

# Full Disclosure



## Lobby Continues for Forgotten Hep C Victims

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Personal Injury Law · Consumer Class Actions

There is a forgotten group of victims of tainted blood in Canada. The thousands of persons across the country who were infected with hepatitis C through blood transfusions but who have been ruled ineligible for inclusion in the \$1.2 billion federal compensation program. The federal government has arbitrarily excluded anyone infected prior to January 1, 1986 and after July 1, 1990 from the compensation program.

One family in this forgotten group is Cindy Anstett and her two sons. Cindy worked for the Ashcroft and District Hospital for fourteen years, dedicating her life to helping the sick and needy. In 1980, Cindy required two units of blood due to a pregnancy miscarriage. This blood was tainted with hepatitis C. By 1991, Cindy was too ill to continue working. Without a regular income, Cindy has trouble purchasing her medications and at times is even unable to get to the appointments with specialists that she so desperately needs. Her son Jonah has been her primary care giver for a long time. "I just want to take the worry lines off his face". He even pays for her medications when he can. "Being excluded from this compensation fund, makes me question, why? I had given my life to helping others and now to have the government turn it's back on us makes all that I have believed in meaningless."

With the help of the Hepatitis C Compassion Umbrella of Canada and Klein Lyons, there is still hope for Cindy and the thousands like her who are living with the devastating disease due to tainted blood. The HCCUC was formed in August 2004, to help the long forgotten. The HCCUC has dedicated thousands of hours to lobby the federal government to include the pre-86 and post-90

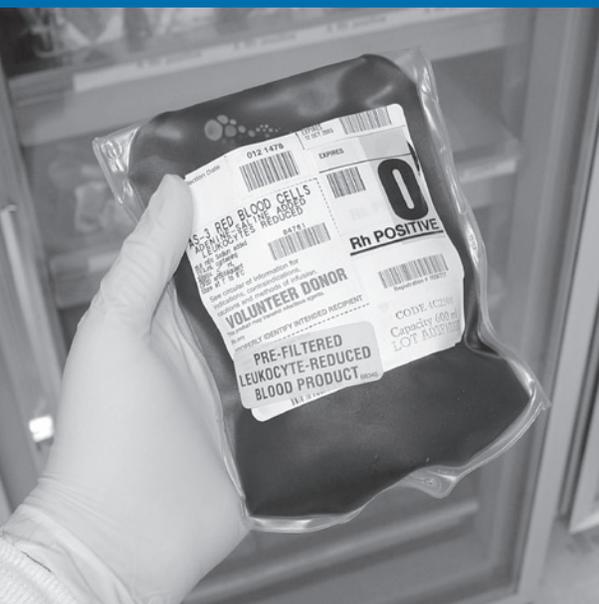
group in the federal compensation program.

More than four years after the \$1.2 billion fund was set up to fund compensation for the 1986-1990 victims, over \$1 billion remains. There is more than enough money in the program to provide relief for the 6000 victims in the pre and post group.

Over 300 advocacy groups across the country have joined the HCCUC in pressing the federal government of Canada to immediately expand access to the existing fund.

On November 22, 2004 Health Minister Ujjal Dosanjh announced that the Government of Canada would consider extending compensation for this forgotten group. Will the government finally do the right thing, and show compassion for those who trusted a system that has left them sick and dying?

Klein Lyons has worked diligently for over six years to fight for compensation for people who were infected with hepatitis C tainted blood before January 1, 1986 and after July 1, 1990. We will continue to fight for the rights of these forgotten tainted blood victims. □



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## Here's what people are saying about Klein Lyons:

You have all bent over backwards to help me, for which I thank you from the bottom of my heart.

– Anne Schroeder Klasen

Thank you for your persistence and keeping in touch with us all the way. We didn't think it would be settled in our time.

– Dave and Evelyn Jackson

## Klein Lyons Has Expanded, Adding Two Experienced Trial Lawyers



Vancouver trial lawyer and past-President of the Trial Lawyers Association of B.C. **David N. Osborne** joined the firm on December 1, 2004. Mr. Osborne graduated from Dalhousie University (B.Sc. (Hons.) 1979) and was an NSERC postgraduate scholar in neuroscience at UBC before graduating from law school (UBC, 1990). Since being called to the Bar in 1992, Mr. Osborne has gained extensive trial experience in the B.C. Supreme Court and Court of Appeal in the areas of personal injury, medical negligence, and insurance defence. He is a frequent lecturer at continuing legal education seminars for lawyers and doctors. At Klein Lyons Mr. Osborne will represent plaintiffs in class action litigation and personal injury claims.



Former Victoria crown prosecutor **Daniel Gelb** joined Klein Lyons September 7, 2004. Mr. Gelb graduated with honours from York University in Toronto and received his legal education at the University of Victoria law school. He was called to the Bar in 1996 and served for four years as a crown prosecutor in Victoria before entering private practice as a civil litigator. Mr. Gelb's civil practice is concentrated on matters involving motor vehicle and other personal injury claims.

David Klein said the firm is excited to add two individuals with such extensive courtroom experience: "Mr. Osborne has established a widely-recognized record of success in handling complex personal injury litigation at trial and in the appellate courts and gained respect as President of the Trial Lawyers Association when he lead successful campaigns to protect the legal rights of innocent victims." Mr. Klein added: "Similarly, Mr. Gelb brings to our firm years of experience as a crown prosecutor with a unique ability to analyze and prepare complex litigation files. We are delighted to be moving forward with the addition of these talented lawyers." □

*We are delighted to be moving forward with the addition of these talented lawyers.*

– DAVID KLEIN





## Leading the Way for Victims



In two important Canadian firsts, Klein Lyons has had class actions certified in Newfoundland and in Manitoba. Both cases are against Bayer Inc. for injuries suffered by users of Baycol. Baycol is a cholesterol lowering drug that was withdrawn from the market after reports of serious muscle injuries and deaths linked to the drug. Newfoundland & Labrador's class action statute became law in 2002

and Manitoba's came into force in 2003. The Baycol lawsuits are the first class actions certified in each of those provinces. According to Klein Lyons partner David Klein "This is a major step forward for people in Newfoundland and Manitoba. They now have access to their own courts for cases that would be too expensive to bring as individual lawsuits." □



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## CAR ACCIDENT CHECKLIST

### ✓ STAY CALM

Stop to protect your passengers and car. Call an ambulance for any injured party. Set flares or emergency warning devices if you carry them, and do not leave the scene of the accident.

### ✓ DO NOT MOVE YOUR VEHICLE

Don't discuss the accident with anyone or blame anyone, including yourself. Exchange only your license, registration and motor vehicle identification card.

### ✓ CALL THE POLICE

Request a copy of the police report.

### ✓ EXCHANGE INFORMATION

Take down the name, address, driver's license number, date of birth, sex, province of license, and the phone number of the other driver. Write down the name, address, and the insurance company of the owner of the other car involved. The driver may not be the owner of the car.

### ✓ SECURE A WITNESS

Get contact information from as many witnesses as possible including passengers involved in the accident.

### ✓ RECORD DAMAGE DETAILS

Make detailed notes about the accident.

### ✓ DRAW A DIAGRAM

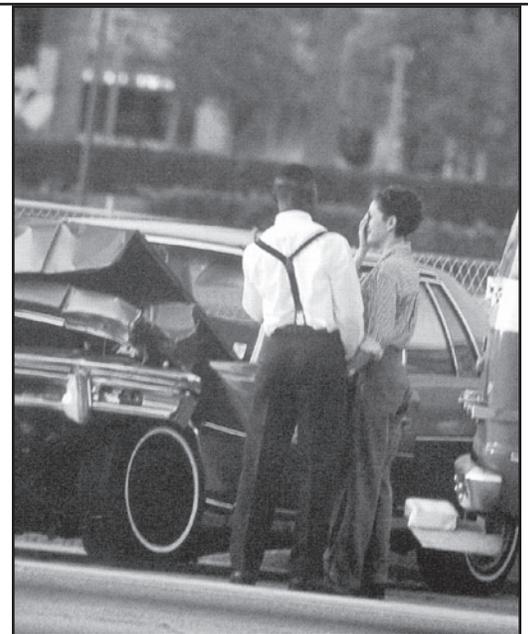
Make a note below the diagram of the date and time of the accident. Write down the location including the street, intersection, or any landmarks.

### ✓ REPORT ACCIDENT TO ICBC

Report the accident to ICBC immediately. If the police attended, obtain a copy of the police report.

### ✓ TAKE A PHOTOGRAPH

Take multiple photographs from different angles. Also, if you have visible injuries, take photographs of your injuries.



### ✓ CALL KLEIN LYONS

If you have been injured call Klein Lyons for a free consultation, **604-874-7171**

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## Recent Victories

3<sup>1/2</sup>  
times  
more  
Money.

Insurance companies do not want you to hire a lawyer. Why? Because they know they'll have to pay larger, fairer settlements amounts! The Insurance Research Council found that the settlement figure was 3 1/2 times higher for claimants represented by lawyers.\* Statistics prove you benefit! Talk to an experienced injury lawyer, don't go it alone.

\* Source: Insurance Report Council 1999 study

### DOW CORNING BREAST IMPLANTS

The Dow Corning bankruptcy reorganization has been finalized and payments to class members in the \$40 million BC settlement will begin this summer.

### MAPLE RIDGE FLOOD

A settlement was recently reached with BC Hydro and the District of Maple Ridge to compensate victims of the 1995 Alouette River flood. Though the settlement was without admission of liability, BC Hydro has agreed to pay \$412,250. and the District of Maple Ridge has agreed to pay \$72,750. into a Settlement Fund totalling \$485,000. The individual settlement amounts will depend on the severity of the damage caused to the class member's property by the flood.

### SHELL GASOLINE

Shell Canada Limited agreed to compensate Canadian car owners whose vehicle fuel systems were damaged by the use of "Shell Bronze" gasoline from March 1, 2001 to April 15, 2002. The amounts paid by Shell depend on the make and model year of the vehicle affected.

## When You Need More Than a Promise



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