

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CHRISTOPHER DALHUISEN by his Guardian ad Litem
COR DALHUISEN as Representative Plaintiff

Plaintiff

AND:

MAXIM'S BAKERY LTD.

Defendant

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

NOTICE OF CERTIFICATION AND SETTLEMENT

Introduction

On April 11, 2002 the Supreme Court of British Columbia ordered that this case proceed as a class action. The class includes persons who:

- (a) are residents of British Columbia at the date of the certification of this action;
- (b) were infected with *Salmonella enteritidis* in August or September 2000 after eating baked goods purchased from the Defendant; and
- (c) do not opt out of this action. (the "Class")

You are receiving this notice because you may be a member of the Class and your rights may be affected by this class action. This notice should not be understood as an expression of any opinion by the Court regarding the merits of any claim or defence asserted in the class action. The only purpose of this notice is to inform you of this class action so that you may decide what steps to take in relation to it.

What is the Class Action About?

On May 7, 2001 the Plaintiff, Christopher Dalhuisen, filed a class action against Maxim's Bakery Ltd. The claims against Maxim's Bakery are for personal injuries Christopher and the other Class members sustained as a result of eating Maxim's Bakery's baked goods that were tainted with *Salmonella enteritidis* bacteria (the "Tainted Pastry") in August or September 2000.

On April 11, 2002 the Court rendered judgment certifying the action as a class proceeding and appointing Christopher as representative plaintiff. Since Christopher was a minor at the time of filing of the case, his litigation guardian, Cor Dalhuisen, will represent him in this action.

What Do I Need to Do?

If you fall within the definition of the Class, you may participate in the settlement. You do not need to do anything if you want to participate in the class action. Persons of legal capacity who have accepted a settlement offer and have signed a release in favour of Maxim's Bakery in respect of the outbreak caused by the Tainted Pastry are excluded from the Class.

Opting Out

Class members will be bound by the terms of the settlement unless they opt out of the class action.

If you opt out of the class action, you should be aware that there are strictly enforced time limits within which you must take formal legal action to pursue your claim. The certification of this class action suspended the running of the limitation period from May 11, 2001 (when this action was filed). The limitation period will resume running against you if I you opt out of the class action. By opting out of the class action, you will take full responsibility for obtaining legal advice about the limitation period and for taking all legal steps necessary to protect your claim.

If you DO NOT want to participate, you must complete the "OPT OUT" form attached to this Notice. This form is also available from Klein, Lyons at the address set out below and from Klein, Lyons' website at: www.kleinlyons.com. Klein, Lyons can help confirm whether you are a class member. You can contact Klein, Lyons by mail, email, telephone or fax at:

Klein, Lyons
1100 – 1333 West Broadway
Vancouver, BC V6H 4C1
Telephone: (604) 874-7171
Facsimile: (604) 874-7180
Toll-Free: 1 800 468-4466
Email: info@kleinlyons.com

A person under the age of 19 years or under a legal disability cannot opt out of the class action without the prior consent of the Public Guardian and Trustee or an Order of the Court. If you

need to obtain the consent of the Public Guardian and Trustee or to obtain an order of the Court, you may need to consult a lawyer to assist you in this regard. If you do so, this will be at your expense.

The Settlement

Enclosed are copies of the Settlement Agreement and the Information Package explaining the compensation payable to class members. The goal of the settlement is to provide compensation to all class members.

Who are the Lawyers for the Class?

The representative plaintiff's lawyers in the class action are:

Klein, Lyons
Barristers & Solicitors
Suite 1100, 1333 West Broadway
Vancouver, British Columbia V6H 4C1

Telephone: (604) 874-7171
Toll Free: 1 800 468-4466
Fax: (604) 874-7180
Website: www.kleinlyons.com

Each class member has the right to be separately represented by lawyers of his or her own choice.

How Do I Find Out More?

Class members who want to know the status of the class action should check Klein, Lyons' website at www.kleinlyons.com or contact Klein, Lyons directly at any of the contact information provided above.