

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

JUSTICE K.E. CULLIN

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)

Thursday, the 2<sup>nd</sup> day of

June, 2022

B E T W E E N:

SHANNON HAYES

Plaintiff

– and –

HEALTH SCIENCES NORTH, RAVEEN KAUR, ROBERT GRECO,  
DELJIT DHANOA, EVAN ROBERTS, JOHN FENTON, MARK HARTMAN,  
DOCTOR BLUE and TECHNICIAN GREEN

Defendants



Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

**THIS MOTION**, made by the Plaintiff for an order under subsection 29(1) of the *Class Proceedings Act, 1992*, approving the discontinuance of this proposed class proceeding was heard this day at 155 Elm Street, Sudbury.

**ON READING** the pleadings herein, the Affidavit of Charles Gluckstein affirmed April 1, 2022, the Motion Record of the Plaintiff, and on hearing the submissions of counsel for the Plaintiff and the Defendants:

1. **THIS COURT ORDERS** that the discontinuance of this action, be, and hereby is, approved pursuant to subsection 29(1) of the *Class Proceedings Act, 1992*.

2. **THIS COURT ORDERS** that the action shall be discontinued on a without costs basis effective as of August 31, 2022.
3. **THIS COURT ORDERS** that a Notice of Intent to Discontinue in the form attached hereto as Schedule "A" be given by the Plaintiff at her own expense to putative class members by way of posting on the class action website of the Plaintiff's law firm, through media release, and by way of correspondence, in electronic or hardcopy format, to identified putative class members.
4. **THIS COURT ORDERS** that the Plaintiff shall serve on the Defendants and file with the Court confirmation that the Notice of Intent to Discontinue has been provided to the putative class members in accordance with paragraph 3 of this Order on or before June 17, 2022.
5. **THIS COURT ORDERS** that there be no award of costs of this motion.



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Justice, Ontario Superior Court

**ENTERED AT SUDBURY**

This 3<sup>rd</sup> day

Of June 2022

**Court No: 7712**

BY:

# **SCHEDULE “A”**

*Authorized by the Ontario Superior Court of Justice*  
**NOTICE OF INTENT TO DISCONTINUE PROPOSED  
HEALTH SCIENCES NORTH  
CLASS ACTION**

THIS IS AN **IMPORTANT NOTICE** FOR FORMER **HEALTH SCIENCES NORTH BREAST IMAGING PATIENTS** THAT **MAY AFFECT LEGAL RIGHTS**

**IMPORTANT NOTICE**

This is notice of an important development in a proposed class action on behalf of individuals who had breast imaging conducted and/or reviewed between January 1, 2008 and December 31, 2020 at Health Sciences North,<sup>1</sup> a public hospital in the City of Sudbury, in the Province of Ontario.

**A. Background**

The proposed class proceeding filed with the Ontario Superior Court of Justice on December 14, 2020, identified as *Hayes v. Health Sciences North et al.*, Court File No. CV-20-00009554-00CP (the “Hayes lawsuit”), **will be discontinued effective August 31, 2022.**

The Hayes lawsuit alleges negligence by Health Sciences North, certain hospital administrators, and certain doctors at Health Sciences North in the provision, review, and reporting of results of breast imaging.

Health Sciences North, the defendant hospital administrators, and the defendant doctors deny these allegations.

**B. The Proposed Class**

The proposed class proceeding advanced claims on behalf of putative class members defined as all persons:

- i. who underwent Breast Imaging at HSN during the period from January 1, 2008 until December 31, 2020, or where such person is deceased, the personal representative of the estate of the deceased (the “Patient Class”); and
- ii. all living parents, grandparents, children, grandchildren, siblings, and spouses (within the meaning of section 61 of the *Family Law Act*) of the Patient Class, or

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<sup>1</sup> Prospective claimants should also take notice that Health Sciences North operates several sites. In 1998, the Sudbury General Hospital, Laurentian Hospital and Sudbury Memorial Hospital amalgamated to form Hôpital régional de Sudbury Regional Hospital (“HRSRH”). In 2004, HRSRH assumed responsibility for the Northeastern Ontario Regional Cancer Centre, which is now operated as the Northeast Cancer Centre. In 2011, HRSRH underwent a rebranding and now operates as Health Sciences North.

where such a family member died, the personal representative of the deceased family member (the “Family Class”).

### **C. Implications on Limitation Periods**

Persons who believe that they come within the defined proposed classes above, **SHOULD TAKE NOTICE THAT** applicable and remaining limitation periods, if any, for bringing a claim which were “tolled” (i.e. paused) as of December 14, 2020, will resume running on August 31, 2022. On the expiry of the limitation period a person’s right to sue may be extinguished. Such persons should take notice that the limitation period for bringing a claim, if there is any time left within it, will recommence running on August 31, 2022. If those persons do not commence their own actions within the applicable limitation period(s), then they may be prohibited from pursuing any claims they may have against the Defendants.

### **D. Action Required**

As a result, former breast imaging patients of Health Sciences North wishing to claim compensation should seek legal advice and must commence their individual actions before their respective limitation period(s) expire. Failure to do so may restrict one’s ability to pursue a claim for compensation.

### **E. Contact for Further Information**

Do not call the Courthouse with any questions about this Notice. For further information regarding this proposed class proceeding and Notice of Intent to Discontinue, please visit <https://www.gluckstein.com/class-action-lawyers-toronto/health-sciences-north-class-action/> or contact:

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SHANNON HAYES  
Plaintiff

-and- HEALTH SCIENCES NORTH et al.  
Defendants

Court File No. CV-20-00009554-00CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
  
PROCEEDING COMMENCED AT  
SUDBURY

**ORDER**

**GLUCKSTEIN PERSONAL INJURY LAWYERS**

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