

## **NOTICE OF APPROVAL OF CLASS ACTION SETTLEMENT WITH BC EAR BANK**

**TO:** All persons who received transplants with tissue and/or bone supplied by the B.C. Ear Bank.

**Please read this notice carefully as it may affect your legal rights**

### **What is the purpose of the Notice?**

This Notice is to advise all persons who received tissue and/or bone supplied by the B.C. Ear Bank that the lawsuit has been certified as a class action for the purpose of reaching a settlement agreement. This lawsuit was brought by Mr. Thomas Little and Mr. Robert Corfield against Providence Health Care Society dba Providence Health Care and dba St. Paul's Hospital and dba the B.C. Ear Bank and Vancouver Coastal Health Society dba Vancouver General Hospital and dba Vancouver Hospital and dba The B.C. Ear Bank The University of British Columbia dba the B.C. Ear Bank. The action was filed in the Vancouver Registry, Court File No. L050414.

The British Columbia Supreme Court certified the action and approved the Settlement on November 12, 2010.

### **Who is included in the Settlement?**

The settlement agreement applies to class members who are defined as: all persons who received transplants with tissue and/or bone supplied by the B.C. Ear Bank. Persons who are resident of British Columbia are bound by this settlement unless they opt-out. Persons who are not residents of British Columbia are not bound by this settlement unless they opt-in.

### **Do individual class members receive a payment?**

There are no individual payments to class members. The settlement fund is worth \$85,000 plus accrued interest. Due to the modest size of the settlement and the administrative costs that would be associated in identifying class members, the Court has approved a cy pres distribution. This means that the court has approved the payment of

the balance of the settlement funds, after the deduction of legal fees, disbursements and taxes to the non-profit organization, the Canadian Hard of Hearing Association, BC Branch. The Canadian Hard of Hearing Association will use this to fund a program called "Managing Hearing Loss, Speech Reading Course" to assist those who are hard of hearing.

### **What if I do not want to be part of the settlement?**

If you live in British Columbia and you do not want to be bound by this settlement, or you want the right to pursue your claim individually in court, then you must take steps to opt out of the settlement.

To opt out of the settlement, you must send a signed statement that says you would like to "opt out of the settlement" that includes your name, address and telephone number. You must mail your request for exclusion postmarked by February 10, 2010. You cannot exclude yourself by phone or by email. The statement must be sent to:

B.C. Ear Bank Settlement  
Klein Lyons  
1100 – 1333 West Broadway  
Vancouver, BC V6H 4C1

If you are not a resident of British Columbia and you do not wish to participate in this settlement you do not need to do anything as you are not bound by this agreement.

### **Additional Information**

Please contact Klein Lyons at (604)874-7171 if you have any questions about this Notice or about the lawsuit. Further information is available on the Klein Lyons' website at: [www.kleinlyons.com](http://www.kleinlyons.com).