

Amended pursuant to the Order of Master Barber
on November 12, 2002. No. L 023298
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:
HELEN FAKHRI and ADY AYLON
as Representative Plaintiffs
Plaintiff

AND:
ALFALFA'S CANADA, INC.
carrying on business as
CAPERS COMMUNITY MARKETS
Defendant

Brought under the Class Proceedings Act, R.S.B.C. 1996, c. 50

AMENDED WRIT OF SUMMONS

(Name and address of each Plaintiff)

HELEN FAKHRI as Representative Plaintiff
c/o Klein Lyons1100 - 1333 West Broadway Vancouver, BC V6H 4C1

ADY AYLON as Representative Plaintiff
c/o Klein Lyons1100 - 1333 West Broadway Vancouver, BC V6H 4C1

(Name and address of each Defendant)

ALFALFA'S CANADA, INC.
3000 Royal Centre,
P.O. Box 111301055 West Georgia Street Vancouver, BC V6E 3R3

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO the Defendant: *Alfalfa's Canada, Inc.*, carrying on business as Capers Community Markets

TAKE NOTICE that this action has been commenced against you by the Plaintiffs for the claims set out in this writ.

IF YOU INTEND TO DEFEND this action, or if you have a set-off or counterclaim which you wish to have taken into account at the trial, YOU MUST

(a) **GIVE NOTICE** of your intention by filing a form entitled "Appearance" in the above registry of this Court within the Time of Appearance provided for below and **YOU MUST ALSO DELIVER** a copy of the "Appearance" to the Plaintiff's address for delivery, which is set out in this writ, and

(b) if a Statement of Claim is provided with this writ of summons or is later served on or delivered to you, FILE a Statement of Defence in the above registry of this court within the Time for Defence provided for below and DELIVER a copy of the Statement of Defence to the Plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of Appearance at the Registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF

- (a) **YOU FAIL** to file the Appearance within the Time for Appearance provided for below, or
- (b) **YOU FAIL** to file the Statement of Defence within the Time for Defence provided for below.

TIME FOR APPEARANCE

If this Writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including day of service).

If this Writ is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

(or, where the time for appearance has been set by order of the court, within that time.)

TIME FOR DEFENCE

A Statement of Defence must be filed and delivered to the plaintiffs within 14 days after the later of

(a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and

(b) the end of the Time for Appearance provided for above.

(or, if the time for defence has been set by order of the court, within that time.)

(1) The address of the registry is:

800 SMITHE STREET Vancouver, BC V5Z 2E1

(2) The plaintiffs' address for delivery is:

KLEIN, LYONS 1100 - 1333 West Broadway Vancouver, BC V6H 4C1

Fax number for delivery: 874-7180

(3) The name and office address of the plaintiffs' solicitor is:

DAVID KLEIN Klein, Lyons 1100 - 1333 West Broadway Vancouver, BC V6H 4C1

The plaintiffs **claim**, on behalf of **themselves** and others similarly situated, for general, aggravated, special, and punitive damages for injuries, loss, inconvenience, anxiety, and expenses suffered as a consequence **of** the purchase of and/or exposure to products that were or might have been tainted with the Hepatitis A virus, and which were negligently produced, manufactured, distributed, and/or sold by the Defendant. The plaintiffs **claim** these damages in tort and **for** the Defendant's breach of its statutory obligations under the Sale of Goods Act, R.S.B.C. 1996, c. 410, for releasing into the stream of commerce food products that were dangerously defective, unfit for human consumption, and of unmerchantable quality, and for failing to meet the standard of care and requirements under the Food and Drugs Act, R.S. 1985, c. F-27.

The plaintiffs **also** claim court order interest, costs, and such further and other relief as to this Honourable Court may seem just.

Dated: October 23, 2002 _____

Counsel for Plaintiffs