



No. C965349
Vancouver Registry

In the Supreme Court of British Columbia

Between

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
CHIEF JUSTICE HINKSON

)
) 08-May-2018
)

ON THE APPLICATION of the British Columbia Joint Committee member dated February 28, 2018 before the Honourable Chief Justice Hinkson in writing, and the Attorney General of Canada, Her Majesty the Queen in Right of the Province of British Columbia and British Columbia Fund Counsel all having been served with the application materials;

ON BEING ADVISED that the Joint Committee, the Attorney General of Canada, the British Columbia Fund Counsel and Her Majesty the Queen in Right of the Province of British Columbia consent to the making of this order;

UPON READING the materials filed, including Affidavit #9 of Murray Krahn made February 28, 2018, Affidavit #9 of Richard Border made February 28, 2018, Affidavit #3 of Vincent Bain made February 26, 2018, the Joint Committee Report and the Affidavit #4 of Peter Gorham;

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 Ontario 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 Justice K. Smith, made May 22, 1997.

THIS COURT ORDERS that:

1. The reports listed below are hereby filed pursuant to the provisions of Clause 10.01(1)(i) of the January 1, 1986 – July 1, 1990 Hepatitis C Settlement Agreement (the “Settlement Agreement”) and the orders of this Court dated January 16, 2017 and December 12, 2017;

- (a) “Estimating the Prognosis of Canadians Infected with the Hepatitis C Virus Through the Blood Supply, 1986-1990”, The Sixth Revision of Hepatitis C Prognostic Model Based on the Post-Transfusion Hepatitis C Compensation Claimant Cohort, July 2017, prepared by Murray Krahn, Yeva Sahakyan, Qilong Yi and William Wong;

- (b) Actuarial Report to the Joint Committee Assessing the Financial Sufficiency of the 1986-1990 Hepatitis C Trust as at December 31, 2016, by Eckler Ltd. (Richard Border and Wendy Harrison);
- (c) Report of the Joint Committee Relating to Financial Sufficiency of the 1986-1990 Hepatitis C Trust as at December 31, 2016; and
- (d) Actuarial Report Assessing the Financial Sufficiency of the 1986-1990 Hepatitis C Trust Fund as at 31 December 2016, by Morneau Shepell Ltd. (Peter J.M. Gorham)

2. The Trust Fund is financially sufficient as at December 31, 2016 and that, after taking into account the allocation of assets necessary to project the class members from future major adverse experience, the Trust assets exceed the liabilities.

3. Declares that the Trustee of the Settlement Agreement holds between \$173,618,000 and \$187,504,000 of actuarially unallocated money and assets as at December 31, 2016.

4. Declares that as at December 31, 2016, the financial status of the three accounts of the Trust Fund is as follows:

HCV Regular Benefit Account	Excess Capital of between \$176,497,000 and \$194,417,000
HCV Special Distribution Benefit Account	Excess Capital of between \$9,868,000 and \$13,947,000
HCV Late Claims Benefit Account	Insufficient Capital of between \$16,781,000 and \$16,826,000

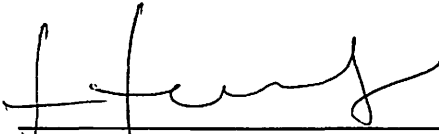
5. the orders in paragraphs 1 to 4 above shall not be effective unless and until orders and directions, with no material differences, are approved or rendered by the Superior Court of Québec and the Ontario Superior Court of Justice.


BY THE COURT


REGISTRAR



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

for J.J. Camp, Q.C.

see attached

Signature of lawyer for the Attorney
General of Canada

Craig Cameron



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

Keith L. Johnston

see attached

Signature of British Columbia Fund
Counsel

Gordon J. Kehler

By the Court

Registrar

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Joint Committee Member

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Signature of lawyer for the Attorney
General of Canada

Craig Cameron

Signature of lawyer for Her Majesty the
Queen in Right of the Province of British
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Keith L. Johnston

Signature of British Columbia Fund
Counsel

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By the Court

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J.J. Camp, Q.C.

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General of Canada

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Signature of British Columbia Fund
Counsel

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VIA MIKE BIKE