

March 2010

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David Klein Carries the Olympic Torch for Woodlands Survivors

Klein Lyons founder David Klein was recently honoured by being chosen to carry the Olympic Torch on its way through Vancouver. He dedicated his run to the survivors of the infamous Woodlands School, and specifically to those who

have been excluded from the recent government settlement. Watch the video of [David's torch run](#) and [learn more](#) about the class action.



Grieving Over the Loss of Loved Ones — Getting the Support You Need

By Milton Kiang

For those of us who've lost loved ones through a fatal accident, personal injury, or someone else's negligence, there's an expectation that somehow, we'll be able to overcome the loss on our own.

Our inner voice tells us, "Hang in there, keep yourself busy, and you'll be okay."

Unfortunately, becoming "okay" isn't always the outcome.

Lynette Pollard-Elgert, executive director and therapist at Living Through Loss Counselling Society of BC, recalls a woman who came to her for counselling after retiring from nursing. The nurse didn't come to see Pollard-Elgert because she had retired, but because of the death of her husband 15 years earlier.

"She had kept herself so distracted and busy that she had not done any grief work at all," says Pollard-Elgert.

With the loss of her job, the retired nurse began to experience a resurrection of unresolved losses arising from her husband's death. "She had no support for the loss of her husband 15 years before, though her loss was just as fresh as if it had happened yesterday," says Pollard-Elgert.

Pollard-Elgert says North Americans pretty much live in a death-denying society, where we don't like to talk about death, where we want griever to get back to normal within a few months.

"Most people are uncomfortable with people's sadness and we are almost all in a conspiracy to protect ourselves from other people's emotions, by not mentioning the death to the griever," says Pollard-Elgert. "The griever then goes internal and tries to deal with the pain themselves because they don't feel their friends and family want to talk about the death."

Although everyone is unique in the way they deal with death, Pollard-Elgert says that counselling may be required if a person has trouble dealing with feelings that arise from one's loss; this includes feelings of guilt, anger, sadness, or fear. Some may even experience memory loss, confusion, lack of motivation or restlessness.

Grievors seeking counselling should speak to their doctors about referrals to counselors and psychologists who offer bereavement support. For help in BC, people can contact the BC Bereavement Helpline www.bcbereavementhelpline.com or the Living Through Loss Counselling Society www.ltlc.bc.ca.

Pollard-Elgert cautions that people shouldn't expect a quick fix through counselling. "Grief is a process and it takes time to work through the pain," warns Pollard-Elgert.

Nonetheless, counselling gives the griever a chance to tell their story without judgment as well as an opportunity to learn about the grief process and develop and strengthen coping skills.

Like the retired nurse Pollard-Elgert counselled earlier, patients are taught to work through their unresolved losses and, hopefully, walk away with skills to handle future losses.

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Clean Transportation in Whistler, BC

By Barbara K. Adamski

Whistler, British Columbia, is now home to the world's largest hydrogen fuel cell bus fleet operating in a single location. The 20 fuel cell buses, which arrived in October 2009, started out as part of the BC Transit 135-vehicle fleet during the 2010 Olympic and Paralympic Games and will remain in the Resort Municipality of Whistler after the Games.

Environmentally friendly fuel cell vehicles (FCVs) do not emit harmful emissions through the tailpipe. In an FCV, hydrogen and oxygen are converted to electricity, which is harvested to a battery pack that runs the vehicle's electric generators and motors, explains Barry George of BC Transit in this [informative video](#). The fuel cell buses can drive for approximately 450 to 500 kilometres before the battery requires recharging, and run at more than double the efficiency of an internal combustion engine. Their top speed is 90 kilometres an hour.

The fuel cell vehicles have been instrumental in providing enhanced service to the Resort Municipality of Whistler, according to Joanna Morton of BC Transit, particularly on Saturday, February 20, when over 70,000 people used the Whistler Transit System to get to and from Olympic events, including many gold-medal events.

The \$89.5 million dollar project was funded by the Government of Canada, the Government of British Columbia, the Resort Municipality of Whistler, and the Canadian Hydrogen Fuel Cell Association. The buses are based at Whistler Transit Centre, a multi-million dollar station that houses the world's largest hydrogen fuelling station, as well as several maintenance bays, 36 sheltered stalls, a bio-filtration pond, and more.

The buses were built by Winnipeg's New Flyer Industries, contain fuel cells from Burnaby's Ballard Power Systems, use hydrogen storage technologies from Calgary's Dynetek Industries, and currently run on fuel supplied by Montreal's Air Liquide Canada. Joanna Morton of BC Transit says that they are working with their partners to develop a local source for the fuel. One possible supplier is the North Vancouver-based Hydrogen Technology & Energy Corporation (HTEC), which, since 2006, has been capturing small amounts of waste hydrogen from an electrochemical plant and developing distribution and end-use technologies for the fuel. This will provide a more eco-friendly source for the fleet. Regardless of where the fuel ultimately comes from, Whistler's hydrogen fuel cell buses provide a made-in-Canada solution to an environmental problem.

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Vioxx — Merck Frost Wants to Compensate Only Americans

By Doug Lennox

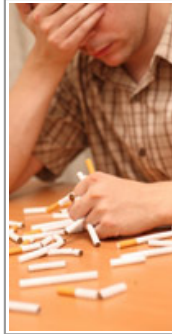
There is encouraging news for Canadians participating in our [Vioxx class action](#). Vioxx was a pain medication that was recalled from markets around the world in October 2004. The drug, manufactured by Merck and related companies, has been linked to an increased risk of cardiovascular injury. Merck agreed in 2008 to pay \$4.85 billion (USD) to compensate Americans who suffered heart attacks and strokes after taking the drug. Merck however, has so far refused to compensate persons in other countries who suffered similar injuries. It has been Merck's position that the American legal system is unique, and that it is not required to compensate injured persons in other countries. It has been our position that the drug was the same, wherever sold, and that the injuries are the same, wherever suffered. While legal systems may differ between countries, they are not so different as to excuse Merck's conduct.

Merck is now going to have rethink its position, given recent legal developments in Australia. A class action was brought there by Graeme Peterson, an Australian who suffered a heart attack after taking Vioxx. His case proceeded to trial over three months, and resulted in a plaintiff verdict on March 5, 2010. Mr. Justice Jessup of the Australian Federal Court found that Vioxx

was “not fit to be on the market.” He ordered Merck’s Australian affiliate to pay \$287,000 (AUS) to Mr. Peterson, as compensation. He also made findings that will assist many hundreds of other Australians participating in that class action to also receive compensation.

Mr. Peterson’s victory is a helpful precedent for Canadians. While not binding on a Canadian court, the decisions of courts in other commonwealth countries are often viewed as persuasive by Canadian judges. The victory also puts an end to Merck’s argument that it is only required to compensate Americans. We believe that Canadian courts will hold Merck accountable, just as American and Australian courts have done. We are working towards that goal.

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Champix — A Risky Drug With Inadequate Warnings

By Doug Lennox

Klein Lyons has filed class actions on behalf of Canadians who were injured by Champix, a drug prescribed as a smoking cessation aid. The drug has been linked to an increased risk of suicide, suicidal ideation, depression and neuropsychiatric injury. The lead plaintiffs in the BC lawsuit are Patricia Clow, on behalf of her late daughter, Heidi Clow, Alicia Pickering and Nicole McIvor. Heidi Clow of Victoria, BC, died at the age of 22. She committed suicide after being on Champix for only a few months. Nicole McIvor of Princeton, BC, required counselling for depression and was prescribed anti-depressants soon after beginning to take Champix. Her suicidal thoughts escalated to the point that she attempted suicide by deliberately trying to smash her car into an oncoming logging truck. Alicia Pickering of Sechelt began to suffer the depressive effects of Champix within days of taking the drug. Her mental health deteriorated to the point that she had to take a leave of absence from work and was ultimately hospitalized. As to the class action, Alicia says, “If it saves even one soul from suffering the way I have, it’ll be worth it. I am outraged that this drug remains on the market.” You can hear Alicia’s full story on [CBC News](#).

Sales of Champix began in Canada in April 2007. As of September 30, 2009, Health Canada had received 1,178 reports of adverse reactions to the drug. In the United States, the Food and Drug Administration announced on July 2, 2009, that the drug would be required to carry its strongest safety warning over side effects. In Canada, on January 6, 2009, Health Canada announced that it was in “in the process of further strengthening the labeling for the drug with respect to the risk of serious psychiatric adverse effects.” To date, this hasn’t happened.

Class actions have been filed in British Columbia and Alberta. It is alleged that the drug’s manufacturers, Pfizer, Inc., and Pfizer Canada Inc., knew or ought to have known of the risks of this drug before ever marketing it in Canada, and that they failed to adequately warn Canadians of these risks. It is further alleged that the warning labels for the drug remain inadequate to this day, given the serious risks of injury and death linked to this drug. [Learn more about this class action](#).

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Arrive Alive — Electronic Stability Control Reduces Crashes

By Beverley Doran

Electronic stability control (ESC), a recent innovation in passenger vehicle safety, is gaining momentum in Canada. Just as anti-lock brakes (ABS) stop forward motion, ESC limits or prevents sideways motion. For example, if your steering doesn’t match the direction of your vehicle, ESC’s traction-control sub-system will apply brakes to one or more wheels, reduce engine power or perform a combination of the two actions to help you regain control of your vehicle. In addition, ESC’s skid-control sub-system can reduce or prevent skidding and wheel spinning, even before you’re aware of any problem.

ESC Mandatory in New Cars by 2011

Recent studies conclude that ESC can greatly reduce the number of serious or fatal crashes, and Transport Canada estimates that the system could lead to a 29 percent reduction in the number of crashes involving loss of control by light-duty vehicles.

Because ESC is a relatively new safety feature, only about 5 percent of Canadians have ESC-equipped vehicles. This will soon change, however, because the federal government has

just introduced regulations requiring all new vehicles sold in Canada to be equipped with ESC systems by model year 2011.

BCAA Reduces Insurance Premiums on ESC-Equipped Vehicles

The British Columbia Automobile Association (BCAA) was so impressed with ESC that it became the first insurance provider in Canada to introduce a 5 percent discount on collision premiums for vehicles equipped with ESC. According to Heather Prizeman, BCAA's auto insurance product manager, although passive devices such as seatbelts, airbags and child seats help people survive a car crash, the safest vehicle is the one that doesn't crash at all.

Even if your vehicle is equipped with ESC, though, remember to continue to drive safely, keeping in mind road and weather conditions. ESC (or any other technology) won't change the laws of physics, and driving too fast can still result in a loss of control. What's more, ESC can't help you much if your brakes are in poor condition or if your tires are worn, under-inflated or overloaded. So always keep your vehicle properly maintained as well.

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