

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

OPT OUT FORM

I, [NAME] _____

[ADDRESS] _____

DO NOT WISH TO PARTICIPATE in this class action.

I understand that this class action is brought on behalf of all persons who are residents of British Columbia at the date of the certification of this action who were infected with Salmonella Enteritidis in August or September 2000 after eating baked goods purchased from Maxim's Bakery.

I understand that if I opt out and complete this form, I will not take part in this class proceeding, agree to be excluded from the class proceeding, and will not be bound by the result whether favourable or unfavourable.

I also understand that a lawsuit must be commenced within a specified limitation period or it will be legally barred. 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 me if I opt out of the class action. By opting out of the class action, I take full responsibility for obtaining legal advice about the limitation period and for taking all legal steps necessary to protect my claim.

I am the person entitled to participate in this action. Yes _____ No _____

If the answer to the above question is "No",

1. I act in the following capacity for the person who is opting out of the class action:

(for example, guardian, executor, administrator, committee, lawyer)

If you are a lawyer representing a claimant, please indicate your firm's name, address and telephone number:

2. The Claimant is less than 19 years old. Yes ___ No ___

3. The Claimant is under a legal disability. Yes ___ No ___

NOTE: A person under the age of 19 years and a person 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 own expense.

Date

Signature of Witness

Signature of Class Member or Representative

Print Name of Witness

Print Name of Class Member

Address of Witness

Address of Class Member

If a Representative, please state relationship to Class Member

MAIL OR DELIVER NO LATER THAN _____, 2002 TO:

Attention: Caleen Ross

Klein, Lyons
Barristers & Solicitors
1100 – 1333 West Broadway
Vancouver, BC V6H 4C1