Epiq, and I verily believe them to be true.
  
2. As indicated in my May 18, 2023 affidavit, in April 2023, a notice informing the class members of the changed financial circumstances of the Trust and the modified allocation recommendations of the Joint Committee and inviting class members and family class members to express their views on allocation in writing ("**Notice**") was posted on the Settlement website and sent to 13,569 class members and family class members by email and/or regular mail.
  
3. My May 18, 2023 affidavit attached the written submissions of class members and family class members commenting on allocation of 2019 Excess Capital received by the Administrator in response to the Notice up to May 15, 2023.
  
4. Attached to this affidavit as **Exhibit "A"** are additional written submissions of class members and family class members commenting on allocation of 2019 Excess Capital received by the Administrator in response to the Notice up to May 23, 2023.
  
5. These latest submissions have also been redacted under the direction of the Joint Committee to remove names, addresses, telephone numbers, claim numbers and/or other identifying information to protect the privacy of the class members and family class members. Additional communications received by the Administrator that do not address allocation of the 2019 Excess Capital are not included in this affidavit.
  
6. Attached to this affidavit as **Exhibit "B"** is a revised version of Schedule B to the Factum/Submissions/Written Argument of the Joint Committee.

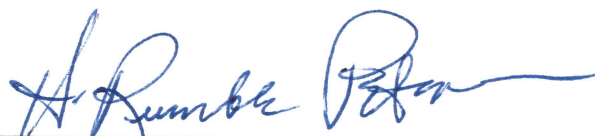
7. Attached to this affidavit as **Exhibits “C”, “D” and “E”** are revised versions of the draft orders/judgment found at Schedules D, E and F to the Factum/Submissions/Written Argument of the Joint Committee in a form agreed to by counsel for the Attorney General of Canada.

SWORN BEFORE ME at the City of )  
Windsor, in the County of Essex, this )  
25<sup>th</sup> day of May, 2023. )



\_\_\_\_\_  
Commissioner for taking affidavits

1950929

  
\_\_\_\_\_  
HEATHER RUMBLE PETERSON

Shelley Lynn Woodrich, a Commissioner, etc.,  
Province of Ontario, for Strosberg Sasso Suttis **LLP**,  
Barristers and Solicitors.  
Expires February 22, 2025.



*THE ATTACHED IS EXHIBIT "A" TO THE*

*AFFIDAVIT OF HEATHER RUMBLE*

*PETERSON SWORN BEFORE ME THIS 25<sup>h</sup>*

*DAY OF MAY, 2023*



*Commissioner for Taking Affidavits*

Shelley Lynn Woodrich, a Commissioner, etc.,  
Province of Ontario, for Strosberg Sasso Sutts **LLP**,  
Barristers and Solicitors.  
Expires February 22, 2025.

# **Class Member Submissions 2019 Allocation Hearing**

## **Recommendation One – Fixed Payments**

**From:** [REDACTED]  
**Sent:** Thursday, May 11, 2023 1:52 PM  
**To:** HepC8690 <info@hepc8690.ca>  
**Subject:** opinion sur allocation du capital excédentaire de 2019 [REDACTED]

RECEIVED

MAY 12 2023

3165

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

Bonjour à vous, je vous écris pour vous faire de mon opinion sur la distribution du capital excédentaire pour l'année 2019.

Mon opinion est que la distribution devrait être faite équitablement entre tous les bénéficiaires du recours qu'ils soient vivants ou décédés. Par exemple, mon conjoint, [REDACTED] est décédé le 19 Février 2022, soit après la date d'évaluation du surplus. Il serait injuste pour nous qu'il y ait une grosse portion de l'excédent qui soit versée aux bénéficiaires vivants et qu'une petite portion soit versée aux bénéficiaires décédés.

Ainsi, dans les recommandations 1-3 -4 notre compréhension est que les sommes ne seront pas versées en totalité aux bénéficiaires décédés et que la recommandation 2 ne compense pas entièrement les sommes reçues par les bénéficiaires vivants.

Bref, nous vous demandons de considérer l'équité entre les bénéficiaires vivants et décédés, surtout pour les bénéficiaires décédés dont le décès est directement lié à cette infection, comme mon conjoint, et aussi surtout pour les bénéficiaires qui sont décédés après 2019 et qui devrait profiter à 100% de cet excédent.

Merci de prendre en considération mon opinion.

[REDACTED] assistée par mon planificateur financier [REDACTED]  
[REDACTED]

MAY 18 2023

le 5-05-2023 Reclamation [REDACTED]

BONJOUR,

JE SUIS [REDACTED] UNE VICTIME DE  
L'HEPATITE C.

JE M'ADRESSE AUX PERSONNES CONCERNÉES. JE VOUS DEMANDE DE DÉBLOQUER LES FONDS POUR QUE LES PERSONNES INFECTÉES PUISSE BÉNÉFICIER DE CE ARGENT. LE 5 FEVRIER 1989, JE SUIS RENTRÉ A L'HOPITAL DE SACRE-COEUR DE MONTREAL, POUR METTRE AU MONDE MON 1<sup>ER</sup> ENFANT. J'AVAIS PERDU BEAUCOUP DE SANG, ET ON M'A DONNÉ DU SANG CONTAMINÉ CONTRE MA VOLONTÉ. CETTE MALADIE A DETRUIT MA VIE ET CELLE DE MA FAMILLE. A CAUSE DE L'HEPATITE C, J'AI BEAUCOUP DE PROBIEME DE SANTÉ. J'AI FAIS UNE AMBOLIE POLMONAIRE, DU DIABE, J'AI FAIS LA HAUTE PRESSION ET J'AI DU MAL A MARCHER. J'AI DES PROBIEME DE FOI. MALGRÉ TOUT JE SUIS OBLIGÉ DE TRAVAILER POUR GAGNER MA VIE. JE MERITE BIEN DE CE ARGENT, ET C'EST POUR CÉTA JE VOUS DEMANDE DE FAIRE LE NECESSAIRE POUR DÉBLOQUER LES FONDS POUR QUE JE PEUX JOUIR DE CE ARGENT. JE VIE DANS LA MISERE TANDIS QUE IL YA DE L'ARGENT DISPONIBIE POUR LES PERSONNES INFECTÉES. J'ATTENDS AVEC IMPATIENCE. MERCI BEAUCOUP.

REÇOIT LES SALUTATIONS LES PLUS DISTINGUÉES DE  
MA PART

[REDACTED]

3167 RECEIVED

May 14, 2023

By Email

**Re: Proposed Allocation of 2019 Surplus for the Benefit of Class Members**

To Whom it May Concern:

I am writing in response to the notice received May 12, 2023. As there is little time between the Notice being received and the due date of May 15, 2023 to submit comments, I would first request the Administrator to send notice further in advance of such deadlines. I will also state I would welcome the opportunity to make verbal submissions to the court regarding the submission of the Joint Committee. I had received no notice the joint committee would be making a submission to the courts regarding the surplus funds, and I believe infected class members should have an avenue for input.

A quick background of myself – I received a blood transfusion on the day I was born from Canada Blood services that was infected. I had not one day on this earth from birth without Hep C. 36 years later, I am still living with this on my mind.

I would like to see more weight regarding using the surplus for Recommendation #1 that the Joint committee has put forward. Rather than 6.8%, I would like to see at least a 20% increase that would see the bulk of the surplus used. As you'll see my suggestion below, reducing recommendation #2 and eliminating 3 & 4 allows for the surplus to be used here. There's a number of reasons that I think it should be in a lump sum payment. Compensation of lost of income and compensation to lost of services was made to me close to 15 years ago. I made the choice then based on the facts and information I had at the time. If I had known there would be future increases to Lost or Diminished Pension Benefits or Loss of Services incurred from and after January 1, 2019, I would have perhaps made a different decision at the time and waived the \$30,000 payment to participate in either of those programs. I will not know because I cannot go back in time. The best looking forward is to increase a lump sum payment based on disease level and pay the surplus out that way. It also saves on administrative costs rather than using the 3 other recommendations.

With regards to recommendation number 2, my parents, spouse and siblings are not and will not be expecting a pay out if I were to pass. This in no way benefits any of the infected class members, but rather it takes away the surplus that should be distributed to the infected class members. Treatment and care have come so far since the therefore, I ask the Courts to not consider the Joint Committees recommendation # 2 -50% of Loss of Guidance, Care and Companionship payments.

With Recommendation Both 3 and 4, By creating and paying special distribution benefits under these two recommendations creates inequity between class members if you stray from fixed disease level payments. As stated above, I may have chosen to waive the \$30,000 payment to claim these. The Joint Committee shouldn't be recommending half way through to change the game and rules.

In conclusion, I put it to the courts to Adopt Recommendation #1 but increase the percentages to utilize the bulk of the surplus. Forego Recommendation 2 – 4 as started above, and streamline the administration on handling the surplus.

Feel free to reach out for clarification,

Regards,

██████████





1986-1990 Hepatitis C Claim

PO BOX 2370

Station D

Ottawa, Ontario, K1P 5W5

Thank you for the opportunity to express my views in advance of the Hearings about the Joint Committee's recommendations 2 to make a request on recommendation regarding the Retained Amount.

Yes Recommendation 1 - This option seems to cover the fact that I am LIVING AND A HEMOPHILIAC. But I get a little lost in 6.8% fixed payment, cumulative total, disease levels and a figure of \$13,717 for level 5 and \$5,467. I am SINGLE and 74 ym old.

No Recommendation 2 - This option is concerned with family members following the death of the HCV infected person. I am not dead and I have No spouse, No children (of any age), No parents, No siblings and No grand parents / grand children. This option does not reflect my situation at all.

No Recommendation 3 - Increase Lost or Diminished Pension Benefits by 4% of loss of income. I do not have my figures to calculate my loss of Pension Benefits and/or loss of income. Didn't we all lose our ability to contribute to Pensions, retirement plans, our careers, income and All kinds of opportunities I can't do the calculations. Would it allow fair and equal treatment of all claimants? I can't recommend because I can't do the numbers.

No Recommendation 4 - Pays an additional \$1.49 hr for loss of services incurred from and after January 1, 2019. Would this be the most fair and equal treatment for the most. What does a Claimant's income work out to at an hourly rate? Minimum wage in BC is \$16.25 and most services for medical care start at \$30.00 per hour. \$1.49 hr is not





page 2 of 7  
May 10, 2023

Continued

Recommendation for the Retained Amount approximately \$2 million which will be retained in the Trust Fund. - Am I to assume that that paragraph one would then apply. "Every three years the financial sufficiency of the Hepatitis C 1986 - 1990 Trust Fund is reviewed to ensure that it is adequate to meet the expected needs of class members and family members." How many of us will be left alive. If my needs are met and I don't have to struggle, suffer, go without proper care I guess that's something. Do it enough? I don't know.

Page 3 of 7  
May 10, 2023

Continued

- " That certainly I am waiting for cataract surgery on May 30, 2023 and reading and writing is difficult for me. Timing is not good.
- " Please, as an organization, be cognizant of the reality of all the members that you serve. We do not all have computers, technology, smart phones or the skills or abilities to use them. Your NOTICE includes only website and Canada Post address. I need a phone number, Canada Post and enough time to be able to meet dead lines. Not being able to comply could feel very discriminating.

cc - lead care establishments enclosed re Disease books

From: [REDACTED]

Sent: Monday, May 15, 2023 4:59 PM

To: HepC8690 <info@hepc8690.ca>

Subject: PROPOSED ALLOCATION OF 2019 SURPLUS

CAUTION: This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

Dear Members of the Joint Committee:

First of all, as a class member, I would like to say that it is nice to be remembered after all of these years. I was a bit surprised to be hearing from your committee after all of this time, since I thought we were done with our dealings from long ago.

As far as the Joint Committee's revised recommendations for the allocation of surplus benefits for class members and family members go, I think that they are reasonable. I think that the most important thing is to make your decision in a timely manner, as living class members would most benefit from payments sooner, than later. With the cost of living increasing every year, and class members getting older, I think that most class members, like myself, are struggling to make ends meet in the present, and would welcome some sort of relief. I also agree that it is wise to retain the \$2 million dollars in the Trust Fund for any future, unforeseen circumstances.

Thank you very much for contacting me to provide my input. Again, it is nice to be remembered.

Sincerely,

[REDACTED]



RECEIVED

MAY 12 2023

May 8, 2023

Claims Administrator,  
 Class Action Settlement,  
 P.O. Box 2370, Station D,  
 C.P. 2370,  
 Ottawa, ON K1P 5W5

Dear Administrator,

Re: Claim ID: [REDACTED]

I thank you for notifying me of the Proposed Allocation of 2019 Surplus Information for the benefit of class members.

I would appreciate being included in this proposed allocation.

Most of my information as my file shows is from Toronto Western Hospital and my GP, [REDACTED] whom both I attend. Unfortunately, this, as my other MVA injuries

particularly my serious brain and shoulder injuries, continue to destroy my life. I haven't worked since being given eight pints of tainted blood.

I would appreciate your kind assistance in this endeavour.

Many thanks,

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Friday, May 12, 2023 7:27 AM  
To: HepC8690 <info@hepc8690.ca>  
Subject: Response to courts from [REDACTED]

MAY 12 2023

3177

RECEIVED

cl

CAUTION: This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

Well I wish that the payout was done in one shot and not treat us like children and administer it as they see fit. We did not ask for this disease and due to a human, who did not get charged, decided not to do his due diligence for screening we were stricken with a life long disease. Every time I get these letters it brings back the feelings I had the first time HepC news was given to me. I felt like at any moment I could infect my young children and spouse and I went into depression. Just do the complete pay out and be done. We have had to jump thru hoops to get the money even with the government knows how, when, where, why & who.... It never is an ending until we died. [REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [HepC8690](#)  
**Subject:** Claim [REDACTED]  
**Date:** May 14, 2023 1:07:12 AM

---

CAUTION: This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

Hello

I'm a husband, a father of three children I was only 3 weeks old when I had a blood transfusion which later to find out was infected with hepc being that young and not know I grow up with many problems but do my best overcome them everyday, my thoughts on this surplus is that with the world how it is today and how things are tuff and very expensive I would vote for a lump some as that would help now, where I believe it is needed more then ever. Hate to have the chance to loose more and then down the road and get less down the road and still struggling, where a lump some now would help and make thing a little easier for the days to come. I work everyday and I'm limited to what I can do so it doesn't help three times like this. These are just my thoughts.

Thank you

[REDACTED]

Sent from my iPhone



**From:** [REDACTED]  
**To:** [HepC8690](#)  
**Subject:** Hep c input  
**Date:** May 14, 2023 7:25:28 AM

---

CAUTION: This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

I believe allocating the money to the people's that have been affected by this and their families is the right thing to do. I've lived with this my whole life. After doing the cure. There is still on going issues that need attention. And the money would help attend those issues.

Thanks for taking the time to read my input. Greatly appreciated.

[REDACTED]

Sent from my iPhone

# **Class Member Submissions 2019 Allocation Hearing**

**Recommendation Two - Family Member  
Loss of Guidance, Care and Companionship**

RECEIVED

MAY 12 2023

6 mai 1923

Je répond à votre lettre  
je ne suis pas sûr de  
comprendre. Je'ai compris que  
reste de l'argent à distribuer  
au con je n'ai pas d'accord.  
j'en aurai besoin et il  
reste un peu au fond  
je suis d'accord.

Merci

**From:** [REDACTED]  
**Sent:** Thursday, May 11, 2023 7:59 PM  
**To:** HepC8690 <info@hepc8690.ca>  
**Subject:** regarding surplus money

RECEIVED

MAY 12 2023

3182

# [REDACTED]

CAUTION: This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

To Whom It May Concern;|

Our Mother ([REDACTED]) died April 9th 1997 of this unspeakable miscarriage of justice. My opinion is to give every family member that lost a love one, compensation for this scandal. This should never have happened....

Thanking you in advance.

[REDACTED]

From: [REDACTED]

Sent: Saturday, May 13, 2023 7:03 PM

To: HepC8690 <info@hepc8690.ca>

Subject: Re: NOTICE/ AVIS - ALLOCATION OF 2019 SURPLUS / ALLOCATION DU CAPITAL EXCÉDENTAIRE 2019

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

Ma mère est décédé le 13 nov 1998 à la suite de l'hépatite C. Je veux savoir pourquoi les frères et sœurs ont droit à de l'argent quand ils ne venait pas la voir car ils disait quelle était contagieuse. Moi j'allais lui donné a manger car elle prenait beaucoup de temps et elle magnait pas à sa faim. Mes 2 enfants passait l'été au camping avec elle, ils fessaient des voyages, allait au restaurant, allait au États, Unis, et j'en passe. C'est pour c'a que je ne suis pas d'accord avec les recommandation 2 merci [REDACTED]

Le 2023-04-10 à 16:55, HepC8690 a écrit :

Please find attached an important notice regarding the 1986-1990 Hepatitis C Settlement.

Every three years the financial sufficiency of the Hepatitis C 1986-1990 Trust Fund is reviewed to ensure that it is adequate to meet the expected needs of class members and family members.

On the most recent financial sufficiency review, the actuaries retained by the Joint Committee and by the federal government expressed the opinion that the Trust Fund is financially sufficient and that there is a **surplus**. They estimated the surplus was between \$195,037,000 and \$201,019,000 as at December 31, 2019. After that date, the financial markets declined substantially, which decreased the value of the Trust Fund. The surplus is now estimated to be about \$174 million as at June 30, 2022.

The settlement approval orders allow the Joint Committee and the governments to apply to the Courts where there is a surplus. The Courts have discretion to decide what to do with the surplus, including whether all or a portion of the surplus should be allocated or kept in the Trust Fund.

**A summary of the Joint Committee's revised recommendations is attached along with details about how you can access the full application records for more information.**

From: [REDACTED]  
Sent: Sunday, May 14, 2023 11:31 PM  
To: HepC8690 <info@hepc8690.ca>  
Subject: recommandation #2

RECEIVED

3184

MAY 15 2023

# [REDACTED]

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

Bonjour,

A qui de droit,

Ma grand-mère est décédée de l'hépatite C lorsque j'avais 13 ans. J'étais très proche de ma grand-maman et j'ai passé beaucoup de temps avec elle lorsqu'elle elle était malade.

Je suis en désaccord avec la recommandation 2. Je trouve très dommage que les frères et sœurs qui avaient peur d'elle soit aussi rémunérée et que les petits-enfants et arrière-petits-enfants ne reçoivent pas grand chose. Ma grand-maman me manque terriblement.

Je vous recommande de revoir la partie du paiement et de prendre en considération les petits-enfants et arrière-petits-enfants. Cela a été mentionné lors du premier débourrement ainsi qu'à la rencontre de Montréal dans le passé.

Merci [REDACTED]



From: [REDACTED]

RECEIVED  
MAY 12 2023

3185

Sent: Thursday, May 11, 2023 9:09 AM

To: HepC8690 <info@hepc8690.ca>

Cc: [REDACTED]

Subject: Input Regarding Proposed Allocation of 2019 Surplus for the Benefit of Class Members

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

*\*Please reply to confirm receipt of this email\**

To Whom It May Concern:

I am writing on behalf of my husband, [REDACTED] in regard to the Proposed Allocation of 2019 Surplus for the Benefit of Class Members notice he received by email on April 9, 2023. The timing of this review feels somewhat symbolic as [REDACTED] father, the late [REDACTED] would have turned 70 on April 3, 2023. What is typically a milestone celebrated with family and friends is another reminder of the sense of loss that is still felt deeply nearly 24 years after his death. It is difficult to accept that [REDACTED] has been gone for longer than the 20 years he had with [REDACTED] I never had the pleasure of knowing [REDACTED] and our children (his only grandchildren) will never know their grandfather.

Each Class Member has a unique story, and the following is a synopsis of [REDACTED] family history which was previously provided for the 2015 review:

[REDACTED] dad, [REDACTED] (who was deaf from birth) contracted Hepatitis C from a blood transfusion he received in 1986. At the time, [REDACTED] was married to [REDACTED] mother ([REDACTED] first wife), [REDACTED] and they had three children: [REDACTED] [REDACTED] was a skilled machinist by trade (gainfully employed by [REDACTED]) and provided a significant portion of the family income. There was a breakdown of the marriage, and [REDACTED] and [REDACTED] separated in May of 1987, maintaining joint custody of the children with [REDACTED] making child support payments to [REDACTED]. Their divorce was finalized in May 1994, and [REDACTED] married his second wife-- [REDACTED] second wife is substantially (nearly 13 years) older than he was (she was in her mid-50s when they married), is also deaf, and had adult children from a previous relationship as well as two

grandchildren at the time of their marriage. They were married for approximately five years at the time that [REDACTED] passed away on June 5, 1999. Following [REDACTED] death, [REDACTED] brother, [REDACTED] fell into a state of depression and died by suicide at the age of 19 on September 15, 2001. Tragically, [REDACTED] sister, [REDACTED] passed away on December 16, 2004, at the age of 19, from complications due to pneumonia. Contact between [REDACTED] second wife and his children was limited following his death, however, his second wife got in touch with [REDACTED] in the fall of 2002 to discuss the 1986-1990 Hepatitis C Settlement. I was present at this meeting, it was the one and only time I have met [REDACTED] stepmother. The three of us went to dinner, and [REDACTED] and his stepmother used American Sign Language to discuss some documents she needed him to sign. She advised [REDACTED] that she was the "Personal Representative" for his father, and that he and his siblings would receive compensation through the Settlement. She had [REDACTED] verify his sibling's information, and sign some documents pertaining to the payments. At the time, she presented herself as having the best interest of the children at heart, and we felt grateful that she was being considerate of [REDACTED] children. She advised that the children's claims were effectively branches off of her claim, and that their claims would be reviewed every three years and further compensation may be awarded during those reviews.

The first--and only--payment [REDACTED] (and [REDACTED] received came in the Spring of 2004. It was approximately \$18,000, the fixed payment for "Loss of Guidance, Care and Companionship". At the three year mark, I encouraged [REDACTED] to follow up regarding the reassessment of the claim that his stepmother had described to him. We soon discovered that the way in which the compensation was being administered was rather complex, and since then, we have spent many years attempting to determine how to collect the compensation that was owed to [REDACTED] and his siblings. [REDACTED] children did not receive any compensation for loss of support, nor any monies that were paid to [REDACTED] Estate. Sadly, given the time of his death, [REDACTED] likely did not benefit from any of the compensation, either.

The recent news of another surplus stirs up mixed emotions as in [REDACTED] case, majority of the recommendations will strictly benefit his stepmother. The fixed payments for Disease Level benefits, in particular, require further consideration in how they will be distributed equitably in situations where the Infected Class Member is deceased. The "Personal Representative" role may have provided a loop-hole to misappropriate compensation that was intended to be divided equitably to the Estate of deceased class members. We respectfully request that the Courts consider reviewing the protocol for distribution to ensure benefits are distributed equitably to the Estate.

We are grateful for the opportunity to provide feedback and advocate for the children of deceased Infected Class Members. We remain optimistic that the 2019 surplus and any future surpluses will be distributed in a fair and equitable manner that acknowledges the continuing sense of loss that affects the children of deceased Infected Class Members.

Please feel free to contact me by phone or email should you have any questions or feedback relating to this email. I can be reached at [REDACTED] or by email: [REDACTED]

Respectfully,

[REDACTED] on behalf of [REDACTED]

Current contact information for:

Email: [REDACTED]



MAY 15 2023

Claim:

My views are:

I do hope the Surplus  
will be allocated OF THE  
BENEFIT OF CLASS MEMBERS  
AND FAMILY MEMBERS.

WHERE I DO NOT HAVE  
ENTER NET COULD I PLEASE  
HAVE SOME MORE OF THE  
MATERIAL : OF THE JOINT  
COMMITTEE'S REVISED  
RECOMMENDATIONS

COULD I PLEASE HAVE MORE  
MATERIAL ON THIS IMPORTANT  
SUBJECT. TO BE MAILED  
TO MY HOME

I do hope you get  
back at your convicce  
TIME

We will know of the  
settlement or what's  
going on by may 30<sup>th</sup>  
waiting to hear from you  
YOUR S TRULY

DAUGHTER OF

Re: Compensation for siblings of VICTIM

3189

Claim: [REDACTED]

To: The Hep. C. Committee

From: [REDACTED] and [REDACTED]

(sisters of [REDACTED])

[REDACTED]

RECEIVED

MAY 18 2023

Impact Statement

Thank you for this opportunity to express <sup>our</sup> ~~my~~ grief and sorrow for <sup>our</sup> ~~my~~ departed younger brother, [REDACTED] was seven years younger than me, (eight years younger for [REDACTED]) born with hemophilia and requiring blood products to keep him alive and safe even after minor injuries, My sister and I became his life

guardians, watchful babysitters and tutors. We could not have foreseen that death would be invited in by those very same medications. [whole blood → plasma → cryoprecipitate, Factor Eight]

When the CBC produced a series on Canada's blood scandal, the young actor in the feature preview looked so much like [REDACTED] that I had to write to them to stop airing that ad. It was so triggering to see the ad come up repeatedly on the channel, years after his death.

We ~~is~~ ~~am~~ are grateful that [REDACTED] was in our ~~my~~ life. As a



hyperlexic ten year old, I researched the lifespan of hemophiliacs to see that age 16 was the average age of death.

That fuelled my determination to be the best sister in the world, since I did not expect him to grow to adulthood.

The irony here is that the medications that doubled his expected lifespan also ended his life.

My parents were both holocaust survivors from Poland (only 10% of Poland's Jews survived) we were just the five of us, quite isolated from the happy multigenerational, extended

family units around us. How grateful I was then that my father passed away one year before [REDACTED] did, so that he would not witness another loss. As for my mother, beginning dementia may have softened the blow at the time, and certainly in the years that followed.

As for my sister and myself, the loss is ongoing. Every Jewish holiday and family gatherings, he (and his family) is missed. His widow has moved on, happy now

after years of widowhood,  
with a new partner.

sons are busy in  
their adult lives, successful  
personally and professionally.

They were 4 and 2 when  
passed. After the

teen years we struggled  
to remain close. and I

became <sup>visible,</sup> painful reminders  
of loss. "Move On" ~~a~~

buzzwords, could describe  
the shift. We have not

yet met our grandniece  
born in New York, despite

their family visit to  
Montreal.



One comfort, an attestation of [redacted] character is in Dr. Jerome Greespoon's book, "The Measure of Our Days," Chapt. 2. Don Berger, Viking Press. <sup>pseudonym</sup> He pointed him out as a source of inspiration, as the research fellow he hired at his Harvard lab (AIDS research). Another comfort is the yearly prize <sup>for residents</sup> that bears his name at [redacted].

Our family events have been impoverished by by time and new relationships. A sense of estrangement has landed like a grey fog



[REDACTED] and I are ghosts of the past. Our presence in our sister-in-law's life evokes sadness, ~~I~~<sup>we</sup> tear.

In sum, losing [REDACTED] has been an ~~un~~speakable tragedy for decades. At a play post production talk, Dr. Roy Eappen introduced himself when he heard my name. He told me that he had been good buddies with [REDACTED] as they both were the youngest members of the <sup>medical</sup> class of 85. "We were resented by the others. I was shocked when he passed.

What did he die of"?

Another doctor, Dr. Jeremy Cohen at ELNA private clinic, (I am one of a million Quebecers without a family doctor) my nephew's childhood friend and neighbour, asked me the same thing at my first visit.

The envelop of secrecy around Hemophilia, Hep.C, and AIDS, was prevalent for so many victims and their families. Overwhelming emotions were let out in expensive psychotherapy, as I would cry in private: in the

car, in the shower, A red-eyed teacher showing up for years to my high school classes.

[REDACTED] died, and we were asked to be silent. From birth to death.

We ~~will~~ will carry this pain to my grave. Even now, as a grandmother of six I should be happy.

Only [REDACTED] my sister shares this feeling. We feel like we lost [REDACTED], now a second time with the birth of his grand daughter.

It seems like this new



reality, has no room for us. This is the legacy of traumatic loss.

### Side Notes:

My brother was brilliant kind and handsome. At

[REDACTED] they called him

" [REDACTED] He made

buffet dinners by co-ordinating staff choices, he set up

a BBQ on the roof of

the hospital → which led to

a neighbor's call to the

fire dept!

Dr. [REDACTED]

was an intern when he

was a resident. She married

him, secrets of his illness withheld from her family.

For [REDACTED] and myself,  
tears are still so present for  
events three decades ago.

The loss of [REDACTED] is still so  
deeply felt, but we know that  
nothing we could have done  
would have prevented his tragic  
early death. We are so  
grateful that for some time,  
we had such a loving  
accomplished brother in our  
lives. The tears we shed  
are a living testimony  
to that love in our hearts.  
Thank goodness for psychotherapeutic  
counselling, medications for  
depression and anxiety that

allow us to deal with psychic  
pain, especially as we ourselves  
advance in years and increasingly  
reminisce about our childhood with

Sincerely

\* [REDACTED] had two sons:

**From:** [REDACTED]  
**Sent:** Thursday, May 11, 2023 9:26 PM  
**To:** HepC8690 <info@hepc8690.ca>  
**Subject:** SURPLUS [REDACTED]

MAY 12 2023  
RECEIVED

3201

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

I am sending this email in regards to the 2019 surplus allocation benefits of class members.

I lost my grandmother after watching years of her suffering due to being infected with the contaminated blood. She endured illness, medical exams, taking endless medications, numerous trips to other cities equipped for her treatments, even a liver transplant.

As a family we watched her suffer and endured the pain along with her. As a grandmother she was irreplaceable and as a human being she was outstanding, her love was incomparable. I am sorry to have lost her to Hepatitis C. She died too soon and I miss her deeply to this day. She touched the lives of everyone she met.

I am writing this because I believe all of the money should be fully allocated to the surviving recipients of the contaminated blood and to thier family members who were affected by thier loss and illness. Nothing should be held back! All of the surplus should be distributed. Conider that the grandchildren were as affected by the loss as equally as the children of the recipients and should have received the same benefit amount as the children. As it was a tremendous loss for us as well.

Sincerely,  
[REDACTED]



**From:** [REDACTED]  
**To:** [HepC8690](#)  
**Subject:** Allocation of 2019 surplus  
**Date:** May 15, 2023 2:14:13 PM

---

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

To whom this may concern:

I'm the granddaughter of [REDACTED]. My name is [REDACTED], claim ID number [REDACTED]. I'm writing in response to the proposed allocation of 2019 surplus funds. I'm asking that the remaining funds be distributed to class action and family members.

According to your statements in the letter I've received, it shows a significant loss in funds. I feel that due to the declining market, the funds should be released as the loss is quite substantial. If the funds continue to decrease, they will not serve the purpose that they were intended for.

If any survivors are still remaining, I believe these funds would be detrimental in assisting them for the remainder of their lives. As being a witness as a grandchild to a grandmother that suffered many years, these funds could go toward crucial and critical care or equipment that may be needed by recipients. These funds could possibly alleviate some of the suffering and stress that recipients and family may be going through.

I'm not sure anyone will understand the magnitude of pain, suffering and stress recipients and family members have witnessed and endured because of Hepatitis C. I can say from my point of view, watching my grandmother suffer with sickness and medication that controlled her life and cheated her out of a good quality of life is not something I will ever forget.

My grandmother was my best friend, I spoke to her almost daily, and spent much time with her. To watch what my grandmother went through on a daily basis is something that I will never forget and would certainly not wish others to have to witness. My grandmother suffered dearly and missed out on so much of her life, as did we! Due to this illness and repercussions from the medications needed to keep her alive, we all lost out on good quality time and memories with her.

My grandmother's life revolved around this sickness and the medications that came along with it. The tolls this sickness and medication took on her body were very cruel and harsh, something I can assure you she did not deserve. If she wasn't suffering from being unwell, her medication robbed her from enjoying her life. She had to miss out on many outings and gatherings with friends and family due to the embarrassments from uncontrollable bodily fluids releasing from her at any given time. I will spare you the gory details but will tell you these situations have left an imprint in my mind and heart.

My grandmother would have lived a much better quality of life if it hadn't been for negligence in this situation. She would have survived longer than she did and not left begging for her suffering to just end. In her last days, she begged and cried that she couldn't take the suffering the sickness and suffering from the medication any longer.



So yes, please release the funds so that they are in the hands of people that could use them, before there are anymore decreases to funds. Thank you for your time in this matter.



10 CLAIM: [REDACTED]

MAY 13<sup>th</sup> / 2023

TO WHOM IT MAY CONCERN :

THIS LETTER IS WRITTEN TO ADDRESS THE VERY POORLY MANAGED AND OPERATED BLOOD CARE SYSTEM IN CANADA THAT SUCCUMED MY DEAR MOTHERS LIFE AFTER SHE RECEIVED A BLOOD TRANSFUSION IN 1987 AT METROPOLITAN HOSPITAL FOR A HERNIA OPERATION SHE DESPERATELY NEEDED. THIS SHOULD OF NEVER BEEN IGNORED TO DETERIORATE THIS FAR TO ALLOW SUCH AGONY OF THOSE WHO WERE FORCED TO TRUST THE SYSTEM. LATER THEY WERE TO BE LET DOWN, BECOME SEVERELY DISEASED, SUFFERING ENDLESSLY WITH NOSE BLEEDS, FATIGUE, WEAKNESS, ANEMIA, TIREDNESS, JOINT + MUSCLE PAINS, ENLARGED SPLEEN, BLEEDING VARICES, LIVER CRAMPS, DEPRESSION, ANXIETY, IRRASIBILITY, SLEEP DISTURBANCES, HEPATIC ENCEPHALOPATHY, HEADACHES, FEVER, CHILLS, SWEATING, KIDNEY FAILURE, ULCERATIVE COLITIS, ASCITES IN THE ABDOMEN, FLUID BUILD-UP IN THE LEGS. THIS LIVER DISEASE ALSO CAUSED OSTEOPOROSIS WHICH CRIPPLED HER IN SO MUCH PAIN SHE WALKED HUNCHING OVER. THE MADDENING ITCH WAS ALSO UNBEARABLE. OUR DEAREST MOTHER, [REDACTED] SUFFERED ALL THIS TWICE. BEFORE AND AFTER THE LIVER TRANSPLANT IN 1987. THE FAMILY WERE ALWAYS THERE TO SUPPORT AND WATCH HER SUFFER FROM THIS DREADFUL COMPLICATED DISEASE THAT GAVE SPECIALIST A CHALLENGE TO HELP HER IN HER STAYS AT THE HOSPITALS FROM MY UNDERSTANDING THE SURPLUS WAS INTENDED FOR THE CLAIMENTS AND THE INFECTED PERSON. pg 1

WHY SHOULD LAWYERS RECEIVE  $1\frac{1}{2}$  MILLION DOLLARS TO DISTRIBUTE THE MONEY?

THIS IS TOTALLY UNREASONABLE AND NOT FAIR WHEN YOU TAKE EVERYTHING IN CONSIDERATION. HOW DO YOU VALUE A LIFE?

THE GRAND CHILDREN ONLY RECEIVED \$600.00 FOR THE LOSS OF LIFE AND QUALITY OF LIFE THEY COULD OF ENJOYED WITH THEIR LOVING GRANDMOTHER THEY LOVED SO MUCH. IT IS A SHAME THE PEOPLE THAT SUFFERED WITH THIS INCURABLE, LIFE THREATENING DISEASE DID NOT RECEIVE 2 MILLION IN THE BEGINNING OF THEIR SUFFERING WITH THE MANY COMPLICATIONS FROM HAVING HEPATITIS C. IN MY OPINION JUSTICE WAS NOT SERVED BECAUSE OF SOMEONE ELSE'S NEGLIGENCE IN THE RIGHT MANNER. I LOST MY BEST FRIEND AND MISS HER TERRIBLY. ALL THE CLAIMANTS AND RECIPIENT'S OF A LIVER TRANSPLANT SUFFERED A GREAT LOSS AND SHOULD BE COMPENSATED ACCORDINGLY.

PS MOST OF THE MONEY MY MOTHER RECEIVED WENT TOWARDS MEDICINE WHICH HER LIFE DEPENDS ON AFTER AND BEFORE THE TRANSPLANT. THE MEDICATION ALSO CAUSED SEVERE REACTIONS AND PAINFULL PERMANENT DISEASES.

ONLY BECAUSE OF THE NEGLIGENCE OF THE GOVERNMENT'S PART, HAS OUR MOTHER AND FAMILY SUFFERED GREATLY.



TO WHOM IT MAY CONCERN

SINCE THERE IS A SURPLUS FUND I WOULD LIKE TO BE COMPENSATED FOR ALL THE MANDATORY TRIPS I MADE TAKING TIME FROM WORK AT GENERAL MOTORS TRANSMISSION PLANT TO GO TO LONDON FOR ALL MY MOM'S NECESSARY FOLLOW UP VISITS WITH DR [REDACTED] I WILL ATTACH A FORM FOLLOWING A LIST OF ALL OUR VISITS WITH DR [REDACTED] FROM 1989 UNTIL 2010. HOPE THIS WILL BE ACKNOWLEDGED

I AM SENDING THIS LETTER ON BEHALF OF [REDACTED] FAMILY.

IN REGARDS TO [REDACTED]

-HCV INFECTED PERSON

NOTE: [REDACTED] NOW HAS A MARRIED NAME WHICH IS [REDACTED] I ALSO HAVE A NEW POSTAL CODE [REDACTED] CLAIM ID: [REDACTED]

SAME ADDRESS → [REDACTED]

- THANKS FOR YOUR PROMPT CONSIDERATION IN THIS MATTER

Dr. [REDACTED] MD FRCPC  
Liver Diseases and Transplantation

November 4, 2003

Dear [REDACTED]

As requested, the following is a list of all of your visits with Dr. [REDACTED] from 1989 until present.

April 13, 1989	November 26, 1992	March 5, 1997
April 27, 1989	March 3, 1993	September 10, 1997
May 25, 1989	January 27, 1993	August 19, 1998
July 27, 1989	April 28, 1993	August 4, 1999
October 26, 1989	July 21, 1993	March 20, 2000
March 29, 1990	December 15, 1993	May 30, 2001
July 26, 1990	April 7, 1994	November 28, 2001
October 25, 1990	October 6, 1994	June 5, 2002
April 25, 1991	November 14, 1994	December 4, 2002
November 21, 1991	April 6, 1995	January 27, 2003
February 27, 1992	October 5, 1995	September 19, 2003
April 23, 1992	April 11, 1996	October 8, 2003
August 27, 1992	October 3, 1996	November 14, 2003

Hope this is helpful.

Sincerely,

RECEIVED

MAY 17 3208 22

MAY 18 2023

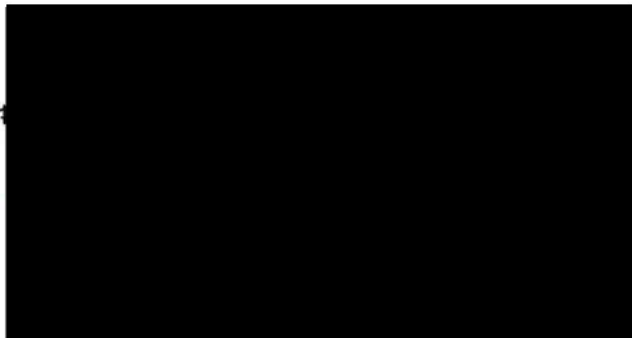
Attention:  
Joint committee.

Regarding your recent letter  
on the subject of excess funds.

My recommendation favours number  
TWO.

Thank you for your consideration in  
sending this out to me.

Yours truly



claim ID



Handwritten notes at the top of the page, possibly a title or header.

Main body of handwritten notes, appearing to be a list or series of entries.

Handwritten notes in the middle section of the page.

Handwritten notes in the lower middle section of the page.

Handwritten notes on the right side of the page, possibly a separate list or summary.

MAY 12 2023

3210

see the website.

Dear Judges

I agree that there had to be a time when the trust fund closes and the surplus distributed - but how?

An analogy would best describe my thoughts. If you see a person with one finger missing because of an industrial mistake - that person can function amazingly well. That is like the children of the infected Hepc person. They have many "fingers" helping them.

But (analogy) you see a person with a lost complete arm - it is almost agonizing to watch that person - try to cut a steak or fold a paper etc... and - impulse - you want to step up and say - "may I help you"? That is what the Hepc Committedly has done for spouses. It never ends for the spouse as you watch them - make decisions on their own, no other arm to "barter with" on what to do - how to do - when to do - or why do? We have lost our right arm.

In your distribution decision may you keep that in mind - and being judges - it is obvious that God has given you the talent and wisdom in decisions whatever your thoughts - God Bless all three courts (or) my dear wife



Administrateur des Réclamations  
Recommandation 2-50%

Laval 32/mai 2023

RECEIVED  
MAY 15 2023

Administrateur des réclamations!

Comme je ne possède pas d'ordinateur  
je prend le temps pour vous remercier pour  
votre attention a l'égard du décès de  
mon frère [REDACTED]

pour l'allocation allouer sur l'avis  
Recommandation 2-50% me satisfait  
vous pourrez procéder...

famille de douze enfants, il reste  
que moi [REDACTED] et [REDACTED] ma sœur.

Bien a vous.

CLAIM ID [REDACTED]

Ma santé ne me permet pas  
d'assister a l'audition du  
30 mai 2023.-

VOTRE no TEL...?...



RECEIVED

MAY 18 2023

May 9, 2023

Claims Administrator  
Class action Settlement  
P.O. Box 2370  
Ottawa, Ontario  
K1P 5W5

Re: Claim ID: [REDACTED]  
Estate of [REDACTED]

This is to advise you that I concur with the Joint Committee's recommendations requesting the Courts to allocate the surplus as per the four recommendations.

When the first settlement was reached my three children, [REDACTED] received a settlement.

Two of them have since moved and following is their new addresses:

[REDACTED]

[REDACTED]

Yours truly,

[REDACTED]

**From:** [REDACTED]  
**To:** [HepC8690](mailto:HepC8690); [info@hepc8690](mailto:info@hepc8690)  
**Subject:** allocation of 2019 surplus  
**Date:** May 13, 2023 8:09:48 AM

---

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

Regarding my late sisters estate under the name of [REDACTED], as executor I wish to make know that not \$1.00 go to the government.  
People lost their lives over this and many many individuals and their families deserve every penny.  
My sisters death was horrific to our family and devastated her family .  
Please ensure these funds go to these families.

[REDACTED]  
Executor to estate of [REDACTED]

Sent from [Mail](#) for Windows

**From:** [REDACTED]  
**To:** [HepC8690](#)  
**Subject:** Allocation of Surplus  
**Date:** May 14, 2023 3:20:52 PM

---

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

I'm writing on behalf of my mother [REDACTED]

I believe the surplus should go to the families who lost their loved ones from this terrible disease, my 3 brothers suffered dearly with this and ws a great loss to our family, it was not fair that they lost their lives because of the government.

Please pick the best possible option for the families, that is the least that could be done.

Thank you,  
Claim ID [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [HepC8690](#)  
**Subject:** Claim [REDACTED]  
**Date:** May 13, 2023 4:00:49 PM

---

**CAUTION:** This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

My name is [REDACTED] born July 13 1995 and I am the grandson of [REDACTED] who passed away on January 18 2003

The notice I received in May 2023 states that there is a surplus in the Hepatitis C 1986-1990 Trust Fund.

I feel it is only fair and just that this be dispursed between the loved ones of the Hepatitis C scourge. This is 30 years that this money has been tied up in trust.

**From:** [REDACTED]  
**To:** [HepC8690](#)  
**Subject:** Proposed Allocation of 2019 Surplus  
**Date:** May 15, 2023 4:13:35 PM

---

CAUTION: This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

To whom this may concern,

This is in relation to Claim ID: [REDACTED] (Spouse Living)  
Claim ID: [REDACTED] myself [REDACTED] (Daughter)  
Claim ID: [REDACTED] (Grandson)  
Claim ID: [REDACTED] (Granddaughter)

Upon reviewing the recommendations, the best Recommendation I would suggest is Recommendation 2-50% of Loss of Guidance, Care and Companionship Payments.

To start off with, my Dad-Mr. [REDACTED] has suffered the greatest loss. His wife. His companion. His everything. My Dad will be turning 85 years old this coming December, and his wife's loss, my Mother has affected him so much these past 10 years since her passing 11/23/2013. It hasn't been the same since that horrible day. We've tried to put our lives together the best we can. But it's never been the same. I take care of my Dad daily to make sure his needs are met.

As for myself, I lost my Mom, my bestest of friends, nobody here on this earth will ever be like her. She was my confidant, my number one cheerleader, she was my everything. I'm married to a wonderful fellow, have 2 amazing children, but something is always missing, my Mom. I cannot celebrate Mother's Day even with my own children because I awaken in the morning of Mother's Day, just like yesterday and have a profound sense of loss. My Mom is not here to call first thing in the morning (which I did everyday), nor visit. I visit her at the cemetery to tell her how much I miss her each and every day since her passing. The number 11 or 23 especially shows up in my day to day living in different places and I know that is my Mom from up above sending me a message. It makes me feel so close to her all the time. I love her dearly with all my being and all my heart forever. And one day we will meet up again.

As for my children, [REDACTED] and [REDACTED] have also suffered a tremendous loss in their lives. The best Grandma ever. The kids have grown up, have shaped some wonderful lives for themselves. They are great kids. And I tell them all the time, their Nonna or Grandma would be sooo proud of their accomplishments. But they missed out on so many special moments in their lives for their Nonna not to be there. Their most recent loss in their lives is their recent finding of their significant partners and their Grandma not being able to meet them or be there. My son [REDACTED] married last summer and of course Grandma wasn't there and my daughter [REDACTED] just got engaged 2 weeks ago and her Grandma wasn't there either. It's so sad. And my Mom was truly missed on those significant days in my children's lives. Amongst many other important days as well in the past 10 years.

My Mom was sick for so many years that needed everyday attention given to her. Her liver cirrhosis and her ascites diagnosis did her in. Her life was prematurely cut short. It has been a tough and unfortunate 10 years without my Mom here, my Dad's wife, my kids Grandmother, what a huge loss. I'm tearing while writing this note. And the heart pains a lot as well.

So if there should be any surplus, it should be divided accordingly.

You could please advise me of any updates at this email address.

Thank you for addressing my thoughts...

Regards,



Sent from my iPhone



*THE ATTACHED IS EXHIBIT "B" TO THE  
AFFIDAVIT OF HEATHER RUMBLE*

*PETERSON SWORN BEFORE ME THIS 25<sup>h</sup>*

*DAY OF MAY, 2023*



---

*Commissioner for Taking Affidavits*

Shelley Lynn Woodrich, a Commissioner, etc.,  
Province of Ontario, for Strosberg Sasso Sutts LLP,  
Barristers and Solicitors.  
Expires February 22, 2025.

**Schedule B**  
**(to the Factum/Submission/Written argument of the Joint Committee)**

*Class Proceedings Act, 1992, S.O. 1992, c. 6, s. 26(10)*

**Return of unclaimed amounts**

(10) Any part of an award for division among individual class members that remains unclaimed or otherwise undistributed after a time set by the court shall be returned to the party against whom the award was made, without further order of the court. 1992, c. 6, s. 26 (10).

*Class Proceedings Act, RSBC 1996, c. 50, s. 34(5) (repealed and not replaced)*

**Repealed**

34 [Repealed 2018-49-19.]

*Code of civil procedure, c.C.-25 Article 1036 (repealed and replaced by Code of civil procedure, chapter C-25.01, s. 596)*

596. A judgment that orders collective recovery makes provision for individual liquidation of the class members' claims or for distribution of an amount to each class member.

The court designates a person to carry out the operation, gives them the necessary instructions, including instructions as to proof and procedure, and determines their remuneration.

The court disposes of any remaining balance in the same manner as when remitting an amount to a third person, having regard, among other things, to the members' interests. If the judgment is against the State, the remaining balance is paid into the Access to Justice Fund.

**The Fatal Accidents Act, RSA 2000, c .F-8, s. 8(2)**

(2) If an action is brought under this Act, the court, without reference to any other damages that may be awarded and without evidence of damage, shall award damages for grief and loss of the guidance, care and companionship of the deceased person of

- (a) subject to subsection (3), \$82 000 to the spouse or adult interdependent partner of the deceased person,
- (b) \$82 000 to the parent or parents of the deceased person to be divided equally if the action is brought for the benefit of both parents, and
- (c) \$49 000 to each child of the deceased person.

**Survival of Actions Act, RSA 2000, c. S-27, s. 2, 5**

**Cause of action survives for benefit of estate**

**2** A cause of action vested in a person who dies after January 1, 1979 survives for the benefit of the person's estate.

**Recovery of damages**

**5(1)** If a cause of action survives under section 2, only those damages that resulted in actual financial loss to the deceased or the deceased's estate are recoverable.

**Schedule B**  
**(to the Factum/Submission/Written argument of the Joint Committee)**

- (2) Without restricting the generality of subsection (1), the following are not recoverable:
- (a) punitive or exemplary damages;
  - (b) damages for loss of expectation of life, pain and suffering, physical disfigurement or loss of amenities;
  - (c) damages in relation to future earnings, including damages for loss of earning capacity, ability to earn or chance of future earnings.
- (3) Subsection (2)(c) applies only to causes of action that arise after the coming into force of this section.

***The Fatal Accidents Act, CCSM c. F50, s. 3.1(2)***

**Amount of damages**

3(2) Subject to subsection (3), in every such action such damages as are proportional to the pecuniary loss resulting from the death shall be awarded to the persons respectively for whose benefit the action is brought .

***The Fatal Accidents Act, RSS 1978, c. F-11, s. 4.1***

**Damages for bereavement for death on or after August 1, 2004**

4.1(1) In this section:

- (a) “child” does not include a grandchild;
- (b) “parent” does not include a grandparent.

***The Survival of Actions Act, SS 1990-91, c. S-66.1, s. 3***

**Cause of action survives for benefit of estate**

3 A cause of action vested in a person who dies after the coming into force of this Act survives for the benefit of that person's estate.

***Fatal Accidents Act, RSY 2002, c. 86, s. 3.01(2)***

- (2) In every action brought under this Act there shall be awarded, without reference to any other damages that may be awarded and without evidence of damage, damages for grief and the loss of guidance, care and companionship in the amounts of
- (a) \$75,000 to the deceased’s spouse, unless the deceased and the spouse were living separately and apart when the deceased died;
  - (b) \$37,500 to each of the deceased’s parents or, if the action is brought for the benefit of one of them only, \$75,000 to that parent; and

**Schedule B**  
**(to the Factum/Submission/Written argument of the Joint Committee)**

(c) \$45,000 to each of the deceased's daughters and sons.

***Survival of Actions Act, RSY 2002, c. 212, s. 2***

**2 Causes of action of deceased person**

- (1) All causes of action vested in a person who dies after the commencement of this Act, survive for the benefit of the person's estate.
- (2) The rights conferred by subsection (1) are in addition to and not in derogation of any rights conferred by the Fatal Accidents Act. [S.Y. 2002, c. 212, s. 2]

***Family Compensation Act, RSBC 1996, c. 126, s. 2, 3(1)***

**Action for death by wrongful act, neglect or default**

2 If the death of a person is caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not resulted, have entitled the party injured to maintain an action and recover damages for it, any person, partnership or corporation which would have been liable if death had not resulted is liable in an action for damages, despite the death of the person injured, and although the death has been caused under circumstances that amount in law to an indictable offence.

**Procedures for bringing action**

3 (1) The action must be for the benefit of the spouse, parent or child of the person whose death has been caused, and must be brought by and in the name of the personal representative of the deceased.

***Fatal Accidents Act, RSNB 2012, c. 104, s. 3***

**Action for wrongful death**

3 If the death of a person is caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the deceased to maintain an action and recover damages in respect of them, the person who would have been liable, if death had not ensued, is liable for damages, despite the death of the deceased, even if the death was caused in circumstances amounting in law to culpable homicide.

***Survival of Actions Act, RSNB 2011, c. 227, s. 3***

**Cause of action survives for benefit of estate**

- 3(1) All causes of action vested in a person who dies after April 1, 1969, survive for the benefit of the estate.
- 3(2) The rights conferred by subsection (1) are in addition to and not in derogation of any rights conferred by the *Fatal Accidents Act*.

**Schedule B**  
**(to the Factum/Submission/Written argument of the Joint Committee)**

***Fatal Accidents Act, RSNL 1990, c. F6, s. 6***

**Damages**

6. (1) In an action brought under this Act the court may award the damages it considers proportional to the injury resulting from the death to the parties for whose benefit the action was brought, and the amount so recovered shall be divided among those parties in the shares that the court directs.

(2) The damages awarded under subsection (1) may include an amount to compensate for the loss of care, guidance and companionship that a person for whose benefit the action is brought might reasonably have expected to receive from the deceased if the death had not occurred.

(3) Where the defendant is advised to pay money into court, the defendant may pay in compensation a lump sum to all persons entitled under this Act for his or her wrongful act, neglect or default, without specifying the shares into which it is to be divided by the court.

(4) Where the sum is not accepted and an issue is taken by the plaintiff as to its sufficiency, and the court considers it sufficient, the defendant shall be entitled to a judgment on that issue.

(5) One action only may be taken for and in respect of the same subject matter of a complaint.

***Survival of Actions Act, RSNL 1990, c. S-32, s. 2, 9***

**Causes of action to survive**

2. Actions and causes of action

- a) vested in a person who has died; or
- (b) existing against a person who has died,

shall survive for the benefit of or against his or her estate.

**Rights under Fatal Accidents Act**

9. The rights conferred by this Act for the benefit of the estate of a deceased person are in addition to and not in derogation of rights conferred by the *Fatal Accidents Act* and so much of this Act as relates to causes of action against the estate of a deceased person applies in relation to causes of action under that Act as it applies in relation to other causes of action not expressly excepted from the operation of this Act.

***Fatal Accidents Act, RSNWT 1988, c.F-3, s. 2, 3***

**Liability for damages**

2. Where the death of a person is caused by a wrongful act, neglect or default that, if death had not resulted, would have entitled the person injured to maintain an action and recover damages in respect of the injury, the person who would have been liable if death had not resulted is liable to an action for damages, notwithstanding the death of the person injured and although the death was caused under circumstances amounting in law to culpable homicide.

**Action**

3. (1) An action brought under this Act

**Schedule B****(to the Factum/Submission/Written argument of the Joint Committee)**

- (a) shall be for the benefit of the spouse, parent or child of the person whose death was caused by a wrongful act, neglect or default; and
- (b) subject to section 8, must be brought by and in the name of the executor or administrator of the deceased.

**Award of damages**

(2) In an action brought under this Act, a judge may award damages that are proportional to the injury resulting from the death of the deceased to the persons for whom and for whose benefit the action is brought.

**Division of damages**

(3) The damages awarded under subsection (2) shall, after deduction of the costs not recovered from the defendant, be divided among the persons for whom and for whose benefit the action is brought in the shares that may be determined at the trial.

***Fatal Injuries Act, RSNS 1989, c. 163, s. 5*****Damages**

**5 (1)** Every action brought under this Act shall be for the benefit of the spouse, common-law partner, parent or child of such deceased person and the jury may give such damages as they think proportioned to the injury resulting from such death to the persons respectively for whose benefit such action was brought, and the amount so recovered, after deducting the costs not recovered, if any, from the defendant, shall be divided among such persons in such shares as the jury by their verdict find and direct.

**(2)** In subsection (1), "damages" means pecuniary and non-pecuniary damages and, without restricting the generality of this definition, includes

- (a) out-of-pocket expenses reasonably incurred for the benefit of the deceased;
- (b) a reasonable allowance for travel expenses incurred in visiting the deceased between the time of the injury and the death;
- (c) where, as a result of the injury, a person for whose benefit the action is brought provided nursing, housekeeping or other services for the deceased between the time of the injury and the death, a reasonable allowance for loss of income or the value of the services; and
- (d) an amount to compensate for the loss of guidance, care and companionship that a person for whose benefit the action is brought might reasonably have expected to receive from the deceased if the death had not occurred.



**Schedule B**  
**(to the Factum/Submission/Written argument of the Joint Committee)**

(3) In assessing the damage in any action there shall not be taken into account any sum paid or payable on the death of the deceased, whether by way of pension or proceeds of insurance, or any future premiums payable under any contract of assurance or insurance.

(4) In an action brought under this Act where funeral expenses have been incurred by the parties for whose benefit the action is brought, damages may be awarded for reasonable necessary expenses of the burial of the deceased, including transportation and things supplied and services rendered in connection therewith. R.S., c. 163, s. 5; 2000, c. 29, s. 11.

***Survival of Actions Act, RSNS 1989, c. 453, s. 2, 6***

**Subsisting cause of action survives death**

2 (1) Except as provided in subsection (2), where a person dies, all causes of action subsisting against or vested in him survive against or, as the case may be, for the benefit of his estate.

**Certain causes of action do not survive**

- (2) A cause of action does not survive death when the action is for
- (a) adultery;
  - (b) inducing a spouse to leave or remain apart from his or her spouse. R.S., c. 453, s. 2.

**Fatal Injuries Act**

6 The rights conferred by this Act are in addition to and not in derogation of any rights conferred by the *Fatal Injuries Act*. R.S., c. 453, s. 6.

***Fatal Accidents Act, RSNWT (Nu) 1988, c.F-3, s. 2, 3***

**Liability for damages**

2. Where the death of a person is caused by a wrongful act, neglect or default that, if death had not resulted, would have entitled the person injured to maintain an action and recover damages in respect of the injury, the person who would have been liable if death had not resulted is liable to an action for damages, notwithstanding the death of the person injured and although the death was caused under circumstances amounting in law to culpable homicide.

**Action**

3. (1) An action brought under this Act
- (a) shall be for the benefit of the spouse, parent or child of the person whose death was caused by a wrongful act, neglect or default; and
  - (b) subject to section 8, must be brought by and in the name of the executor or administrator of the deceased. Award of damages (2) In an action brought under this Act, a judge may award damages that are proportional to the injury resulting from the death of the deceased

**Schedule B**  
**(to the Factum/Submission/Written argument of the Joint Committee)**

to the persons for whom and for whose benefit the action is brought. Division of damages  
(3) The damages awarded under subsection (2) shall, after deduction of the costs not recovered from the defendant, be divided among the persons for whom and for whose benefit the action is brought in the shares that may be determined at the trial.

***Family Law Act, RSO 1990, c. F.3, s. 61***

**Right of dependants to sue in tort**

**61** (1) If a person is injured or killed by the fault or neglect of another under circumstances where the person is entitled to recover damages, or would have been entitled if not killed, the spouse, as defined in Part III (Support Obligations), children, grandchildren, parents, grandparents, brothers and sisters of the person are entitled to recover their pecuniary loss resulting from the injury or death from the person from whom the person injured or killed is entitled to recover or would have been entitled if not killed, and to maintain an action for the purpose in a court of competent jurisdiction. R.S.O. 1990, c. F.3, s. 61 (1); 1999, c. 6, s. 25 (25); 2005, c. 5, s. 27 (28).

**Damages in case of injury**

- (2) The damages recoverable in a claim under subsection (1) may include,
- (a) actual expenses reasonably incurred for the benefit of the person injured or killed;
  - (b) actual funeral expenses reasonably incurred;
  - (c) a reasonable allowance for travel expenses actually incurred in visiting the person during his or her treatment or recovery;
  - (d) where, as a result of the injury, the claimant provides nursing, housekeeping or other services for the person, a reasonable allowance for loss of income or the value of the services; and
  - (e) an amount to compensate for the loss of guidance, care and companionship that the claimant might reasonably have expected to receive from the person if the injury or death had not occurred. R.S.O. 1990, c. F.3, s. 61 (2).

**Contributory negligence**

(3) In an action under subsection (1), the right to damages is subject to any apportionment of damages due to contributory fault or neglect of the person who was injured or killed. R.S.O. 1990, c. F.3, s. 61 (3).

***Fatal Accidents Act, RSPEI 1988, c. F-5, s. 6***

**6. Benefit to dependants**

(1) Every proceeding under this Act shall be for the benefit of the dependants.

**Schedule B**  
**(to the Factum/Submission/Written argument of the Joint Committee)**

**Damages for loss of pecuniary benefit**

(2) Subject to subsection (3) and section 7, in every proceeding under this Act, such damages as are attributable to the loss of pecuniary benefit or reasonable expectation of pecuniary benefit by the dependants resulting from the death of the deceased shall be awarded to the dependants for whose benefit the proceeding is brought.

**Additional damages**

- (3) Where a proceeding has been brought under this Act, there may be included in the damages awarded
- (a) an amount sufficient to cover the reasonable expenses of the funeral and the disposal of the body of the deceased; and
  - (b) where the proceeding is brought or continued by the personal representative, an amount not exceeding \$500 toward the expenses of taking out administration of the estate in this province; and
  - (c) an amount to compensate for the loss of guidance, care and companionship that the claimant might reasonably have expected to receive from the deceased if the deceased had not died, unless any sum has been recovered under the Survival of Actions Act R.S.P.E.I. 1988, Cap. S-11 for such expenses. 1978, c.7, s.6; 1992, c.24, s.1.

***Survival of Actions Act, RSPEI 1988, c. S-11, s. 4***

**4. Survival of action for benefit of estate**

- (1) A cause of action vested in a person who dies survives for the benefit of the person's estate. Saving for Fatal Accidents Act claims
- (2) The rights conferred by this Act for the benefit of the estates of deceased persons are in addition to and not in derogation of any right of action for the benefit of the dependants of deceased persons conferred by the Fatal Accidents Act R.S.P.E.I. 1988, Cap. F-5. 1978, c.21, s.4; 1987, c.6 s.20; 2020, c.84, s.4.

*THE ATTACHED IS EXHIBIT "C" TO THE  
AFFIDAVIT OF HEATHER RUMBLE  
PETERSON SWORN BEFORE ME THIS 25<sup>h</sup>  
DAY OF MAY, 2023*



*Commissioner for Taking Affidavits*

Shelley Lynn Woodrich, a Commissioner, etc.,  
Province of Ontario, for Strosberg Sasso Sutts LLP,  
Barristers and Solicitors.  
Expires February 22, 2025.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE ) , THE  
PAUL M. PERELL ) DAY OF , 2023

B E T W E E N :

DIANNA LOUISE PARSONS, deceased by her Estate Administrator, William John Forsyth,  
MICHAEL HERBERT CRUICKSHANKS, DAVID TULL, MARTIN HENRY GRIFFEN,  
ANNA KARDISH, ELSIE KOTYK, Executrix of the Estate of Harry Kotyk, deceased and  
ELSIE KOTYK, personally

Plaintiffs

and

THE CANADIAN RED CROSS SOCIETY, HIS MAJESTY THE KING IN RIGHT OF ONTARIO and  
THE ATTORNEY GENERAL OF CANADA

Defendants

and

HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF ALBERTA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF SASKATCHEWAN,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF MANITOBA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEW BRUNSWICK,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF PRINCE EDWARD ISLAND,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NOVA SCOTIA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEWFOUNDLAND,  
THE GOVERNMENT OF THE NORTHWEST TERRITORIES,  
THE GOVERNMENT OF NUNAVUT and THE GOVERNMENT OF THE YUKON TERRITORY

Intervenors

**Proceeding under the *Class Proceedings Act, 1992***

Court File No. 98-CV-146405

B E T W E E N:

JAMES KREPPNER, BARRY ISAAC, NORMAN LANDRY, as Executor of the Estate of the late  
SERGE LANDRY, PETER FELSING, DONALD MILLIGAN, ALLAN GRUHLKE, JIM LOVE and  
PAULINE FOURNIER as Executrix of the Estate of the late PIERRE FOURNIER

Plaintiffs

and

THE CANADIAN RED CROSS SOCIETY, THE ATTORNEY GENERAL OF CANADA and  
HIS MAJESTY THE KING IN RIGHT OF ONTARIO

Defendants

and

HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF ALBERTA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF SASKATCHEWAN,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF MANITOBA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEW BRUNSWICK,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF PRINCE EDWARD ISLAND,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NOVA SCOTIA,  
HIS MAJESTY THE KING IN THE RIGHT OF THE PROVINCE OF NEWFOUNDLAND,  
THE GOVERNMENT OF THE NORTHWEST TERRITORIES,  
THE GOVERNMENT OF NUNAVUT and THE GOVERNMENT OF THE YUKON TERRITORY

Intervenors

**Proceeding under the *Class Proceedings Act, 1992***

**ORDER**  
**(Allocation of 2019 Excess Capital)**

**THIS MOTION** made by the Joint Committee by amended notice of motion dated March 23, 2023 for orders in respect of actuarially unallocated assets of the 1986-1990 Hepatitis C Trust Fund was heard May 30, 2023 at a special joint hearing of the Ontario Superior Court of Justice, the Supreme Court of British Columbia and the Superior Court of Québec (the “**Courts**”) by judicial videoconference,

**ON READING** the motion records filed, including the:

- a) Amended Notice of Motion dated March 23, 2023
- b) Affidavits of Heather Rumble Peterson made May 12, 2022, March 23, 2023, May 18, 2023 and May 25, 2023;
- c) Affidavits of Euan Reid made May 13, 2022 and December 19, 2022;
- d) Affidavit of Richard Border made November 25, 2020; and
- e) Affidavit of Peter Gorham made December 10, 2020,
- f) and the Factum/Submissions/Written Argument of the Joint Committee,

**WHEREAS** by Judgment dated October 22, 1999, the Ontario Superior Court of Justice approved the 1986-1990 Hepatitis C Settlement Agreement as amended by paragraph 9(b), granting the court unfettered discretion to order that all or any portion of the money or other assets held by the Trustee that are actuarially unallocated be allocated to class members and/or family class members,

**WHEREAS** by Order dated February 9, 2023, the Ontario Superior Court of Justice declared that the Trustee held actuarially unallocated money or other assets in excess of liabilities as at December 31, 2019 of between \$195,037,000 and \$201,019,000 (2019 dollars) (the “**2019 Excess Capital**”),



**WHEREAS** a substantial decline in the financial markets after December 31, 2019 decreased the value of the Trust Fund, such that the actuarial experts for the Joint Committee estimate the actuarially unallocated money and other assets as at June 30, 2022 to be \$162,000,000 (2019 dollars).

**WHEREAS** the recommendations of the Joint Committee for the allocation of the 2019 Excess Capital for the benefit of class members and family class members concern discrete benefits of the same nature as those approved by Order of the Ontario Superior Court of Justice dated August 15, 2016,

**WHEREAS** the allocations requested do not amend the terms of the 1986-1990 Hepatitis C Settlement Agreement,

**ON HEARING** the submissions of the Joint Committee on behalf of the class members and family class members, the Attorney General of Canada, His Majesty the King in Right of Ontario, the Intervenors, Ontario Fund Counsel and several class members and family members,

**AND ON BEING ADVISED** by counsel that the Attorney General of Canada does not take a position on the motion and relies on the discretion of the court, and that His Majesty the King in Right of Ontario and the Intervenors take no position on the motion, and Ontario Fund Counsel consents to the relief sought,

1. **THIS COURT ORDERS** that **\$158,514,000** (2019 dollars) of the 2019 Excess Capital be allocated to create the following discrete benefits (the “**2019 Special Distribution Benefits**”) which, with the exception of subparagraph 1(c) below, shall be indexed from 2020 dollars to the 1<sup>st</sup> day of January of the year in which they are paid using the Canadian Pension Index and paid to claimants approved under the Transfused HCV Plan and the Hemophiliac HCV Plan (collectively, the “**Regular Benefit Plans**”) and the HCV Late Claims Benefit Plan (together with the Regular Benefit Plans, the “**Plans**”) as follows:

- a) a 6.8% increase to fixed payments, being:

- i. \$1,097 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(1)(a) of the Plans;
- ii. \$2,195 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(1)(b) of the Plans;
- iii. \$3,292 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(1)(c) of the Plans;
- iv. \$7,133 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(1)(d) of the Plans;
- v. \$10,974 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(1)(e) of the Plans;
- vi. \$5,487 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.08(2) of the Hemophiliac HCV Plan or section 4.08(2)(Hemo) of the HCV Late Claims Benefit Plan, provided the class member or late claims class member did not elect the alternative 2013 Special Distribution Benefit for hemophiliac claimants that replaces benefits under said sections;
- vii. \$5,487 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 5.01(1) of the Plans;
- viii. \$13,169 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 5.01(2) of the Plans; and

ix. \$7,901 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 5.01(4) of the Hemophiliac HCV Plan or section 5.01(4)(Hemo) of the HCV Late Claims Benefit Plan;

b) a 50% increase to loss of guidance, care and companionship family member payments, being:

i. \$18,593 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Spouse under section 6.02(a) of the Plans;

ii. \$11,155 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Child under the age of 21 under section 6.02(b) of the Plans;

iii. \$7,139 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Child 21 years of age or older under section 6.02(c) of the Plans;

iv. \$7,139 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Parent under section 6.02(d) of the Plans;

v. \$3,718 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Sibling under section 6.02(e) of the Plans;

vi. \$372 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Grandparent under section 6.02(f) of the Plans; and

vii. \$372 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Grandchild under section 6.02(g) of the Plans;

- (c) an amount equivalent to 4% of the annual loss of income payments made to any class member or late claim class member who has qualified or who hereafter qualifies under section 4.02(2) of the Plans, subject to a cap of \$8,000 per annum on the amount payable hereunder for those years prior to 2014 and \$8,000 per annum indexed for the years 2014 and following; and
- (d) a \$1.49 (2020 dollars) per hour increase in the hourly rate payable pursuant to sections 4.03(2) and 6.01(2) of the Plans, payable to any class member, dependant, late claim class member, or late claim dependant who has qualified or who hereafter qualifies under said sections on their loss of services incurred for the years 2019 and following.

2. **THIS COURT ORDERS** that **\$1,400,000** (2019 dollars) of the 2019 Excess Capital be allocated for the payment of the costs associated with administering the 2019 Special Distribution Benefits.

3. **THIS COURT ORDERS** that **\$157,736,000** (2019 dollars) of the 2019 Excess Capital plus the amount of any investment income earned on that sum from and after January 1, 2020 to date of transfer (calculated by applying the rate of return for the invested assets of the Trust Fund net of investment expenses) be transferred to the HCV Special Distribution Benefit Account of the Trust Fund as follows:

- (a) \$156,634,000 plus the amount of any investment income earned on that sum from and after January 1, 2020 to date of transfer from the HCV Regular Benefit Account; and
- (b) \$1,102,000 plus the amount of any investment income earned on that sum from and after January 1, 2020 to date of transfer from the HCV Late Claims Benefit Account.

4. **THIS COURT ORDERS AND DECLARES** that to the extent an approved class member, family class member, dependant, late claims class member, late claims family class member, or late claims dependant, as those terms are defined under section 1.01 of the Plans, qualifies for a 2019 Special Distribution Benefit payment, the Administrator shall make the payment to him/her or such other legal representative as may be provided for by the Plans,

the court approved protocols and/or the standard operating procedures in place for the administration of the Plans without the necessity of a further claim or request from the person so entitled.

5. **THIS COURT ORDERS** that the 2019 Special Distribution Benefits created under paragraph 1 and the costs allocated for their administration under paragraph 2 be paid from and accounted for solely under the HCV Special Distribution Benefit Account.

6. **THIS COURT ORDERS AND DECLARES** that all remaining 2019 Excess Capital not allocated to create and/or pay out the 2019 Special Distribution Benefits as provided for by paragraph 1 and/or the related administrative costs as provided for by paragraph 2 be retained in the HCV Regular Benefit Account of the Trust Fund, subject to any future motions made pursuant to the allocation provision of the Settlement Agreement.

7. **THIS COURT ORDERS AND DECLARES** that nothing contained in this Order shall in any way amend the Settlement Agreement or modify or affect the financial obligations and the monthly payments of any of the Provincial and Territorial Governments.

8. **THIS COURT DECLARES** that the terms of this Order shall not be effective unless and until a corresponding order/judgment with no material differences is obtained from each of the Supreme Court of British Columbia and the Superior Court of Québec.

---

PERELL, J.

PARSONS et al.  
KREPPNER et al.

Plaintiffs

vs. THE CANADIAN RED CROSS  
SOCIETY et al.

Defendants

Court File No. 98-CV-141369 CP00  
98-CV-146405

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT TORONTO

**ORDER  
(Allocation of 2019 Excess Capital)**

**Podrebarac Barristers**

Professional Corporation  
402-1246 Yonge Street  
Toronto, ON M4T 1W7

Kathryn Podrebarac LSO#: 35640P  
kp@PodrebaracMediation.com  
Tel: 416.568.1299

**Strosberg Sasso Sutts LLP**

Lawyers  
1561 Ouellette Avenue  
Windsor, ON N8X 1K5

Harvey Strosberg LSUC#: 12640O  
harvey@strosbergco.com  
Tel: 1.519.561.6228

Members of the Joint Committee



*THE ATTACHED IS EXHIBIT "D" TO THE  
AFFIDAVIT OF HEATHER RUMBLE  
PETERSON SWORN BEFORE ME THIS 25<sup>h</sup>  
DAY OF MAY, 2023*



*Commissioner for Taking Affidavits*

Shelley Lynn Woodrich, a Commissioner, etc.,  
Province of Ontario, for Strosberg Sasso Sutts LLP,  
Barristers and Solicitors.  
Expires February 22, 2025.

## COUR SUPÉRIEURE

CANADA  
PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL

No : 500-06-000016-960  
500-06-000068-987

DATE : \_\_\_\_\_

---

**SOUS LA PRÉSIDENTE DE : L'HONORABLE CHANTAL CORRIVEAU, J.C.S.**

---

**500-06-000016-960**

**DOMINIQUE HONHON**

Requérante

c.

**PROCUREUR GÉNÉRAL DU CANADA**  
Et  
**PROCUREUR GÉNÉRAL DU QUÉBEC**  
Et  
**SOCIÉTÉ CANADIENNE DE LA CROIX-ROUGE**

Intimés

Et

**ME MICHEL SAVONITTO, ès qualités de membre du Comité conjoint**

REQUÉRANT

Et  
**FONDS D'AIDE AUX RECOURS COLLECTIFS**  
Et  
**LE CURATEUR PUBLIC DU QUÉBEC**

Mis en cause

---

**500-06-000068-987**

**DAVID PAGE**

Requérant

c.

**PROCUREUR GÉNÉRAL DU CANADA**

et

**PROCUREUR GÉNÉRAL DU QUÉBEC**

et

**SOCIÉTÉ CANADIENNE DE LA CROIX-ROUGE**

Intimés

et

**FONDS D'AIDE AUX RECOURS COLLECTIFS**

et

**LE CURATEUR PUBLIC DU QUÉBEC**

Mis en cause

---

**JUGEMENT SUR LA DEMANDE MODIFIÉE DU COMITÉ CONJOINT POUR ATTRIBUER  
LES FONDS ET AUTRES ÉLÉMENTS D'ACTIFS QUI NE FONT PAS L'OBJET D'UNE  
ATTRIBUTION ACTUARIELLE AU 31 DÉCEMBRE 2019**

---

- [1] **ATTENDU QUE** la Cour est saisie de la *Demande modifiée du Comité conjoint pour attribuer les fonds et autres éléments d'actifs qui ne font pas l'objet d'une attribution actuarielle au 31 décembre 2019* portant la date du 30 mars 2023 présentée par Me Michel Savonitto, *ès qualités* de membre du Comité conjoint pour le Québec;
- [2] **ATTENDU QU'**une audition fut tenue à l'égard de cette demande le 30 mai 2023 par visio-conférence de façon conjointe devant la soussignée, le Juge en chef Hinkson de la Cour suprême de la Colombie-Britannique et le juge Perell de la Cour supérieure de l'Ontario, ces derniers étant saisis de demandes au même effet en vertu de la Convention de règlement relative à l'hépatite C 1986-1990 qu'ils supervisent avec la soussignée;
- [3] **ATTENDU QUE** le 20 février 2023, la Cour supérieure du Québec déclarait qu'à la date d'évaluation du 31 décembre 2019, les actifs ne faisant pas l'objet d'une attribution actuarielle et détenus par le Fiduciaire s'élèvent à une somme entre 195 037 000 \$ et 201 019 000 \$ (dollars 2019) (Capital excédentaire 2019);
- [4] **CONSIDÉRANT QU'**une baisse substantielle des marchés financiers survenue après le 31 décembre 2019 a diminué la valeur du Fonds en fiducie, de sorte que les actuaires experts retenus par le Comité conjoint estiment que les actifs ne faisant pas l'objet d'une attribution actuarielle au 30 juin 2022 sont évalués à 162 000 000,00 \$ (dollars 2019);
- [5] **CONSIDÉRANT QUE** le paragraphe 10.01 de la Convention de règlement relative à l'hépatite C 1986-1990 telle que modifiée par l'Annexe F approuvée par cette Cour le 19 novembre 1999 octroi au tribunal un pouvoir discrétionnaire permettant d'ordonner que

les fonds et autres éléments d'actifs qui ne font pas l'objet d'une attribution actuarielle soient en tout ou en partie attribués aux membres des recours collectifs et/ou aux membres de la famille;

- [6] **CONSIDÉRANT QUE** les recommandations du Comité conjoint pour l'attribution du Capital excédentaire 2019 au bénéfice des membres concernent des indemnités de même nature que celles approuvées dans le jugement du 15 août 2016 de la Cour supérieure du Québec;
- [7] **CONSIDÉRANT QUE** la demande ne modifie pas les termes de la Convention de règlement relative à l'hépatite C 1986-1990;
- [8] **CONSIDÉRANT** les allégations de la demande et les pièces déposées à l'appui de celle-ci, notamment :
- Les déclarations solennelles (incluant les exhibits joints) de Heather Rumble Peterson souscrites en date du 12 mai 2022, du 23 mars 2023, du 18 mai 2023 et du 25 mai 2023 (Pièces R-1, R-3, R-5 et R-6)
  - Les déclarations solennelles (incluant les rapports d'expert joints) de Euan Reid de la firme Eckler Ltd souscrites en date du 13 mai 2022 et du 19 décembre 2022 (Pièces R-2 et R-4)
  - Les déclarations solennelles (incluant les rapports d'expert joints) de Richard Border de la firme Eckler Ltd souscrite en date du 25 novembre 2020 et de Peter Gorham de la firme JDM Actuarial Expert Services Inc. souscrite en date du 10 décembre 2020 (déposées antérieurement au dossier de la Cour);
- [9] **CONSIDÉRANT QUE** le Procureur général du Canada ne prend pas position sur la demande et s'en remet à la discrétion du tribunal, que la demande n'est pas contestée par les autres Intimés et après avoir reçu et entendu les représentations écrites et orales des procureurs du Comité conjoint au nom des membres des actions collectives assujetties à la Convention de règlement relative à l'hépatite C 1986-1990 et celles des procureurs du Procureur général du Canada;
- [10] **PAR CES MOTIFS, LE TRIBUNAL :**
- [11] **ACCUEILLE** la Demande modifiée du Requéran;
- [12] **ORDONNE** qu'une somme de 158 514 000,00 \$ (dollars 2019) du Capital excédentaire 2019 soit attribuée pour la création d'indemnités de distribution spéciale payables de façon rétroactive et prospective tel que ci-après spécifié en faveur des membres reconnus des recours, des membres reconnus de la famille et personnes à charge tel que définis à l'article 1.01 du Régime à l'intention des Transfusés infectés par le VHC, et du Régime à l'intention des Hémophiles infectés par le VHC (« les Régimes Réguliers ») ainsi que des membres reconnus des recours pour réclamations tardives, membres reconnus de la famille suite à une réclamation tardive et personnes à charge tel que définis à l'article 1.01 du vertu du Régime d'indemnisation pour les réclamations tardives (collectivement les « Régimes ») de la façon suivante :
- (a) une indemnité de distribution spéciale d'un montant équivalent à 6,8% de la valeur combinée des paiements forfaitaires pour dommages généraux non pécuniaires et prestation de décès prévus aux articles 4.01, 4.08, 5.01 et 5.02 des Régimes (selon l'article qui leur est applicable) et de l'Indemnité de

distribution spéciale 2013, en faveur des membres des recours, membres de la famille, membre des recours pour réclamations tardives et membres de la famille suite à une réclamation tardive qui y sont éligibles, et correspondant aux montants suivants :

- i. 1 097 \$ (en dollars 2020) pour tout membre des recours ou membre des recours pour réclamations tardives qui était ou qui sera dorénavant éligible au versement de la somme forfaitaire prévue à l'article 4.01(1)(a) des Régimes;
- ii. 2 195 \$ (en dollars 2020) pour tout membre des recours ou membre des recours pour réclamations tardives qui était ou qui sera dorénavant éligible au versement de la somme forfaitaire prévue à l'article 4.01(1)(b) des Régimes;
- iii. 3 292 \$ (en dollars 2020) pour tout membre des recours ou membre des recours pour réclamations tardives qui était ou qui sera dorénavant éligible au versement de la somme forfaitaire prévue à l'article 4.01(1)(c) des Régimes;
- iv. 7 133 \$ (en dollars 2020) pour tout membre des recours ou membre des recours pour réclamations tardives qui était ou qui sera dorénavant éligible au versement de la somme forfaitaire prévue à l'article 4.01(1)(d) des Régimes;
- v. 10 974 \$ (en dollars 2020) pour tout membre des recours ou membre des recours pour réclamations tardives qui était ou qui sera dorénavant éligible au versement de la somme forfaitaire prévue à l'article 4.01(1)(e) des Régimes;
- vi. 5 487 \$ (en dollars 2020) pour tout membre des recours ou membre des recours pour réclamations tardives qui était ou qui sera dorénavant éligible au versement de la somme forfaitaire prévue à l'article article 4.08(2) du Régime à l'intention des hémophiles infectés par le VHC ou à l'article 4.08(2)(Hemo) du Régime d'indemnisation pour les réclamations tardives, en autant que le membre des recours ou membre des recours pour réclamations tardives n'aie pas choisi de se prévaloir de l'Indemnité de distribution spéciale 2013 octroyé en faveur des hémophiles et qui remplace l'indemnisation prévue à ces articles;
- vii. 5 487 \$ (en dollars 2020) pour tout membre des recours ou membre des recours pour réclamations tardives qui était ou qui sera dorénavant éligible au versement de la somme forfaitaire prévue à l'article 5.01(1) des Régimes;
- viii. 13 169 \$ (en dollars 2020) pour tout membre des recours ou membre des recours pour réclamations tardives qui était ou qui sera dorénavant éligible au versement de la somme forfaitaire prévue à l'article 5.01(2) des Régimes; et
- ix. 7 901 \$ (en dollars 2020) pour tout membre des recours ou membre des recours pour réclamations tardives qui était ou qui sera dorénavant éligible au versement de la somme forfaitaire prévue à l'article 5.01(4) du

Régime à l'intention des hémophiles infectés par le VHC ou à l'article 5.01(4)(hemo) du Régime d'indemnisation pour les réclamations tardives;

- (b) une indemnité de distribution spéciale d'un montant équivalent à 50% de la valeur combinée de l'indemnisation pour la perte de conseil, de soin et de compagnie prévue à l'article 6.02 des Régimes et de l'indemnité de distribution spéciale 2013, lorsqu'applicable, en faveur des membres de la famille et des membres de la famille suite à une réclamation tardive qui sont éligibles à l'indemnisation et correspondant aux montants suivants :
- i. 18 593 \$ (en dollars 2020) pour tout membre de la famille ou membre de la famille suite à une réclamation tardive, reconnu ou qui sera reconnu en tant que Conjoint selon l'article 6.02(a) des Régimes;
  - ii. 11 155 \$ (en dollars 2020) pour tout membre de la famille ou membre de la famille suite à une réclamation tardive, reconnu ou qui sera reconnu en tant qu'Enfant de moins de 21 ans à la date du décès de la personne infectée par le VHC, selon l'article 6.02(b) des Régimes;
  - iii. 7 139 \$ (en dollars 2020) pour tout membre de la famille ou membre de la famille suite à une réclamation tardive, reconnu ou qui sera reconnu en tant qu'Enfant de 21 ans ou plus à la date du décès de la personne infectée par le VHC, selon l'article 6.02(c) des Régimes;
  - iv. 7 139 \$ (en dollars 2020) pour tout membre de la famille ou membre de la famille suite à une réclamation tardive, reconnu ou qui sera reconnu en tant que Parent selon l'article article 6.02(d) des Régimes;
  - v. 3 718 \$ (en dollars 2020) pour tout membre de la famille ou membre de la famille suite à une réclamation tardive, reconnu ou qui sera reconnu en tant qu'Enfant de mêmes parents selon l'article 6.02(e) des Régimes;
  - vi. 372 \$ (en dollars 2020) pour tout membre de la famille qui était ou qui sera dorénavant éligible, en tant que Grand-parent, au versement de la somme forfaitaire prévue à l'article 6.02(f) des Régimes; et
  - vii. 372 \$ (en dollars 2020) pour tout membre de la famille ou membre de la famille suite à une réclamation tardive, reconnu ou qui sera reconnu en tant que Petit-enfant selon l'article 6.02(g) des Régimes;
- (c) une indemnité de distribution spéciale additionnelle pour la diminution ou la perte de prestation de retraite d'un montant équivalent à 4% des paiements annuels pour perte de revenu versés ou à être versés à tout membre des recours et membre des recours pour réclamations tardives éligibles en vertu de l'article 4.02(2) des Régimes et des Indemnités de distribution spéciale 2013, plafonné à 8 000,00 \$ par année avant 2014 et 8 000,00\$ plus indexation par année à compter de 2014; et
- (d) un montant de 1,49 \$ de l'heure (en dollars 2020) pour chaque heure indemnisable pour perte de services domestiques à compter du 1<sup>er</sup> janvier 2019, incluant celles octroyées à titre d'Indemnité de distribution spéciale 2013, pour



les membres des recours, les personnes à charge, les membres des recours pour réclamations tardives et les personnes à charge reconnues suite à une réclamation tardive qui sont éligibles à l'indemnisation pour la perte de services domestiques en vertu des articles 4.03(2) ou 6.01(2), des Régimes ;

(les sous-articles (a) à (d) collectivement, les « **Indemnités de distribution spéciale 2019** »)

- [13] **ORDONNE** que les Indemnités de distribution spéciale 2019 soient versées aux membres des recours et membres des recours pour réclamations tardives qui y ont droit, avec indexation à partir de dollars 2020 jusqu'au 1er janvier de l'année de leur versement à l'aide de l'indice de pension, à l'exception de l'Indemnité de distribution spéciale 2019 prévue au sous-article (c) ci-dessus;
- [14] **ORDONNE** qu'un montant de 1 400 000,00 \$ (en dollars 2019) de Capital excédentaire 2019 soit alloué pour le paiement des coûts d'administration des Indemnités de distribution spéciale 2019;
- [15] **ORDONNE** qu'un montant de 157 736 000,00 \$ (en dollars 2019) de Capital excédentaire 2019 plus tout revenu de placement gagné sur cette somme à compter du 1er janvier 2020 jusqu'à la date du transfert (calculé en appliquant le taux de rendement annuel des actifs investis du Fonds en fiducie, déduction faite des frais de placement) soit transférer dans le Compte pour les Indemnités de distribution spéciale de la façon suivante :
- a) 156 634 000,00 \$ plus le montant de revenu gagné sur cette somme depuis le 1er janvier 2020 jusqu'à la date du transfert à partir du Compte pour les Indemnités régulières; et
  - b) 1 102 000,00 \$ plus le montant de revenu gagné sur cette somme depuis le 1er janvier 2020 jusqu'à la date du transfert à partir du Compte pour les réclamations tardives;
- [16] **ORDONNE** que les Indemnités de distribution spéciales 2019, ainsi que les indexations qui s'y rattachent et les frais d'administration soient acquittés et comptabilisés à partir du Compte pour les Indemnités de distribution spéciale;
- [17] **DÉCLARE et ORDONNE** que le solde du Capital excédentaire 2019 ne faisant pas l'objet d'une attribution ou ordonnance au terme du présent jugement doit être conservé dans le Compte des Indemnités régulières du Fonds en fiducie, sujet à toute autre demande future en vertu des Dispositions d'attribution prévues à la Convention de règlement;
- [18] **ORDONNE** à l'Administrateur d'effectuer les paiements à titre d'Indemnité de distribution spéciale 2019 en faveur des personnes qui y ont droit ou tout autre représentant légal, conformément aux dispositions des Régimes, des protocoles approuvés par les Tribunaux et/ou des procédures standard d'opération mises en place pour l'administration des Régimes et des Indemnités de distribution spéciale et sans qu'il soit nécessaire pour elles/eux de présenter une autre réclamation ou demande à cet égard;

- [19] **DÉCLARE** que rien dans le présent jugement n'a pour effet d'amender la Convention de règlement ou de modifier ou affecter de quelque façon que ce soit les obligations financières et les paiements mensuels des gouvernements provinciaux et territoriaux;
- [20] **DÉCLARE** que le présent jugement ne prendra effet qu'à partir du moment où un jugement similaire aura été rendu par la Cour supérieure de l'Ontario et la Cour suprême de la Colombie-Britannique;
- [21] **LE TOUT** sans frais.

---

**CHANTAL CORRIVEAU, j.c.s**

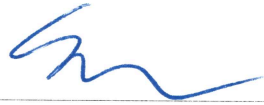
Me Martine Trudeau  
Me Michel Savonitto  
Savonitto & Ass. inc.  
Pour Me Michel Savonitto *ès qualités* de membre du Comité conjoint

Me Nathalie Drouin  
Me Andréane Joanne-Lafamme  
Procureure générale du Canada/Attorney general of Canada  
Ministère de la Justice Canada  
Pour le Procureur général du Canada

Me Louise Comtois  
Bernard Roy (Justice-Québec)  
Pour le Procureur général du Québec

Me Mason Poplaw  
Me Kim Nguyen  
McCarthy, Tétrault  
Conseillers juridiques du Fonds

*THE ATTACHED IS EXHIBIT "E" TO THE  
AFFIDAVIT OF HEATHER RUMBLE  
PETERSON SWORN BEFORE ME THIS 25<sup>h</sup>  
DAY OF MAY, 2023*



*Commissioner for Taking Affidavits*

Shelley Lynn Woodrich, a Commissioner, etc.,  
Province of Ontario, for Strosberg Sasso Sutts LLP,  
Barristers and Solicitors.  
Expires February 22, 2025.

No. C965349  
Vancouver Registry

**In the Supreme Court of British Columbia**

Between:

**Anita Endean, as representative plaintiff**

Plaintiff

and:

**The Canadian Red Cross Society  
His Majesty the King in Right of the Province of  
British Columbia, and The Attorney General of Canada**

Defendants

and:

**Prince George Regional Hospital, Dr. William Galliford,  
Dr. Robert Hart Dykes, Dr. Peter Houghton, Dr. John Doe,  
His Majesty the King in Right of Canada, and  
His Majesty the King in Right of the Province of British Columbia**

Third Parties

**Proceeding under the *Class Proceedings Act*, R.S.B.C. 1996, C. 50**

---

**ORDER MADE AFTER APPLICATION  
(Allocation of 2019 Excess Capital)**

---

BEFORE THE HONOURABLE  
CHIEF JUSTICE HINKSON

)  
)  
)

ON THE APPLICATION of the Joint Committee dated June 21, 2022 and amended April 4, 2023 for orders in respect of actuarially unallocated assets of the 1986-1990

Hepatitis C Trust Fund having been heard at a special joint hearing of the Supreme Court of British Columbia, Superior Court of Ontario and the Superior Court of Québec (the "**Courts**") on May 30, 2023 by judicial videoconference;

ON HEARING the submissions of the Joint Committee on behalf of the class members and family class members, counsel for the Attorney General of Canada, counsel for His Majesty the King in Right of British Columbia, counsel for the Intervenors and British Columbia Fund Counsel, and several Class Members and family members;

ON BEING ADVISED by counsel that the Attorney General of Canada does not take a position on the motion and relies on the discretion of the court, and that His Majesty the King in Right of British Columbia, British Columbia Fund Counsel and the Intervenors take no position on the motion;

UPON READING the materials filed, including:

- (a) Affidavit #39 of Heather Rumble Peterson, made May 12, 2022;
- (b) Affidavit #43 of Heather Rumble Peterson, made March 23, 2023;
- (c) Affidavit #44 of Heather Rumble Peterson, made May 18, 2023; and
- (d) Affidavit #45 of Heather Rumble Peterson, made May 25, 2023;
- (e) Affidavit #1 of Euan Reid, made May 13, 2022;
- (f) Affidavit #2 of Euan Reid, made December 19, 2022;
- (g) Affidavit #10 of Richard Border made November 25, 2020;
- (h) Affidavit #6 of Peter Gorham, made December 10, 2020; and
- (i) Factum/Submissions/Written Argument of the Joint Committee dated May 8, 2023;

THIS ACTION BEING STAYED AGAINST the defendant the Canadian Red Cross Society by the Order of Mr. Justice Blair made on July 20, 1998 in Ontario Superior Court of Justice Action No. 98-CL-002970 (Toronto) and subsequently extended by further

orders made on August 18, 1998, October 5, 1998, January 18, 1999, May 5, 1999, July 28, 1999 and February 25, 2000;

THIS ACTION BEING STAYED AGAINST the third parties Prince George Regional Hospital, Dr. William Galliford, Dr. Robert Hart Dykes, Dr. Peter Houghton and Dr. John Doe by order of Justice K. Smith, made May 22, 1997.

WHEREAS by Order dated October 28, 1999, the Supreme Court of British Columbia approved the 1986-1990 Hepatitis C Settlement Agreement as amended by paragraph 9(b), granting the court unfettered discretion to order that all or any portion of the money or other assets held by the Trustee that are actuarially unallocated be allocated to class members and/or family class members;

WHEREAS by Order dated March 8, 2023, the Supreme Court of British Columbia declared that the Trustee held actuarially unallocated money or other assets in excess of liabilities as at December 31, 2019 of between \$195,037,000 and \$201,019,000 (2019 dollars) (the “**2019 Excess Capital**”);

WHEREAS a substantial decline in the financial markets after December 31, 2019 decreased the value of the Trust Fund, such that the actuarial experts for the Joint Committee estimate the actuarially unallocated money and other assets as at June 30, 2022 to be \$162,000,000 (2019 dollars);

WHEREAS the recommendations of the Joint Committee for the allocation of the 2019 Excess Capital for the benefit of class members and family class members concern discrete benefits of the same nature as those approved by Order of the Supreme Court of British Columbia dated August 16, 2016;

AND WHEREAS the allocations requested do not amend the terms of the 1986-1990 Hepatitis C Settlement Agreement.



THIS COURT ORDERS that:

1. \$158,514,000 of the 2019 Excess Capital be allocated to create the following discrete benefits (the “**2019 Special Distribution Benefits**”) which, with the exception of subparagraph 1(c) below, shall be indexed from 2020 dollars to the 1<sup>st</sup> day of January of the year in which they are paid using the Canadian Pension Index and paid to claimants approved under the Transfused HCV Plan and the Hemophiliac HCV Plan (collectively, the “**Regular Benefit Plans**”) and the HCV Late Claims Benefit Plan (together with the Regular Benefit Plans, the “**Plans**”) as follows:

- (a) a 6.8% increase to fixed payments, being:
  - (i) \$1,097 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(1)(a) of the Plans;
  - (ii) \$2,195 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(l)(b) of the Plans;
  - (iii) \$3,292 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(1)(c) of the Plans;
  - (iv) \$7,133 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(1)(d) of the Plans;
  - (v) \$10,974 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.01(1)(e) of the Plans;
  - (vi) \$5,487 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 4.08(2) of the Hemophiliac HCV Plan or

- section 4.08(2)(Hemo) of the HCV Late Claims Benefit Plan, provided the class member or late claims class member did not elect the alternative 2013 Special Distribution Benefit for hemophiliac claimants that replaces benefits under said sections;
- (vii) \$5,487 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 5.01(1) of the Plans;
  - (viii) \$13,169 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 5.01(2) of the Plans; and
  - (ix) \$7,901 (2020 dollars) for any class member or late claims class member who has qualified or who hereafter qualifies for the fixed payment under section 5.01(4) of the Hemophiliac HCV Plan or section 5.01(4)(hemo) of the HCV Late Claims Benefit Plan;
- (b) a 50% increase to loss of guidance, care and companionship family member payments, being:
- (i) \$18,593 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Spouse under section 6.02(a) of the Plans;
  - (ii) \$11,155 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Child under the age of 21 under section 6.02(b) of the Plans;
  - (iii) \$7,139 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Child 21 years of age or older under section 6.02(c) of the Plans;
  - (iv) \$7,139 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Parent under section 6.02(d) of the Plans;

- (v) \$3,718 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Sibling under section 6.02(e) of the Plans;
  - (vi) \$372 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Grandparent under section 6.02(f) of the Plans; and
  - (vii) \$372 (2020 dollars) for any family member or late claims family member who has qualified or who hereafter qualifies as a Grandchild under section 6.02(g) of the Plans;
- (c) an amount equivalent to 4% of the annual loss of income payments made to any class member or late claim class member who has qualified or who hereafter qualifies under section 4.02(2) of the Plans, subject to a cap of \$8,000 per annum on the amount payable hereunder for those years prior to 2014 and \$8,000 per annum indexed for the years 2014 and following; and
- (d) a \$1.49 (2020 dollars) per hour increase in the hourly rate payable pursuant to sections 4.03(2) and 6.01(2) of the Plans, payable to any class member, dependant, late claim class member, or late claim dependant who has qualified or who hereafter qualifies under said sections on their loss of services incurred for the years 2019 and following.
2. \$1,400,000 of the 2019 Excess Capital be allocated for the payment of the costs associated with administering the 2019 Special Distribution Benefits.
3. \$157,736,000 of the 2019 Excess Capital plus the amount of any investment income earned on that sum from and after January 1, 2020 to date of transfer (calculated by applying the rate of return for the invested assets of the Trust Fund net of investment expenses) be transferred to the HCV Special Distribution Benefits Account of the Trust Fund as follows:

- (a) \$156,634,000 plus the amount of any investment income earned on that sum from and after January 1, 2020 to date of transfer from the Regular Benefits Account; and
  - (b) \$1,102,000 plus the amount of any investment income earned on that sum from and after January 1, 2020 to date of transfer from the HCV Late Claims Benefit Account.
4. To the extent an approved class member, family class member, dependant, late claims class member, late claims family class member, or late claims dependant, as those terms are defined under section 1.01 of the Plans, qualifies for a 2019 Special Distribution Benefit payment, the Administrator shall make the payment to him/her or such other legal representative as may be provided for by the Plans, the court approved protocols and/or the standard operating procedures in place for the administration of the Plans without the necessity of a further claim or request from the person so entitled.
5. The 2019 Special Distribution Benefits created under paragraph 1 and the costs allocated for their administration under paragraph 2 be paid from and accounted for solely under the HCV Special Distribution Benefits Account.
6. All remaining 2019 Excess Capital not allocated to create and/or pay out the 2019 Special Distribution Benefits as provided for by paragraph 1 and/or the related administrative costs as provided for by paragraph 2 be retained in the Regular Benefits Account of the Trust Fund, subject to any future motions made pursuant to the allocation provision of the Settlement Agreement.
7. Nothing contained in this Order shall in any way amend the Settlement Agreement or modify or affect the financial obligations and the monthly payments of any of the Provincial and Territorial Governments.
8. The terms of this Order shall not be effective unless and until a corresponding order/judgment with no material differences is obtained from each of the Superior Court of Ontario and the Superior Court of Québec.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

---

British Columbia Joint Committee Member

David Loukidelis, K.C.

By the Court

---

Registrar

No. C965349  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between

**Anita Endean, as representative plaintiff**

Plaintiff

and

**The Canadian Red Cross Society,  
His Majesty the King in Right of the Province of British  
Columbia, and The Attorney General of Canada**

Defendants

and

**Prince George Regional Hospital, Dr. William Galliford,  
Dr. Robert Hart Dykes, Dr. Peter Houghton,  
Dr. John Doe, His Majesty the King in Right of Canada,  
and His Majesty the King in Right of the  
Province of British Columbia**

Third Parties

Proceeding under the *Class Proceedings Act*, R.S.B.C 1996, C. 50

---

**ORDER MADE AFTER APPLICATION**

---

CAMP FIORANTE MATTHEWS MOGERMAN  
Barristers & Solicitors  
#400 – 856 Homer Street  
Vancouver, BC V6B 2W5

Tel: (604) 689-7555  
Fax: (604) 689-7554  
Email: [service@cfmlawyers.ca](mailto:service@cfmlawyers.ca)

VIA AGENT

PARSONS et al.  
KREPPNER et al.

vs. THE CANADIAN RED CROSS  
SOCIETY et al.

Court File No. 98-CV-141369 CP00  
98-CV-146405

Plaintiffs

Defendants

---

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
PROCEEDINGS COMMENCED AT TORONTO

---

**SECOND SUPPLEMENTAL MOTION RECORD**  
**(Joint Committee Motion to Allocate 2019**  
**Excess Capital)**

---

PODREBARAC BARRISTERS  
PROFESSIONAL CORPORATION  
402-1246 Yonge Street  
Toronto, ON M4T 1W7

KATHRYN PODREBARAC  
LSO#: 35640P  
kp@PodrebaracMediation.com  
Tel: 416.568.1299

STROSBERG SASSO SUTTS LLP  
Lawyers  
1561 Ouellette Avenue  
Windsor ON N8X 1K5

HARVEY T. STROSBERG, Q.C.  
LSO#: 126400  
harvey@strosbergco.com  
Tel: 519.258.9333  
Fax: 866.316.5308

Members of the Joint Committee