

**NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL  
IN RESPECT OF A CLASS ACTION INVOLVING PERSONS  
WHO RECEIVED TEST RESULTS FOR CHLAMYDIA AND/OR  
GONORRHEA THAT WERE GENERATED BY A MEDICAL  
TESTING DEVICE IN THE EAST KOOTENAYS IN BRITISH  
COLUMBIA BETWEEN OCTOBER, 2000 AND JULY 30, 2003  
PLEASE READ THIS NOTICE CAREFULLY, IT MAY AFFECT  
YOUR LEGAL RIGHTS**

**Notice**

This notice is directed to all persons who received test results for Chlamydia and/or Gonorrhea that was generated by a medical testing device (the "Device") at Kimberley Regional and District Hospital between October 1, 2000 and May 24, 2002 and at the East Kootenay Regional Health Centre between May 25, 2002 and July 30, 2003 (referred to hereafter collectively as the "Relevant Time Frame"). If you are one of those persons, your test results may have been false or unreliable.

**Purpose of this Notice**

A lawsuit has been initiated in British Columbia pursuant to the Class Proceedings Act against a medical technology company known as Becton Dickinson and Company (referred to hereafter as the "Defendent") in which it is alleged that the Defendent was negligent in assembling a medical testing device used as a diagnostic tool in determining the presence of Chlamydia and/or Gonorrhea in patients (referred to hereafter as the "Device").

By Order of the Supreme Court of British Columbia dated November 22, 2005 this lawsuit was certified, for settlement purposes, to proceed as a class action on behalf of the following class:

"all persons who were tested by the BD ProbeTec ET device instrument in use in British Columbia between October 1, 2000, and July 30, 2003; and

all persons who had sexual contact with those persons described above"

(referred to hereafter as the "Class").

A settlement has been reached between the Plaintiff and the Defendent to settle the claims of the Class. The following four (4) groups are included in the settlement:

1. those persons who received unreliable test results during the Relevant Time Frame and as a consequence underwent re-testing ("Re-testing Group");
2. those persons who received false negative test results generated by the Device during the Relevant Time Frame ("False Negative Group");
3. those persons who received false positive test results generated by the Device during the Relevant Time Frame ("False Positive Group"); and
4. those persons who had sexual contact with a person who was tested by the Device during the Relevant Time Frame ("Sexual Contact Group").

**Compensatory Payments**

Class members will be eligible to receive compensatory payments under the settlement in accordance with the following grid:

Group #1: Re-testing Group	\$400 per person
Group #2: False Negative Group	\$500 per person
Group #3: False Positive Group	\$500 per person
Group #4: Sexual Contact Group	No payments to any individual – A single payment of \$75,000 to be made to an appropriate charity.

Persons that are in both Group #1 and Group #2 will receive a total of \$900.

The amounts set forth above are intended to provide compensation for all damages for Class members.

The agreement provides for the establishment of a fund of \$1,000,000 to pay the claims presented, administrative costs and class counsels legal fees and disbursements. If there is a surplus in the fund after payment of the claims presented, that surplus will be given to an appropriate charity. If there is a shortfall in the fund, the claims will be paid out pro rata.

This settlement was approved by Order of the Supreme Court of British Columbia dated November 22, 2005.

**Submitting a Claim**

To qualify for a compensatory payment, a Settlement Class Member must submit to the Administrator a completed Claim and Opt In Form along with any supporting documentation as outlined in the Claim and Opt In Form no later than July 6, 2006. Claim and Opt In Forms are available by calling the Administrator at 1-866-510-8069 or from the website of Hanson Wirsig Matheos at www.hwm.ca.

If a Claim and Opt In Form is not submitted by July 6, 2006, you will not be allowed to submit a Claim and you will not receive payment under this settlement.

**Release of Claims and effect on other Proceedings**

You will be bound by the terms of the Settlement Agreement unless you opt out. You will be bound by the Settlement Agreement and all related court orders and shall be forever barred from commencing any proceeding against the Defendent or any other third parties in respect of false or unreliable tests results during the relevant Time Frame.

**Opting Out of this Settlement Agreement**

If you are a Settlement Class Member and you would like to exclude yourself from the Settlement, you can opt out by obtaining an Opt Out Form (available by calling the Administrator at 1-866-510-8069 or from the website of Hanson Wirsig Matheos at www.hwm.ca) by filing it with the Administrator no later than March 8, 2006. If you do not opt out then you will be bound by the terms of the Settlement Agreement.

If you opt out you will not be eligible for any payments set out in the Settlement Agreement and you shall, as provided by law, retain the right to commence or continue any proceeding against the Defendent or any third party in respect of false or unreliable tests results during the relevant Time Frame.

**Class Counsel**

Lawyers for the class are Hanson Wirsig Matheos. They can be reached toll free at 1-800-688-1028. Their website is at www.hwm.ca.

**Questions about the settlement**

Do not direct any questions about this notice or the settlement to the Court. The Court cannot answer them. Questions should be directed to Class Counsel.

**Interpretation**

If there is any conflict between the provisions of this Notice and the Settlement Agreement and any of its Appendices, the terms of the Settlement Agreement shall prevail. The complete Settlement Agreement can be viewed at www.hwm.ca. Other materials will be made available on this site as the hearing approaches. All amounts expressed in this notice are in Canadian Dollars.

**This notice has been approved by Madam Justice Gropper of the Supreme Court of British Columbia.**

**CLASS COUNSEL CONTACT:** Sarando Matheos  
Hanson Wirsig Matheos  
210-15225 104th Avenue  
Surrey, BC V3R 6Y8  
Toll Free: 1-800-688-1028 or Fax: 604-583-3469  
Website: www.hwm.ca