

**IN THE MATER OF A REFERENCE PURSUANT TO THE HEPATITIS C
1986-1990 CLASS ACTION SETTLEMENT AGREEMENT
(Parsons v. The Canadian Red Cross et al.
Court File No. 98-CV-141369)**

BETWEEN

Claimant File 1401015

- and -

The Administrator

**(On a motion to oppose confirmation of the decision of C. Michael Mitchell, released
October 17th, 2005)**

Supplementary Reasons

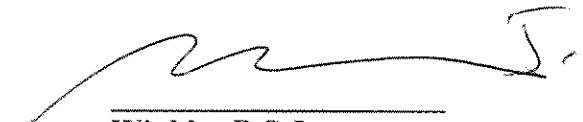
WINKLER R.S.J.:

1. These reasons are supplementary to my reasons of October 20, 2006, in which I deferred confirmation of the referee's decision pending receipt of additional information regarding the Claimant's treating surgeon.

2. The court has been informed that the Claimant's treating surgeon is deceased. The claimant's contention was that the treating surgeon would give evidence establishing her receipt of a blood transfusion. Under the terms of the Settlement, neither a referee at first instance nor this court on a motion to oppose a referee's finding can engage in speculation as to what the evidence might have been. Accordingly, in the absence of any new evidence, the referee's decision must stand.

Result

3. In my view, the referee committed no errors in principle, with respect to jurisdiction or by misapprehending the evidence before him. The referee's decision is confirmed.



Winkler R.S.J.

Released: February 5, 2007