

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000016-960

DATE: Le 16 juin 2010

PRESENT : HONOURABLE PAUL CHAPUT, J.S.C.

CLAIMANT No. 17583
Petitioner

v.

ATTORNEY GENERAL OF CANADA
and

ATTORNEY GENERAL OF QUEBEC
and

CANADIAN RED CROSS SOCIETY
and

MIRE JACQUES NOLS, REFEREE
Respondents

and

FONDS D'AIDE AUX RECOURS COLLECTIFS
and

CURATEUR PUBLIC DU QUÉBEC
Mis en cause

JUDGMENT

[1] Claimant filed a claim for compensation under the terms of the 1986–1990 Hepatitis C class action settlement agreement;

[2] By decision dated January 21, 2010, the 1986-1990 Hepatitis C Claims Centre denied Claimant's claim for compensation under the 1986-1990 Hepatitis C settlement agreement essentially on the basis that there was no evidence to support that Claimant received a blood transfusion between January 1, 1986 and July 1, 1990;

[3] On March 31, 2010, the Referee, Mtre Jacques Nols, upheld the Claims Centre's decision to refuse compensation;

[4] Claimant filed a notice of motion to contest the Referee's decision before the Court and indicated in said notice that he did not wish to testify or present his arguments orally before the Court;

[5] Written representations of counsel for the Fund Administrator was filed;

[6] **CONSIDERING** that the Claimant has not filed any evidence establishing that he received a blood transfusion during the relevant period;

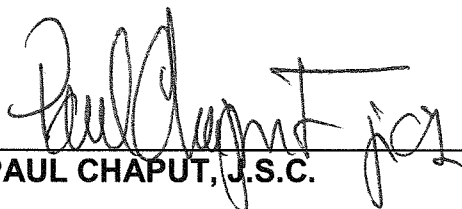
[7] **CONSIDERING** that the Claimant did not make any representations as to how the evidence would have been inappropriately appreciated by the Claims Centre or the Referee;

[8] **CONSIDERING** that, despite all the sympathy one may have for the Claimant's condition, decisions as to compensation must be based on the conditions set out in the settlement agreement which may not be varied by the Administrator, the Referee or the Court;

FOR THESE REASONS, THE COURT :

[9] **DISMISSES** Claimant no. 17583's notice of motion to appose confirmation of the Referee's decision dated March 21, 2010;

[10] **WITHOUT** costs.


PAUL CHAPUT, J.S.C.

Mtre Philippe Dufort-Langlois
McCarthy Tétraut LLP
Attorneys for the Fund Administrator