

Court File No. CV-14-511333-00CP



ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR.

JUSTICE EDWARD. M. MORGAN

) WEDNESDAY , THE 23rd DAY OF
) OCTOBER, 2024
)

B E T W E E N :

ANNE LEVAC

PLAINTIFF

- and -

STEPHEN ROSE JAMES, SUE-ELLEN SOLGER, IZABELLA GERBEC, ERIN KOSTUCH, ANITA TAKYI-PRAH, JOANA NUNES, ELIZABETH HICKEN, MARISSA ALLIN, RACHEL SCHRIJVER, ANNIE MICHAUD, ANNA NUDEL, ELENA POLYAKOVA, RAYMUND TANALGO, JEFFERD FELIX, JASON FOSTER, PAOLO GALVEZ, GLENN FRANCESCO, PETER ROTHBART and ROTHBART CENTRE FOR PAIN CARE LTD.

DEFENDANTS

Proceeding under the *Class Proceedings Act, 1992*

ORDER

1. **THIS MOTION**, made by Plaintiff for
 - (a) an order pursuant to section 25 of the Class Proceedings Act, 1992, S.O. 1992, c. 6 (the "CPA") approving the Individual Issues Litigation Plan set out at Schedule "A"; and
 - (b) An order under section 18 of the CPA providing notice to the class of the determination of the common issues and the requirements for participation in the individual issues stage of this class proceeding.

was read on October 23, 2024, by this Honourable Court.

ON READING the pleadings, the Motion Record, including the Affidavit of Maria Damiano, sworn on June 21, 2024, the consent of the parties, filed, and the Factum of Representative Plaintiff/Moving Party,

1. **THIS COURT ORDERS** that the Individual Issues Litigation Plan set out at Schedule “A”, be and hereby is, approved pursuant to section 25 of the CPA;
2. **THIS COURT FURTHER ORDERS** that the Individual Participation Notice in the form attached hereto as Schedule “B”, be and hereby is, approved pursuant to section 18 of the CPA and that notice be provided as outlined in the form;
3. **THIS COURT FURTHER ORDERS** that the Notice to be published in the Toronto Star in the form attached hereto as Schedule “C”, be and hereby approved;
4. **THIS COURT FURTHER ORDERS** that the Press Release to be issued by Class Counsel in the form attached hereto as Schedule “D”, be and hereby approved;
and
5. **THIS COURT FURTHER ORDERS** that all reasonable costs association with providing notice under this Order will be borne by Dr. James.



Morgan J.

INDIVIDUAL ISSUES LITIGATION PLAN (“PROTOCOL”)

This Protocol shall govern the procedure for the final resolution of the individual claims pursuant to section 25 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6 (“CPA”) (“Individual Claims”). It covers Individual Claims for compensation for harms suffered by Class Members as a result of certain Class Members developing a Clinical Infection, as defined in the Fresh as Amended Statement of Claim, after receiving an epidural injection performed by the defendant Stephen James (“Dr. James”) between January 1, 2010 through to November 30, 2012 (the “Class Period”) together with any claims for punitive damages in accordance with the judgment of Justice Edward Morgan, dated September 15, 2021 (“Common Issues Judgment”).

Where applicable, the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, as amended (*the Rules*) apply to this Protocol with necessary modification.

In this Protocol, Class Members include only Class Members who have not previously opted-out of this class proceeding.

Supervising Judge

1. This Protocol and the Individual Claims will be overseen by Justice Morgan or such other designated justice of the Ontario Superior Court of Justice (“Supervising Judge”). The Supervising Judge retains jurisdiction to resolve any dispute arising under this Protocol and amend the Individual Issues Litigation Plan on such terms as they consider just.
2. Any Notices and/or Forms referred to herein must be Court approved.

Issues to Be Resolved

3. The issues to be resolved under this Protocol are the individual liability issues, and compensatory and punitive damages, if any, suffered by the Class Members because of the defendant, Dr. James’ breaches of the standard of care and fiduciary duties as particularized in the Common Issues Judgment (“Issues to Be Resolved”).

Notice

4. Class Counsel shall provide notification of the completion of the common issues stage of the Class Action, together with the contents of the Individual Issues Litigation Plan in a form to be approved by the Supervising Judge, within 10 days of the court approval of this Protocol by,
 - (a) mailing and emailing a copy of the court approved notice to the last known addresses of all individuals who have previously contacted

Class Counsel in connection with the class action and have not opted out;

(b) mailing a copy of the approved notice to the last known address of all individuals who Class Counsel is aware received an epidural injection performed by Dr. James during the Class Period (previously provided by Dr. James), but not opted out;

(c) causing an approved notice to be published in the Toronto Star; and

(d) issuing a press release in a form approved by the Supervising Judge.

The Notification process is deemed complete seven (7) days following the completion of the steps set out in paragraphs 4(a) to 4(d) above (“Notice of the Individual Issues Litigation Plan”).

5. All reasonable costs associated with providing notice under this Proposal are to be borne by Dr. James.

Identifying the Claimants

6. All Class Members who wish to participate in the individual issues stage of the class action (“Claimant(s)”), must apply by way of an Intention to Claim Form delivered to Class Counsel within 90 days from the Notice of the Individual Issues Litigation Plan. The Intention to Claim Form will identify the Claimant(s) and indicate whether they wish to be represented in their claim by Class Counsel, a designated lawyer, or wish to proceed without counsel.
7. If a Class Member does not deliver an Intention to Claim Form within 90 days from the dissemination of the Notice of the Individual Issues Litigation Plan, they will be deemed to have released all claims, including all punitive damages claims, against each of the defendant(s), and may not later make a claim under this section except with leave of the court as provided for in section 24(9) of the CPA.
8. Within 10 days following the deadline to deliver an Intention to Claim Form, Class Counsel will provide counsel to Dr. James, and counsel to Sue-Ellen Solger, Izabella Gerbec, Erin Kostuch, Anita Takyi-Prah, Joana Nunes, Elizabeth Hicken, Rachel Schrijver, Annie Michaud, Anna Nudel, Elena Polyakova, Raymund Tanalgo, Jefferd Felix, Jason Foster, Paolo Galvez and Glenn Francisco (the “Nurses”) (together “Defence Counsel”) with a copy of all Intention to Claim Forms received.

Application

9. Within 180 days from the dissemination of the Notice of the Individual Issues Litigation Plan, a Claimant (or group of Claimants who are family members of each other pursuant to the provisions of the *Family Law Act*, R.S.O. 1990, c. F.3) must deliver a Notice of Application setting out their claim, along with supporting affidavits, including an affidavit of documents containing all relevant documents to the Issues to Be Resolved (the “Application Record”) to counsel for Dr. James, and to Class Counsel where the Claimant is represented by another designated lawyer other than Class Counsel or is proceeding without counsel.
10. If a Claimant does not deliver an Application Record within 180 days from the dissemination of the Notice of the Individual Issues, they will be deemed to have released all claims, including all punitive damages claims, against each of the defendant(s), and may not later make a claim under this section except with leave of the court as provided for in section 24(9) of the *CPA*.
11. Within 60 days of receiving an Application Record, Dr. James may deliver a Responding Application Record, including an affidavit of documents. Dr. James will confirm in his Responding Application Record whether he is pursuing contribution and indemnity against any of the Nurses, and if so, identifying that Nurse(s) (“Third Party” or “Third Parties”). All Third Parties will deliver a Third-Party Application Record within 30 days of being served with a Responding Application Record.
12. Within 60 days of delivering a Third-Party Application Record, a named Third Party may serve a motion record seeking relief pursuant to Rule 20 or Rule 21 of the *Rules* to challenge any such claim for contribution and/or indemnity made by Dr. James.

Adjudication

13. Except as otherwise provided for in this Protocol, the Application of each Claimant (or family group of Claimants) will be converted to an action and proceed as a trial in respect of the Issues to Be Resolved before a judge of the Ontario Superior Court of Justice in accordance with the *Rules*, including the discovery rights and expert report obligations under the *Rules*, with the exception that an Examination for Discovery of any Claimant be limited to 3 hours without leave of the court. Dr. James’ claims for contribution and indemnity, if any, will be tried immediately following the action to which they relate.

Appeals

14. Appeal rights from any decision on the determination of Individual Claims under this Protocol are as set out in section 30 of the *CPA*.

Settlement of Claim

15. Nothing in this Protocol precludes the settlement of any Individual Claim at any time following the delivery of an Intention to Claim Form.

Payments

16. If a settlement is reached between a Claimant(s) and Dr. James and/or any Third Party that contemplates the payment of money, such payment shall be made within 60 days of reaching a settlement agreement unless court approval is required, in which case such payment will be made within 60 days of court approval.
17. Where the Issues to be Resolved in respect to any given Claimant have been adjudicated, the payment of any assessed damages will be made within 60 days of final adjudication.

Punitive Damages

18. Following the resolution of all claims through settlement or final adjudication, the Supervising Judge shall, if requested by any Claimant whose punitive damages claims against Dr. James have not been dismissed, released or deemed released ("Remaining Claimant(s)"), determine the amount, if any, of any punitive damage award payable by Dr. James to the Remaining Claimant(s) at a hearing held for that purpose. Any further disclosure relating to the adjudication of the issue of punitive damages shall be determined by the Supervising Judge prior to any such hearing.
19. Dr. James shall make payment of assessed punitive damages, if any, within 60 days of receipt of the adjudication decision. Any award of punitive damages shall be distributed within 60 days thereafter to the Remaining Claimant(s) on a *pro rata* basis, based on compensation otherwise received by the Remaining Claimant(s) under this Protocol.

Contact Information

20. The following contact information applies to any notices under this Protocol:

CLASS COUNSEL:

HARTE LAW PC

Lawyers
30-16 Sims Crescent
Richmond Hill, ON L4B 2P1

Attention: Maria Damiano

Telephone: (289) 695-2452

Email: mdamiano@hartelaw.com

COUNSEL FOR DR. JAMES:

MCCARTHY TÉTRAULT LLP

Barristers & Solicitors
5300 – Toronto Dominion Bank Tower
Toronto, ON, M5K 1E6

Attention: Eric Pellegrino

Telephone: (416) 601-7637

Email: epellegrino@mccarthy.ca

COUNSEL FOR THE NURSES:

FORBES CHOCHLA

Barristers and Solicitors
2300 – 439 University Avenue
Toronto, ON M5G 1Y8

Attention: Voula Kotoulas

Telephone: (416) 596-7121

Email: Vkotoulas@fcl-law.com

Dr. James Infection Outbreak Class Action
c/o Harte Law PC
Lawyers
16 Sims Crescent, Unit 30
Richmond Hill, ON L4B 2P1
Email: JamesClassAction@hartelaw.com

CLASS ACTION NOTICE

Dr. Stephen James Infection Outbreak Class Action

THE DEADLINE TO MAKE A CLAIM IS [90 days from dissemination of Notice] ●, 2024. If you wish to make a claim you must submit an Intention to Claim Form which must be received or postmarked NO LATER THAN [90 DAYS FROM DISSEMINATION OF NOTICE] ●, 2024

Why Are you Receiving This Notice

This Class Action Notice provides important information for those class members who wish to make a claim for financial compensation for any injuries suffered.

You are receiving this Class Action Notice because you may be a class member in a certified class action, entitled to seek financial compensation related to epidural pain injections administered by Dr. Stephen James (“Dr. James”) between January 1, 2010 and November 30, 2012 (“Class Period”), at the Rothbart Centre for Pain Care Ltd. (the “Rothbart Clinic”); or you have expressed an interest in the class proceedings.

The class action followed an infectious disease outbreak at the Rothbart Clinic during the Class Period which was linked to pain injections performed by Dr. James. A court has determined that Dr. James breached his legal duties in performing epidural pain management injections at the Clinic during the Class Period. This decision was upheld by the Court of Appeal. The court must now determine the appropriate financial compensation for those class members whose injuries were caused by Dr. James’ breaches of his legal duties.

Whether any Class Member receives compensation and how much they receive will be determined as a part of the claims process which is set out in the claims protocol approved by the Court (the “Claims Protocol”). A copy of the entire Claims Protocol is available on the Internet at <https://hartelaw.com/JamesClaimsProtocol.html>. To the extent that anything in this Notice differs from the Claims Protocol, the provisions of the Claims Protocol prevail.

Class Members

Any of the following individuals, (“Class Members”), can make a claim for financial compensation:

All persons who received an epidural injection administered by Stephen Rose James (“Dr. James”) at the Rothbart Centre for Pain Care Ltd. (the “Clinic”) between January 1, 2010 through to November 30, 2012, and who subsequent to their treatment developed signs or symptoms clinically compatible with bacterial meningitis, epidural abscess or cellulitis of a bacterial origin and/or bacteremia (“Clinical Infection”), or where such a person is deceased, the personal representative of the estate of the deceased person who developed a Clinical Infection; (the “Infected Patients”), and

All living parents, grandparents, children, grandchildren, siblings, spouses and same sex partners (within the meaning of s. 61 of the *Family Law Act*) of Infected Patients, or where such a family member died after his or her related Infected Patient developed signs or symptoms of Clinical Infection, the personal representative of the deceased family member (“Family Law Claimants”).

What is the Status of the Class Action

A trial in this class action was heard on February 16-19, 22-26, March 1-5, 8-12, 15-19, and June 28, 2021, relating to those issues which were common to class members of Dr. James during the Class Period. The trial judge reached a decision on September 15, 2021, granting judgment on the common issues in favour of the class. A copy of the full judgment is available on the Internet at <https://canlii.ca/t/jj4qh>. The Court determined answers to the common issues as follows:

Question 1: All of the Defendants, including Dr. James as well as the Nurses, owed a duty of care to the Class to take reasonable precautions to prevent the transmission of health care associated infections.

Question 2: In order to conform with the standard of care expected of them, Dr. James and the Nurses were to use an aseptic technique for all epidural injections administered at the Rothbart Centre during the Class Period. They were also to advise the Medical Director within 24 hours of learning of any infection associated with an epidural injection performed at the Rothbart Centre. As a licensed physician, Dr. James was also expected to investigate any potential infections and appropriately remediate any deficiencies found in his IPAC [infection prevention and control practices], in his practice more generally, or in the Rothbart Centre’s practice.

Question 3: Dr. James breached the applicable standard of care in the first place by failing to consistently use an aseptic technique for epidural injections during the entire class period. He also breached the standard of care by failing to report Matthew Moralis' infection to the Medical Director of the Rothbart Centre on August 7, 2010 and subsequently failing to report all of his patients' infections that he learned about after that date, and he further breached the standard of care expected of him by failing to investigate and remediate the cause of the infections of which he was aware.

The evidence does not establish that the Nurses breached the applicable standard of care.

Question 4: Dr. James' breaches of the standard of care were sufficient to cause clinical infection in his patients that suffered such infections.

Question 5: An inference can and should be drawn that Dr. James' breaches of the standard of care in relation to his IPAC practices were the likely cause of the clinical infections suffered by class members, absent sufficient evidence to the contrary. In addition, an inference can and should be drawn that Dr. James' failure to report, investigate and remediate the infections that he learned about was the likely cause of any clinical infection suffered by Class Members after August 7, 2010, absent sufficient evidence to the contrary.

Question 6: The evidence establishes that Dr. James' breaches in the standard of care were the cause of clinical infection suffered by each of the members of the Genetically Linked Patients subclass. The Genetically Linked Patients subclass are entitled to a finding of liability.

Question 7: Dr. James owed a fiduciary duty to the class arising from the special relationship of trust and confidence between this doctor and the Class members – i.e. his patients.

Question 8: Dr. James' fiduciary duty to the Class required him to practice medicine in a manner that put his patients' interests ahead of his own, that kept the best interest of the Class in mind, and that maintained as his primary consideration the health and well-being of the Class members. This, in turn, required him to refrain from imposing on Class members unnecessary risk of harm.

Question 9: Dr. James breached his fiduciary duties of loyalty, good faith, disclosure and avoidance of conflict of duty and self-interest that he owed to his patients, the Class members.

Question 10: Dr. James' breaches of fiduciary duty were the likely cause of clinical infection suffered by the Class members, absent sufficient evidence to the contrary.

In addition, the evidence establishes that Dr. James' breaches of fiduciary duty were the cause of the clinical infections suffered by the members of the Genetically Linked Patients subclass.

Question 11: The claims of the Presumptively Untimely Claims subclass could not have been discovered within the meaning of section 5 of the *Limitations Act* more than two years prior to issuance of the Statement of Claim on September 9, 2014; no one in this subclass knew or ought reasonably to have known that Dr. James was aware of serious infections associated with his practice prior to November 2012, and such knowledge would have been necessary to discover a claim.

Question 12: Dr. James' failure to report, investigate, and remediate infections associated with his practice, and his continuing to perform epidural injections without having done so, and his failure to advise anyone – including the Medical Director of the Rothbart Centre and other patients – of an elevated infection rate among his patients and thereby misinforming them of the true risk of harm to which they were exposing themselves, attracts punitive damages in an amount to be determined.

Dr. James appealed the trial decision. His appeal was denied by the Court of Appeal for Ontario on February 2, 2023. A copy of the full appeal decision is available on the Internet at <https://canlii.ca/t/jv8jd>.

What is the Next Step?

The class action now proceeds to what is known as the individual issues stage. During this stage potential class members come forward to make a claim. If they can establish that Dr. James' failure to follow appropriate infection control practices during the Class Period caused them to become infected, they can make a claim for financial compensation.

How Much Compensation is Available?

If the amount of any compensation cannot be agreed upon with Dr. James, it will be determined by the Court in much the same way damages in any personal injury lawsuit are determined.

How Do I Make a Claim?

If you wish to make a claim you must complete and submit a copy of the enclosed Intention to Claim Form by email to JamesClassAction@hartelaw.com or by mail to the following address:

Stephen James Class Action
c/o Harte Law PC
16 Sims Crescent, Unit 30
Richmond Hill, ON L4B 2P1

The Intention to Claim Form must be received by email or postmarked if mailed, on or before **[90 days from dissemination of Notice]** ●, 2024

If you require assistance or advice regarding completion of the Intention to Claim Form, you may contact Class Counsel, Harte Law, free of charge, at 1- 855-663-3800 or retain legal counsel at your own expense.

Who Is Eligible for Compensation?

There are two groups or subclasses of patients.

Genetically Linked Patients

Any of the following individuals are part of the subclass known as Genetically Linked Patients and are automatically entitled to compensation for harm caused by infection:

All persons who received an epidural injection administered by Dr. James at the Clinic between January 1, 2010 through to November 30, 2012, and who subsequent to their treatment at the Clinic developed a Clinical Infection, and who were infected by a strain of methicillin-sensitive Staphylococcus aureus matching the strain of methicillin-sensitive Staphylococcus aureus colonized on Dr. James during the Class Period as determined by pulsed-field gel electrophoresis, or where such a person is deceased, the personal representative of the estate of that deceased person

The cause of infection in the Genetically Linked Patients has been established. Only the amount of compensation is left to be decided.

All Other Class Members

The remaining Infected Patients must establish that Dr. James' negligence caused their infection. However, these patients benefit from an assumption that their infection was caused by Dr. James' breaches of his legal duties, unless proven otherwise..

INTENTION TO CLAIM FORM

Dr. Stephen James Infection Outbreak Class Action

THE DEADLINE TO SUBMIT A CLAIM IS [90 days from dissemination of Notice]●, 2024. This Claim Form Must be Received or Postmarked No Later than [90 days from dissemination of Notice] ●, 2024.

If you wish to make a claim you must complete this Intention to Claim Form and send it by email to JamesClassAction@hartelaw.com or mail it to the following address:

Stephen James Class Action
c/o Harte Law PC
16 Sims Crescent, Unit 30
Richmond Hill, ON L4B 2P1

The Intention to Claim Form must be received by email or postmarked if mailed, on or before **[90 days from dissemination of Notice] ●, 2024**

If you require assistance in completing this form, you may contact Class Counsel, free of charge, at 1- 855-663-3800.

During the claim process, claimants must advise Class Counsel in writing of any changes or corrections to their name, address, phone number, or legal representation.

Please keep copies of all documentation you send to Class Counsel supporting your claim. Please note that it could take several weeks or longer to obtain the required supporting medical documentation to support your claim.

If you are claiming on behalf of an Estate or a person with a legal disability, you must include a document that authorizes you to represent the claimant with the completed form.

All claim forms received will be acknowledged in writing. A lawyer will then be in touch to provide additional information on the claims process.

PRIVACY STATEMENT

Personal Information regarding claimants is collected, used and retained by Class Counsel pursuant to *the Personal Information Protection and Electronics Documents Act*, S.C. 2000, c.5 for the purpose of advancing a claim in the Dr. Stephen James Infection Outbreak Class Action. Information received by Class Counsel is strictly private and confidential and will not be disclosed without the express written consent of the claimant or their representative, except as required to advance a claim.

SECTION 1: Claimant Identification

I am applying on behalf of the following claimant (choose one):

<input type="checkbox"/> 1. Claimant
<input type="checkbox"/> 2. A Deceased Claimant <i>(attach a copy of the death certificate and your authority to act (e.g. will, court order, etc.))</i>
<input type="checkbox"/> 3. A Claimant Under a Legal Disability <i>(attach a copy of your authority to act (e.g. power of attorney, etc.))</i>

Please complete this Section with the claimant's information. If you are applying on behalf of a claimant under a legal disability or on behalf of a deceased claimant, please also complete Section 2. If you are a lawyer or agent who is completing this form on behalf of your client, please complete this Section and Section 3

Click or tap here to enter text.		Click or tap here to enter text.	
First Name		Last Name	
Address			
Click or tap here to enter text.		Click or tap	Click or tap here to enter
City		Province	Postal Code
Click or tap here to enter text.			
Email Address			
Click or tap here to enter text.		Click or tap here to enter text.	
Home Phone		Mobile Phone	
Click or tap here to enter text.			
Provincial Health Care Number			
Click or tap here to enter text.			
Date of Birth (YY/MM/DD)			
Click or tap here to enter text.			
For Estate Claim: Date of Death (YY/MM/DD)			

SECTION 2: Representative Identification

This section is to be completed only if you are **submitting a claim as the representative of a claimant under legal disability or a deceased claimant**. Please attach proof of your authority to act as the representative of the claimant.

Click or tap here to enter text.		Click or tap here to enter text.	
Representative First Name		Representative Last Name	
Click or tap here to enter text.			
Address			
Click or tap here to enter text.		Click or tap here to enter text.	Click or tap here to enter text.
City	Province	Postal Code	
Click or tap here to enter text.			
Email Address			
Click or tap here to enter text.		Click or tap here to enter text.	
Office Phone		Mobile Phone	

SECTION 3: Legal Representative Identification

This Section is to be completed only if a lawyer is representing the claimant, the Estate of a deceased claimant or a claimant who is under a legal disability. If this section is completed, all communication will be sent to this individual.

Click or tap here to enter text.		Click or tap here to enter text.	
Representative First Name		Representative Last Name	
Address			
Click or tap here to enter text.		Click or tap here to enter text.	Click or tap here to enter text.
City	Province	Postal Code	
Click or tap here to enter text.			
Email Address			
Click or tap here to enter text.		Click or tap here to enter text.	
Office Phone		Mobile Phone	
Click or tap here to enter text.			
Relationship to Claimant			

SECTION 4: Claim Details

This section must be completed for all claimants. Please provide as much detail as possible about the injection or injections which caused the claimants infection.

Date(s) or Approximate Dates of Appointments with Dr. James
Click or tap here to enter text.
Type of Injections
Click or tap here to enter text.
Click or tap here to enter text.
Click or tap here to enter text.
Click or tap here to enter text.
Click or tap here to enter text.
Click or tap here to enter text.
Click or tap here to enter text.

NOTICE OF CLAIMS PROCESS FOR CLASS ACTION

Rothbart Pain Clinic Infection Outbreak Class Action

If you were a patient of Dr. Stephen James at the Rothbart Centre for Pain Care Ltd. in Toronto between January 1, 2010, and November 30, 2012, please read this notice carefully, as it may affect your rights

This notice is addressed to individuals who may be class members in Rothbart Pain Clinic Infection Outbreak class action and provides information on making a claim for financial compensation.

A class action was filed seeking compensation for individuals who contracted an infection after receiving an epidural pain injection performed by Dr. Stephen James at Rothbart Centre for Pain Care Ltd. between January 1, 2010, and November 30, 2012. The Court certified this action as a class proceeding and has determined that Dr. James breached his legal duties in performing epidural pain management injections at the Rothbart clinic during the Class Period. The court must now determine the appropriate financial compensation for those class members whose infections were caused by Dr. James' breaches of his legal duties.

If you wish to make a claim, you must submit an Intention to Claim Form to Harte Law PC, the lawyers representing the class no later than ●, 2024. If you do not submit this form, you will lose your right to any compensation. The Intention to Claim Form can be found on the Internet at hartelaw.com/james, together with additional information on the class action and claim process. The form is also available at no charge by calling 1-855-663-3800.

The class action lawyers are available to assist in completing the form without charge.

If you are a class member and wish to obtain additional information relating to this notice, please contact Harte Law PC at the address below:

Harte Law PC
Lawyers
30-16 Sims Crescent
Richmond Hill, ON L4B 2P1
(855) 663-3800
JamesClassAction@hartelaw.com

PLEASE DO NOT CONTACT THE COURT OR THE REGISTRAR OF THE COURT ABOUT THIS CLASS ACTION. THEY ARE NOT ABLE TO ANSWER YOUR QUESTIONS.

Dated: July ●, 2024

HARTE

Harte Law PC | Lawyers

FOR IMMEDIATE RELEASE

July ●, 2024

Former Patients of Pain Doctor Can Claim Compensation (Law Firm: Harte Law PC)

Toronto, ON - On February 23, 2018, the Ontario Superior Court of Justice certified a class action involving individuals who received epidural pain injections performed by Dr. Stephen James at the Rothbart Centre for Pain Care Ltd. between January 1, 2010 and November 30, 2012.

On September 15, 2021, Mr. Justice Edward M. Morgan found in favour of the class on all the common issues in the class action, including finding that Dr. James failed to use adequate infection, prevention and control measures and his conduct was deserving of punitive damages. An appeal of Justice Morgan's decision was dismissed on February 2, 2023.

Former patients of Dr. James who suffered an infection after receiving a pain injection from Dr. James between January 1, 2010 and November 30, 2012 are urged to come forward to make a claim. Individuals who can establish that Dr. James' failure to follow appropriate infection control practices caused them harm, are eligible for financial compensation.

Individuals who wish to make a claim must submit a claim form to Harte Law PC, the lawyers representing the class no later than ●, 2024. Information on making a claim can be found on the Internet at hartelaw.com/james. Class counsel is available to assist in completing the form without charge. They can be contacted at 1 (855) 663-3800.

Anne Levac is the representative plaintiff for the class. Within days of receiving an injection at the pain clinic, the 68-year old resident of Fenelon Falls developed a bacterial infection in her spine. She was rushed to hospital by ambulance, falling in and out of consciousness and suffering excruciating pain. She spent 10 weeks in hospital and was left permanently disabled.

After a decade of litigation, Ms. Levac hopes that the outstanding claims can be quickly resolved. "It has been more than a decade since I and many others were injured by Dr. James' negligence. Compensation for the victims is long overdue."

For further information: Maria Damiano at (289) 695-2452 or mdamiano@hartelaw.com.

JAMES et al.

v.

LEVAC

Court File No. CV-14-51133300CP

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding Commenced at Toronto

Proceeding under the *Class Proceedings Act*,
1992

ORDER

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E: jmichelucci@hartelaw.com

Class Counsel