

NOTICE OF 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.**

CLASS MEMBERS:

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) 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 ("Immunized Persons");
 - (ii) received immune globulin against Hepatitis A ("Immunized Persons"); 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;
- (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").

CERTIFICATION AND SETTLEMENT APPROVAL ORDER:

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. 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 concerns with the inconvenience they may have sustained as a result of this incident.

The Superior Court of Justice certified the action as a class proceeding and approved of the settlement. Disclosure of information from Toronto Public Health identifying Class Members was made pursuant to an order of the Superior Court of Justice.

THE SETTLEMENT:

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 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.

CLAIMS ADMINISTRATOR:

Bruneau Group Inc. was appointed as the Claims Administrator to administer the settlement to all Class members. The Claims Administrator's address is:

Hepatitis A Claims Administrator
Bruneau Group Inc.
111-372 Rideau Street
Ottawa, ON K1N 1G7
Fax: 1-613-562-0321
www.claimsadministrator.ca/loblaws

CLAIM FORM:

Each Class Member is required to submit a completed Claim Form and all requested supporting documentation to the Claims Administrator electronically, by regular mail, courier, delivery or fax no later than 5:00 p.m. Tuesday, October 31, 2006 Eastern Standard Time will be paid or have their claim mediated or arbitrated if their form is approved.

OPTING OUT:

Any Class Member who does not wish to participate in the settlement must opt-out. A Class Member who opts out will not be eligible for any of the benefits of the settlement. All Class Members who do not opt out will be bound by the terms of the settlement. **DO NOT OPT OUT IF YOU WISH TO SHARE IN THE BENEFITS OF THE SETTLEMENT.**

To opt out, a Class member must complete and send an Opt-Out Form to the Claims Administrator by regular mail, courier, delivery or fax no later than Tuesday, October 31, 2006 before 5:00 p.m., Eastern Standard Time.

RELEASE OF CLAIMS AND THE EFFECT ON OTHER PROCEEDINGS:

Any class member who does not opt out, will release the Defendants for any and all claims the class member may have relating to the Incident.

Any action that a Class Member who does not opt out has or may commence against the Defendants regarding the Incident will be or will be deemed to be dismissed.

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).

ADDITIONAL INFORMATION:

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

Please address any further questions or requests for additional information to the Claims Administrator, at 1-866-393-8080, or by email to loblawsclassaction@claimsadministrator.ca.

DO NOT CONTACT THE COURTS ABOUT THIS NOTICE, THE ACTION OR THE SETTLEMENT OF THIS ACTION 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 and settlement approval order. If there is a conflict between the provisions of this notice and the terms of settlement or settlement approval order, the settlement terms and settlement approval order shall prevail.

This notice is approved by the Superior Court of Justice for Ontario.