

NOTICE OF SETTLEMENT APPROVAL HEARING ALBERTA PRE-86/POST-90 HEPATITIS C CLASS ACTION

The Settlement

The Government of Alberta has agreed to settle a Class Action lawsuit commenced on behalf of people who became infected with the Hepatitis C virus from receiving Blood and Blood Products in Alberta prior to January 1, 1986 or between July 2, 1990 and September 28, 1998. The proposed Settlement is not yet final and must be approved by the Court. The Court will hold a public hearing to approve the Settlement. Class Members and their families are entitled to give their views on the fairness of the Settlement to the Court. If the Court approves the Settlement, further notices will be mailed to Class Members and published in newspapers explaining how Class Members may apply for compensation under the Settlement or choose to be excluded from the Settlement.

This lawsuit was originally brought against both the Government of Canada and the Government of Alberta. In 2007, the Court approved settlement of this lawsuit with the Government of Canada only (the "Federal Settlement"). The Government of Alberta did not participate in that settlement and remained a defendant in this lawsuit.

Under the terms of the Settlement, the Government of Alberta does not admit liability.

To settle this lawsuit, the Government of Alberta has agreed to pay \$26 million, inclusive of Class Counsel fees and administrative costs. People primarily or secondarily infected with Hepatitis C as a result of Blood received in Alberta during the period prior to January 1, 1986 and the period from July 2, 1990 to September 28, 1998 need only apply under the Federal Settlement. Upon the application being approved by the Administrator of the Federal Settlement, the Administrator of the Alberta Settlement will assess your eligibility to make a claim. The Administrator of the Alberta Settlement will then write the claimant informing them of their eligibility and inviting them to make a claim by returning the release provided.

The Alberta Settlement is based on the terms, procedures and assessments established by the Federal Settlement. Approved claimants will receive lump sum compensation based upon their age, current disease level and the probability of disease progression in the future, as determined as a percentage of the compensation received by the claimant in the Federal Settlement. Spouses, children under 21 years of age of infected Class Members, and dependants of infected Class Members whose death was caused by their infection with the Hepatitis C virus may also apply for compensation. As a result of a 2007 Supreme Court of Canada decision (*Hislop v. Canada*), estates are not eligible to be included in this settlement.

If the Settlement is approved by the Court Class Members should be able to apply to receive compensation from the Settlement in 2008.

At the Settlement approval hearing Class Counsel will request that Class Counsel fees of approximately \$4.368 million (plus GST, where applicable) be approved by the Court.

To read a complete version of the Settlement Agreement and for more information please visit:
www.kolthammer.com

The Court must still approve the settlement. The hearing will be held on the following date:

March 10, 2008 **Court of Queen's Bench of Alberta**
10:00 am **Edmonton Law Courts Building**
 1A Sir Winston Churchill Square
 Edmonton, Alberta

How to Comment on the Proposed Settlement

Class Members who wish to make submissions to the Court in support of or in opposition to the Settlement or Class Counsel fees should provide notice to Class Counsel by sending a written submission to the address below. Submissions are optional and must be made no later than three business days prior to the hearing date. The written submissions should include:

- The Class Member's name, address and telephone number;
- The date and place that the Class Member received Hepatitis C contaminated blood;
- If the Class Member is secondarily infected, the date and place that the primarily infected person received Hepatitis C contaminated blood;
- A brief statement of the reasons that the Class Member is supporting or opposing the Settlement;
- Whether the Class Member plans to attend at the Settlement approval hearing.

The Representative Plaintiffs and their lawyers will all recommend that the Court approve the proposed Settlement.

More Information

Please do not contact the Court or the Government of Alberta directly about this Settlement as they cannot answer your questions. For more information about this Settlement or the class action, please contact Class Counsel:

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