

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.
JUSTICE CULLITY

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TUESDAY, THE 4TH DAY OF
APRIL, 2006

BETWEEN:

**MATTHEW VEZINA, EILEEN MORRISON, KEN WILSON,
LINDA SILMER and ATTILA NAGY**

Plaintiffs

- and -

**LOBLAW COMPANIES LIMITED and JOHN DOE and
LOBLAWS SUPERMARKETS LIMITED**

Defendants

Proceedings under the *Class Proceedings Act, 1992*

ORDER FOR DIRECTIONS

THIS MOTION FOR DIRECTIONS, made by the plaintiffs, was heard this day at Toronto, Ontario, in the presence of counsel for the parties,

ON BEING ADVISED that the parties have reached a settlement which is subject to court approval, and having reviewed the Notice of Certification and Proposed Settlement,

AND ON HEARING the submissions of counsel for the parties and upon being advised that Bruneau Group Inc. consents to act as administrator,

1. **THIS COURT ORDERS** that it will hear the motion seeking approval of the proposed settlement and the fees, disbursements and taxes for class counsel at a

hearing to be held on June 15, 2006, beginning at 10:00 a.m. at the Court House, 361 University Avenue, Toronto, Ontario (the "Approval Hearing").

2. **THIS COURT ORDERS** that the class members shall be notified of the Approval Hearing by:

- (a) the defendants advertising, on or before April 19, 2006, a notice generally in the form of the notice appended hereto as Schedule "A" (the "Notice"), by publishing it once, in each of the national edition of *The Globe and Mail* newspaper (at least ¼ page size), the *Toronto Sun* newspaper (at least ¼ page size) and the *Toronto Star* newspaper (at least ⅓ page size),
- (b) plaintiffs' counsel posting the Notice on the class action website www.loblawsclassaction.com.

3. **THIS COURT ORDERS AND DECLARES** that at the Approval Hearing the court will consider objections to the proposed settlement by potential class members who appear at the hearing or who send their objections in written form if such written objections are received electronically, by regular mail, delivery or fax on or before June 8, 2006 at 5:00 p.m. eastern standard time at the following address or fax number:

Paliare Roland Rosenberg Rothstein LLP
Attention: Loblaws Class Action
250 University Avenue, Suite 501
Toronto, Ontario
M5H 3E5

Web: www.loblawsclassaction.com.
Email: loblawsclassaction@paliareroland.com
Fax: 416.646.4301

4. **THIS COURT ORDERS** that the costs associated with the Notice shall be paid by the defendants as the costs are incurred.
5. **THIS COURT DECLARES** that the publication of the Notice satisfies the requirements of s. 19 of the *Class Proceedings Act, 1992*.
6. **THIS COURT ORDERS** that the parties may apply to the court for further directions, if necessary.

A handwritten signature in black ink, appearing to read "John O'Connell", written over a horizontal line.

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AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR:

A handwritten signature in black ink, written over the text "PER / PAR:".

NOTICE OF CERTIFICATION AND PROPOSED SETTLEMENT OF THE LOBLAWS HEPATITIS A CLASS ACTION

In August 2002, an employee of the Loblaws store located at 3671 Dundas Street West, Toronto, ON (the "Loblaws Store") was diagnosed with Hepatitis A. Toronto Public Health issued a notice and advised people who may have been exposed to the virus as a result of purchasing, handling or consuming, or coming into contact with someone who purchased, handled or consumed, fresh produce or prepared foods from the Loblaws Store, to obtain an injection. If you were exposed to the risk of contracting Hepatitis A as a result of this incident (the "Incident"), this Notice may affect your rights. **PLEASE READ CAREFULLY.**

THE PURPOSE OF THIS NOTICE:

A class action was commenced in Ontario alleging that Class Members were exposed to the risk of infection from Hepatitis A as a result of the Incident.

A settlement has been reached, subject to obtaining the necessary court approval. This notice is to inform potential Class Members of their rights under the proposed settlement agreement and of the upcoming settlement approval hearing as set out below.

Loblaws Supermarkets and Loblaw Companies do not admit any wrongdoing or liability on their part. The settlement has been made to maintain Loblaws' goodwill with its customers and its concern for the inconvenience they may have sustained as a result of the Incident.

CERTIFICATION AND CLASS DEFINITION:

The Ontario Superior Court of Justice certified the action as a class proceeding and held that the following individuals are Class Members:

- (a) All persons who shopped at the Store at any time between July 19, 2002 (or such other time as the Infected Employee became infectious with Hepatitis A) and August 16, 2002 (or such other time when the Store was disinfected) ("Claim Period") and/or who handled fresh or prepared products from the produce section of the Store ("Produce") and who contracted Hepatitis A ("Infected Persons");
- (b) All persons who contracted Hepatitis A from one of the Infected Persons or from another Cross-Infected Person ("Cross-Infected Persons");
- (c) All persons who were exposed to the risk of infection with Hepatitis A as a result of:
 - (i) handling or consuming Produce;
 - (ii) from coming into contact with a person who handled or consumed Produce; or
 - (iii) from coming into contact with an Infected Person or a Cross-Infected Person,and who were:
 - (i) vaccinated against Hepatitis A;
 - (ii) received immune globulin against Hepatitis A; or
 - (iii) attended at a physician's office to seek advice or treatment in relation to the exposure to the risk of infection with Hepatitis A from the Produce;("Immunized Persons")
- (d) All living parents, grandparents, children, grandchildren, siblings and spouses (within the meaning of section 61 of the *Family Law Act*, R.S.O. 1990, c.F-3, as amended) of Infected Persons, Cross-Infected Persons or Immunized Persons ("Family Law Claimants").

THE PROPOSED SETTLEMENT TERMS:

This notice is only a summary of the terms of the settlement. Full particulars of the settlement are available at the website www.loblawsclassaction.com.

Loblaws will pay to each Class Member who received an injection the all inclusive sum of \$150.00. Loblaws will pay to each infected Class Member who establishes to the satisfaction of a mediator/arbitrator that he/she was infected with Hepatitis A as a result of the Incident an amount to be agreed upon at mediation, and failing agreement, the amount to be arbitrated.

Loblaws will also pay the costs of notification, administration and distribution of the settlement funds. Bruneau Group Inc. will administer terms of the settlement under the supervision of the court.

COUNSEL FEES:

As part of the settlement, Loblaws will pay class counsel fees in the sum of \$700,000 (inclusive of disbursements, taxes and any other charges).

SETTLEMENT APPROVAL HEARING:

The court will decide whether to approve the proposed settlement as recommended by the parties and their lawyers at a hearing to be held on June 15, 2006 at 10:00 a.m. at the court house at 361 University Avenue, Toronto, Ontario.

Potential class members who do not oppose the proposed settlement need not appear at the hearing or take any other action at this time to indicate their desire to participate in the proposed settlement.

The court will consider objections to the proposed settlement by potential class members, at the hearing or if these objections are sent in written form electronically, by regular mail, delivery or fax and received on or before **June 8, 2006** at 5:00 p.m. eastern standard time at the following address or fax number:

Paliare Roland Rosenberg Rothstein LLP
Attention: Loblaws Class Action
250 University Avenue, Suite 501
Toronto, Ontario M5H 3E5

Web: www.loblawsclassaction.com
Email: loblawsclassaction@paliareroland.com
Fax: 416.646.4301

Written objections should include the following:

- (a) the person's full name, current mailing address and telephone number;
- (b) a brief statement of the nature of and the reasons for the objection; and
- (c) whether the person or a representative intends to appear at the court hearing in person or by counsel, and if by counsel, the name, address, telephone number, fax number and email address of counsel.

PARTICIPATION IN THE CLASS:

If the settlement is approved Class Members will be provided with an opportunity to opt out. Any who do so will not be able to participate in the settlement and will not be bound by its terms.

If the settlement is not approved by the court, the proceeding will continue and, again, Class Members will be provided with an opportunity to opt out.

Class Members who do not opt out will be entitled to participate and will release the Defendants for any and all claims the Class Member may have relating to the Incident.

ADDITIONAL INFORMATION:

Information about the settlement is available on-line at www.loblawsclassaction.com.

Should you have any further questions or requests for additional information you may call 416.646.7409, or email class counsel at loblawsclassaction@paliareroland.com.

Potential class members who consider it desirable or necessary to seek the advice and guidance of their own lawyers, do so at their own expense.

DO NOT CONTACT THE COURTS ABOUT THIS NOTICE, THE ACTION OR THE PROPOSED SETTLEMENT as the administrative structure is not designed to address this type of inquiry.

INTERPRETATION:

This notice is a summary of some of the terms of the settlement. If there is a conflict between the provisions of this notice and the terms of settlement, the settlement terms prevail.

This notice has been approved by Order of the Superior Court of Justice for Ontario.

MATTHEW VEZINA, et al
Plaintiffs

- and -

LOBLAW COMPANIES LIMITED, et al
Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

ORDER FOR DIRECTIONS

**PALIARE ROLAND ROSENBERG
ROTHSTEIN LLP**

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