

No. C965349
Vancouver Registry

In the Supreme Court of British Columbia

Anita Endean, as representative plaintiff

Plaintiff

and:

**The Canadian Red Cross Society
Her Majesty the Queen in Right of the Province of British
Columbia, and The Attorney General of Canada**

Defendants

and:

**Prince George Regional Hospital, Dr. William Galliford,
Dr. Robert Hart Dykes, Dr. Peter Houghton, Dr. John Doe,
Her Majesty the Queen in Right of Canada, and Her Majesty the
Queen in Right of the Province of British Columbia**

Third Parties

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

ORDER MADE AFTER APPLICATION

BEFORE) THE HONOURABLE) JUL 23 2015
) CHIEF JUSTICE HINKSON)

ON THE APPLICATION of the British Columbia Joint Committee Member (dated 16/March/2015) coming on before the Honourable Chief Justice Hinkson in writing;

AND ON British Columbia Fund Counsel, the defendant the Attorney General of Canada, and the defendant Her Majesty the Queen in Right of the Province of British Columbia, all having been served with the application;

AND ON READING the materials filed by the parties to the application as follows:

- (a) Notice of Application of the British Columbia Joint Committee Member, dated March 16, 2015;
- (b) "Report of the Joint Committee Relating to Financial Sufficiency of the 1986-1990 Hepatitis C Trust as at December 31, 2013";
- (c) Affidavit #4 of Dr. Murray Krahn, sworn March 16, 2015 and attached report, "Estimating the Prognosis of Canadians Infected with the Hepatitis C Virus Through the Blood Supply, 1986-1990, The Fifth Revision of Hepatitis C Prognostic Model Based on the Post-Transfusion Hepatitis C Compensation Claimant Cohort";
- (d) Affidavit #4 of Richard Border, sworn March 11, 2015 and attached report, "Actuarial Report to the Joint Committee Assessing the Financial Sufficiency of the 1986-1990 Hepatitis C Trust as at December 31, 2013";
- (e) Affidavit #1 of Dr. Vince Bain, sworn March 11, 2015;
- (f) Affidavit #4 of Peter Gorham, sworn April 8, 2015 and attached report, "Actuarial Report Assessing the Financial Sufficiency of the 1986-1990 Hepatitis C Trust Fund as at December 31, 2013".

AND ON being advised that the Joint Committee and Canada consent to this order in respect of the 1986-1990 Hepatitis C Settlement Agreement 2013 Financial Sufficiency Review;

AND ON being advised that British Columbia Fund Counsel and Her Majesty the Queen in Right of the Province of British Columbia take no position;

AND THIS ACTION BEING STAYED AGAINST the defendant the Canadian Red Cross Society by the order of Mr. Justice Blair made on July 20, 1998 in Superior Court of Justice Action No. 98-CL-002970 (Toronto) and subsequently extended by further

orders made on August 18, 1998, October 5, 1998, January 18, 1999, May 5, 1999, July 28, 1999 and February 25, 2000;

AND THIS ACTION BEING STAYED AGAINST the third parties Prince George Regional Hospital, Dr. William Galliford, Dr. Robert Hart Dykes, Dr. Peter Houghton and Dr. John Doe by order of Mr. Justice K. Smith, made May 22, 1997;

THIS COURT ORDERS that:

1. The Reports listed below are hereby filed with the Court pursuant to the provisions of Clause 10.01(1)(i) of the January 1, 1986-July 1, 1990 Hepatitis C Settlement Agreement:

- (a) "Report of the Joint Committee Relating to Financial Sufficiency of the 1986-1990 Hepatitis C Trust as at December 31, 2013";
- (b) Affidavit #4 of Dr. Murray Krahn, sworn March 16, 2015 and attached report, "Estimating the Prognosis of Canadians Infected with the Hepatitis C Virus Through the Blood Supply, 1986-1990, The Fifth Revision of Hepatitis C Prognostic Model Based on the Post-Transfusion Hepatitis C Compensation Claimant Cohort";
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- (e) Affidavit #4 of Peter Gorham, sworn April 8, 2015 and attached report, "Actuarial Report Assessing the Financial Sufficiency of the 1986-1990 Hepatitis C Trust Fund as at 31 December 2013";

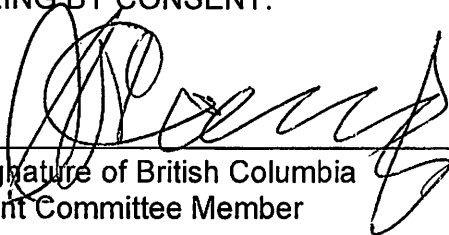
(collectively, the "Reports").

2. The assets of the Trust exceed the liabilities and therefore the Trust Fund is financially sufficient as at December 31, 2013 pursuant to section 10.01(1)(i) of the January 1, 1986 to July 1, 1990 Hepatitis C Settlement Agreement.

3. As at December 31, 2013, assets of the Trust exceed the liabilities, after taking into account an amount to protect the class members from major adverse experience or catastrophe, by an amount between \$236,341,000 to \$256,594,000.

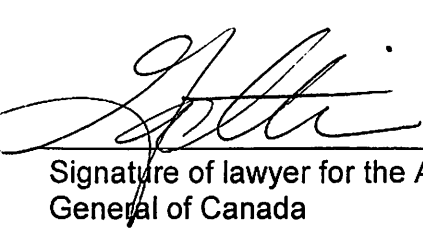
4. This order not be effective until similar orders have been made by the Superior Court of Québec and the Ontario Superior Court of Justice.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of British Columbia
Joint Committee Member

J.J. Camp, Q.C.



Signature of lawyer for the Attorney
General of Canada

Andrea Gatti

SEE ATTACHED

Signature of lawyer for Her Majesty the
Queen in Right of the Province of British
Columbia

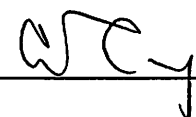
D. Clifton Prowse, Q.C.

SEE ATTACHED

Signature of British Columbia Fund
Counsel

Gordon J. Kehler


By the Court



Registrar

2. The assets of the Trust exceed the liabilities and therefore the Trust Fund is financially sufficient as at December 31, 2013 pursuant to section 10.01(1)(i) of the January 1, 1986 to July 1, 1990 Hepatitis C Settlement Agreement.

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Joint Committee Member

J.J. Camp, Q.C.

Signature of lawyer for Her Majesty the
Queen in Right of the Province of British
Columbia

D. Clifton Prowse, Q.C.

Signature of lawyer for the Attorney
General of Canada

Andrea Gatti

SEE ATTACHED

Signature of British Columbia Fund
Counsel

Gordon J. Kehler

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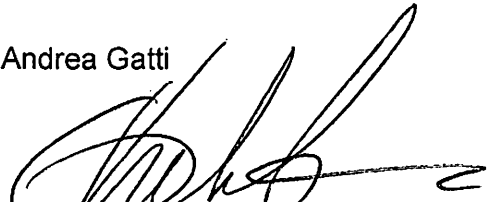
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Joint Committee Member

J.J. Camp, Q.C.

Signature of lawyer for the Attorney
General of Canada

Andrea Gatti



Signature of lawyer for Her Majesty the
Queen in Right of the Province of British
Columbia

D. Clifton Prowse, Q.C.

Signature of British Columbia Fund
Counsel

Gordon J. Kehler

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