



Court File No. **VLC-S-S-074512**

No. _____
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

TRINA LORRAINE CHALMERS, an infant, by her
litigation guardian, CHERIE CHALMERS

Plaintiff

and:

AMO CANADA COMPANY and ADVANCED MEDICAL OPTICS, INC.

Defendants

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

WRIT OF SUMMONS

NAME & ADDRESS OF EACH PLAINTIFF:

Trina Lorraine Chalmers, an infant, by her
litigation guardian, Cherie Chalmers
652 Holm Road
Campbell River, British Columbia

NAME & ADDRESS OF EACH DEFENDANT:

AMO Canada Company
c/o Irene M. Stewart
Suite 2300, 1055 Dunsmuir Street
P.O. Box 49122
Vancouver, BC V7X 1J1

-and-

1100- 1959 Upper Water Street
Halifax, NS B3J 3E5

Advanced Medical Optics, Inc.
1700 E. St. Andrew Place
P.O. Box 25162
Santa Ana, CA 92799-5162
U.S.A

-and-

c/o The Corporation Trust Company, Registered Agent
Corporation Trust Center
1209 Orange Street
Wilmington, DE 198801
U.S.A.

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO THE DEFENDANTS: AMO Canada Company
Advanced Medical Optics, Inc.

TAKE NOTICE that this action has been commenced against you by the plaintiff for the claim set out in this Writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim which you wish to have taken into account at the Trial, YOU MUST

- (a) GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above Registry of this court, at the address shown below, within the Time for Appearance provided for below and YOU MUST ALSO DELIVER a copy of the Appearance to the plaintiff's address for delivery, which is set out in this Writ, and
- (b) if a statement of claim is provided with this writ of summons or is later served on or delivered to you, FILE a Statement of Defence in the above registry of this court within the Time for Defence provided for below and DELIVER a copy of the Statement of Defence to the plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of Appearance at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF

- (a) YOU FAIL to file the Appearance within the Time for Appearance provided for below, or

- (b) YOU FAIL to file the Statement of Defence within the Time for Defence provided for below

TIME FOR APPEARANCE

If this writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

If this writ is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere. [or, if the time for appearance has been set by order of the court, within that time].

TIME FOR DEFENCE

A Statement of Defence must be filed and delivered to the plaintiff within 14 days after the later of

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and
- (b) the end of the Time for Appearance provided for above.
[or, if the time for defence has been set by order of the court, within that time]

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| (1) | The address of the Registry is:
800 Smithe Street
Vancouver, BC V6Z 2E1 |
| (2) | The ADDRESS FOR DELIVERY is:
Klein Lyons
1100- 1333 West Broadway
Vancouver, BC V6H 4C1
Fax Number for delivery: (604) 874-7180 |
| (3) | Name and office address of Plaintiff's solicitor (if any):
David A. Klein
Klein Lyons
1100- 1333 West Broadway
Vancouver, BC V6H 4C1 |

The plaintiff's claim is brought pursuant to the *Class Proceedings Act* R.S.B.C. 1996, c.50.

The defendants researched, developed, tested, manufactured, distributed and sold Complete™ All-In-One MoisturePLUS® contact lens solution ("Contact Lens Solution") to British Columbia residents.

The plaintiff brings this action on behalf of herself and other British Columbia residents.

The plaintiff claims that the Contact Lens Solution causes *Acanthamoeba* keratitis, a severe eye infection that can cause visual impairment or blindness. The plaintiff claims that the defendants were negligent in the design, manufacture, testing and distribution of the Contact Lens Solution and accordingly breached a duty of care owed to the plaintiff and class members, thus causing them injury, damage and loss. The plaintiff claims that the defendants failed to warn them or their health care providers of the known or knowable risks of using the Contact Lens Solution.

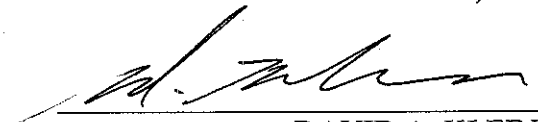
The defendants failed to ensure that the Contact Lens Solution that they were selling to British Columbians was fit for its intended purpose. Nor did they comply with the provisions of the *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2 with respect to their duty as suppliers.

As a result of the negligence of the defendants, the inherent defect in the defendants' Contact Lens Solution and the defendants' breach of the *Business Practices and Consumer Protection Act*, the plaintiff and class members have suffered personal injury, loss of income past and future, special damages and other pecuniary damages.

SERVICE OUTSIDE OF BRITISH COLUMBIA WITHOUT LEAVE

The plaintiff claims the right to serve the defendants who are outside British Columbia without leave on the grounds that the proceeding is founded on a tort committed in British Columbia and a business carried on by the defendants in British Columbia pursuant to Rule 13(1) of the Rules of Court and Section 10 of the *Court Jurisdiction and Proceedings Transfer Act*, R.S.B.C. 2003, Chapter 28, and amendments thereto.

Dated at Vancouver, British Columbia on June 29, 2007.



DAVID A. KLEIN
Solicitor for the Plaintiff