

**SUPERIOR COURT**

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL  
N°: 500-06-000016-960

DATE: November 9, 2005

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**PRESIDED BY: JUSTICE NICOLE MORNEAU, S.C.J.**

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**DOMINIQUE HONHON**

The Applicant

vs

**THE ATTORNEY GENERAL OF CANADA**

and

**THE ATTORNEY-GENERAL OF QUEBEC**

and

**THE CANADIAN RED CROSS**

The Respondents

and

**CLAIMANT NO 14566**

**THE APPELLANT**

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DECISION ON A MOTION TO OPPOSE CONFIRMATION OF A REFEREE'S  
DECISION (JANUARY 1, 1986-JULY 1, 1990 HEPATITIS C CLASS ACTION  
SETTLEMENT AGREEMENT)

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[ 1 ] The Claimant applied for compensation as an Hepatitis C victim, further to blood transfusions received in 1980. However, it is established, as the Claimant recognizes quite readily, that he did not receive other blood transfusions and especially that he did not receive any blood transfusions during the Class Action Period.

[2] The Plan Administrator rejected the claim. The Referee upheld the rejection. The Claimant now requests that the Court review the decision.

[3] No one disputes the fact that the Claimant is an Hepatitis C carrier with all its accompanying inconveniences and handicaps.

[4] The Claimant's representations before the Court insist, among other things, on the slowness of the class actions instituted on behalf of the Hepatitis C infected victims who received transfusions before 1986 or after 1990. He read several articles in the newspapers which suggested that the authorities were looking at the possibility of extending the current Settlement to include infected victims outside the Class Action Period.

[5] As explained by the judge who presided the Hearing on the Request for Review, the fact that the Claimant did not receive a transfusion during the Class Action Period, that is, between 1986 and 1990, results in the fact that he cannot be eligible for any compensation under the said Settlement Agreement.

[6] Nor the Administrator, nor the Referee nor the Superior Court have the discretion to authorize compensation to an Hepatitis C infected Person, when that person has not received a transfusion during the Class Action Period. Also, the Claimant must establish after having received the blood transfusions that these were from an Hepatitis C donor carrier.

[7] In this case, in spite of the sympathy inspired by situations such as the Claimant's case, the Request must fail. The Court has no other choice but to uphold the Referee's decision to reject the claim under the 1986-1990 HCV Transfused Plan.

[8] **FOR THESE REASONS, THE COURT:**

[9] **UPHOLDS** the Referee's decision to uphold the Administrator's decision to reject any compensation to the Claimant under the January 1, 1986-July 1, 1990 Hepatitis C Settlement Agreement.

[10] **ALL THIS**, without costs.

Signature on original  
NICOLE MORNEAU, S.C.J.

**Me Christine Kark**  
MCCARTHY TÉTRAULT  
Fund Counsel

**Claimant No. 14566**

**Me Michel Savonitto,**  
**Ex officio member of the Joint Committee**  
MARCHAND MELANÇON MAGNON

Hearing Date: November 8, 2005