

NOTICE OF THE CERTIFICATION OF THE JOSEPH BRANT MEMORIAL HOSPITAL CLOSTRIDIUM DIFFICILE CLASS ACTION

This Notice may affect your rights. Please read carefully.

THE CLASS ACTION

This action concerns the outbreak of Clostridium difficile ("C. difficile") at Joseph Brant Memorial Hospital ("Brant Hospital") in Burlington, Ontario.

This notice is directed to Class Members who are all persons who were patients at Brant Hospital and contracted C. difficile from and including May 1, 2006 to and including December 31, 2007, or if such person is deceased, the executor (with or without a will) of the estate of the deceased person.

CERTIFICATION

On October 4, 2011, Justice Baltman certified this action as a class proceeding. The court has not determined the merits of the action. The certification order is posted at www.branthospitalclassaction.com

DO NOTHING IF YOU WISH TO PARTICIPATE IN THE CLASS ACTION

Class Members are automatically included in the class action and need not do anything at this time if they wish to participate. They will be bound by the judgment in the action whether favourable or not.

OPTING OUT

If you are a Class Member as described above but wish to be excluded and not bound by any order made in the class action, you must send a signed statement indicating that you wish to be excluded from this class action, containing your name, address, telephone number, by prepaid mail, fax or email to Howie & Partners, Chartered Accountants, 3063 Walker Road, Windsor ON N8W 3R4, Attention: Brant Hospital Class Action or by fax to 519.250.1929 or by email to classaction@howieandpartners.com

If a Class Member is unable to personally make an election to opt out (by reason of death or incapacity), the person making the election on behalf of the Class Member must provide their personal information, together with the copy of the court order or other documentation that permits the person to act on behalf of the Class Member, such as the Class Member's will, or Certificate of Appointment (death) or Power of Attorney for Property (incapacity).

No person may opt out a minor or mentally incapable person without permission of the court after notice to The Children's Lawyer and/or the Public Guardian and Trustee, as appropriate.

A Class Member who opts out cannot participate in the class action. If a Class Member opts out, their family will not be entitled to participate in the class action either.

If your election to opt out is not received by 5:00 p.m. eastern time on February 17, 2012, you will be a Class Member and your medical records may be delivered to Class Counsel.

A person who opts out will not be bound by the judgment in the class action and will not be eligible for any recovery in the class action but may be eligible to pursue an individual claim.

Do not opt out if you wish to participate in the class action.

CLASS COUNSEL FEES AND DISBURSEMENTS

The plaintiffs and Class Counsel signed a fee agreement providing for the payment of fees, disbursements and applicable taxes, only in the event of success in the class action, to be paid out of any recovery in the class action as follows:

- (a) 25% of the recovery, plus disbursements and applicable taxes if the action is settled before examinations for discovery are commenced;
- (b) 30% of the recovery, plus disbursements and applicable taxes if the action is settled after examinations for discoveries are commenced; or
- (c) 33.3% of the recovery, plus disbursements and applicable taxes if the action is settled after the commencement of the trial of the common issues or resolved by judgment at trial.

Class Counsel will make a motion to the court to have the fee agreement approved. You will not be required to pay legal fees to Class Counsel unless the plaintiffs are successful in this action. If the class action is successful, legal fees will be deducted from your recovery. It is possible that individual issues may remain for determination after the class action is resolved. If a Class Member wishes to retain a lawyer to assist with these individual issues, the Class Member may be required to pay additional fees for this additional service, in addition to the amounts set out above.

INFORMATION

Any questions for Class Counsel regarding the class action and the certification order should be directed to:

Stanley M. Tick QC
STANLEY M. TICK & ASSOCIATES
108 John St N, Hamilton ON L8R 1H6
Tel: 905.523.6464
Fax: 905.523.8080
Email: tdoyle@smtick.com

Additional information about the class action can be found at www.branthospitalclassaction.com

INTERPRETATION

This Notice is a summary of some of the terms of the certification order. If there is a conflict between the provisions of this Notice and the terms of the certification order, the certification order prevails.

This Notice is approved by the Superior Court of Justice for Ontario.

Any questions about this Notice should not be directed to the court as its administrative structure is not designed to address this type of inquiry