

SUPERIOR COURT

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

DATE: April 16, 2007

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

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 8522

THE APPELLANT

**REASONS FOR REVIEW OF REFEREE'S DECISION RENDERED ORALLY ON
APRIL 10, 2007 (HEPATITIS C CLASS ACTION SETTLEMENT AGREEMENT-
JANUARY 1, 1986-JULY 1, 1990)**

[1] The Claimant is appealing the Referee's decision to reject her claim for compensation under the January 1, 1986-July 1, 1990 Hepatitis C Settlement Agreement following a blood transfusion received during the Class Action Period.

[2] From the additional evidence provided by the Claimant, including the expertise and testimony of Dr. Marc Deschênes, the Court retains that the Hepatitis C virus strain of which she is a carrier, i.e. genotype 5, is very rare in this country because it is associated with the African Continent.

[3] Therefore, it is highly possible that the tests said to be of first generation administered to the donor in the years following the transfusion received by the Claimant did not detect the antibodies. He may, however, been able to eliminate them before undergoing the second and third generation tests.

[4] Given the possibility that the Claimant could have been infected by this blood donation during the Class Action Period, there is no need to confirm the Referee's and the Administrator's decision.

FOR THESE REASONS, THE COURT:

REFUSES TO confirm the previous decisions.

The Administrator will therefore process the Claimant's claim for compensation under the 1986-1990 Hepatitis C Class Action Settlement Agreement

ALL THIS, without costs.

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

Me Christine Kark
MCCARTHY TÉTRAULT
Fund Counsel

Claimant No. 8522