

Legal Notice Pursuant to the *Class Proceedings Act*, RSBC 1996, c. 50

JAMES PETER HALVORSON, as representative plaintiff v. MEDICAL SERVICES COMMISSION OF BRITISH COLUMBIA and HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA and THE MINISTER OF HEALTH, as represented by ATTORNEY GENERAL OF BRITISH COLUMBIA, Proceeding under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50, Supreme Court of British Columbia, Vancouver Registry No. C985385

Nature of the Lawsuit

A class action has been commenced by the representative plaintiff, Dr. James Peter Halvorson, against the Medical Services Commission of British Columbia and Her Majesty the Queen in the Right of British Columbia and the Minister of Health as represented by the Attorney General of British Columbia (collectively, the "defendants"). The representative plaintiff was and remains a medical practitioner enrolled with the Medical Services Plan ("MSP") and provided services to certain patients who were British Columbia residents that had been de-enrolled from MSP for non-payment of premiums (the "Patients"). The action seeks compensation for the defendants' refusal of payment for certain claims submitted by fee-for-service medical practitioners for medical services rendered in British Columbia from *July 23, 1992 to April 30, 1996* to the Patients.

The representative plaintiff claims that the defendants refused to provide medical coverage for the Patients for whom medical insurance premiums had not been paid for 3 months or more. The representative plaintiff states that this refusal to pay for services rendered to the Patients is contrary to the legislation governing the provision of such medical insurance and as a result, the defendants have breached their statutory obligations and have been unjustly enriched. The defendants deny that they breached their statutory obligations or have been unjustly enriched and state that they were in fact authorized to so act by the requisite legislation.

This Notice does not mean that the Court has taken a position as to the likelihood of recovery on the part of any class member, or as to the merits of the claims or defences asserted. This Notice is being provided to you because you may be affected by the class action.

The Class

By Court Order, the class to which the class action applies has been defined as follows:

All medical practitioners who were enrolled under the *Medical and Health Care Services Act*, SBC 1992, c. 76, as amended, at any time during the period July 23, 1992 to April 30, 1996, excluding those medical practitioners who were members of the Medical Services Commission at any time during that time period.

Participation in and Exclusion from the Class

If you are a resident of British Columbia and wish to remain a member of the class, you do not have to do anything at this time. If you wish to obtain more information about your rights as a class member you may contact the lawyers for the representative plaintiff, Grant Kovacs Norell, at the address below. If you are a resident of British Columbia and you wish to exclude yourself from the class proceeding ("opt out") you must deliver a written notice, to the lawyers for the representative plaintiff at the address listed below specifying your desire to opt out of the class proceeding. Notice of your decision to opt out must be received by the lawyers for the representative plaintiff on or before November 29th, 2012.

If you are not a resident of British Columbia and wish to become a member of the class ("opt in") you must deliver a written notice to the lawyers for the representative plaintiff at the address listed below specifying your desire to opt in to the class proceeding. Notice of your decision to opt in must be received by the lawyers for the representative plaintiff on or before November 29th, 2012. If you are not a resident of British Columbia and do not wish to become a member of the class, you do not have to do anything at this time.

Fees

The representative plaintiff has entered into an agreement with his lawyers whereby fees and disbursements will be payable only in the event of success in the class proceeding. Any fees charged by the lawyers for the representative plaintiff must be approved by the Supreme Court of British Columbia.

Further Information

For further information, please contact Arthur M. Grant, agrant@gkn.ca, at **604-642-6361** or Sandy J. Kovacs, skovacs@gkn.ca, at **604-642-6362** or in writing at the address below or go to www.gkn.ca.

**Grant Kovacs Norell
400-900 Howe St.
Vancouver, B.C. V6Z 2M4**