

# NOTICE OF COURT APPROVAL OF GREEK STYLE PASTA SALAD CLASS ACTION SETTLEMENT AGREEMENT

THIS NOTICE IS TO CONSUMERS OF GREEK STYLE PASTA SALAD MANUFACTURED AND DISTRIBUTED BETWEEN MAY 1, 2002 AND MAY 31, 2002 IN CANADA AND THEIR RELATIVES  
PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS. YOU MUST ACT WITHOUT DELAY TO COMPLY WITH THE DEADLINES AS SET OUT BELOW.

## TO ALL CLASS MEMBERS

a) All persons who consumed the Greek style pasta salad, manufactured by Tiffany Gate Foods Corporation between May 1 2002 and May 31, 2002 and who became ill as a consequence of the contamination of this salad with shigella sonnei bacteria; or  
b) All living parents, grandparents, children, grandchildren, siblings and spouses (within the meaning of s. 61 of the Family Law Act, R.S.O. 1990, c. F.3, as amended) of Class Members.

Please be advised that the Ontario Superior Court of Justice approved the Settlement Agreement reached in the class actions initiated in Ontario which allege that Tiffany Gate negligently manufactured, marketed and sold tainted Greek Style Pasta Salad between May 1, 2002 and May 31, 2002.

To be entitled to a payment pursuant to this Settlement Agreement, Tiffany Gate Consumers and Derivative Claimants must file a claim with the Claim Administrator by the Deadline, being 90 days after the date of the Order certifying the action, in the manner described below.

## SUMMARY OF THE AGREEMENT

Tiffany Gate, while not admitting liability, has agreed to make compensatory payments to settle the claims of all Class Members. OHIP will also receive compensatory payments, which shall be full and final satisfaction of medical services to or provided to Tiffany Gate Consumers.

The Ontario court has certified the class action in order to give effect to the Settlement on behalf of the following Class:

a) All persons who consumed the Greek style pasta salad, manufactured by Tiffany Gate Foods Corporation between May 1 2002 and May 31, 2002 and who became ill as a consequence of the contamination of this salad with shigella sonnei bacteria; or  
b) All living parents, grandparents, children, grandchildren, siblings and spouses (within the meaning of s. 61 of the Family Law Act, R.S.O. 1990, c. F.3, as amended) of Class Members

Compensatory payments are made in accordance with Class Members' level of injury, and will be based on the time of the illness suffered by the Class Members. The specific eligibility criteria and compensation levels are set out as follows:

Category	Amount for Direct Claimants	Amount for FLA Claim
1. Illness of 1 to 3 days	\$1,000.00	\$ 250.00
2. Illness of 4 to 9 days	\$2,000.00	\$ 500.00
3. Illness of 10 to 15 days	\$4,000.00	\$ 750.00
4. Illness of 16 to 22 days	\$6,000.00	\$1,200.00
5. Illness transpiring over a period in excess of 22 days	\$8,000.00	\$1,500.00

In some cases, loss of income from employment incurred by a Tiffany Gate Consumer or other out-of-pocket expenses that is proven with supporting documentation will be paid in addition to the compensatory payments outlined above.

The claims of all other persons who consumed the Greek style pasta salad manufactured by the defendant, Tiffany Gate Foods Corporation between the 1<sup>st</sup> of May, 2002 and the 31<sup>st</sup> of May, 2002 and who, as a consequence of the contamination of this salad with shigella sonnei bacteria, became ill, and the claims of all other persons related to those persons, will be dismissed as against Tiffany Gate.

## OPTING OUT

All persons who fall within the class definitions certified in the Ontario Court will automatically be included in the class **unless they exclude themselves from the class by Opting Out**. To Opt Out, Class Members will have to complete, sign and return an "Opt Out Form" to: Crawford Class Action Services, 3-505, 133 Weber St. N., Waterloo, Ontario, N2L 3G9, attention Tiffany Gate Class Action on or before the Opt Out Deadline, being 90 days following the date of the Order certifying the action. If a Class Member does not timely and properly Opt Out and does not timely and properly make a claim under the Settlement Agreement, he or she will be forever barred from receiving any payment under the Settlement, and from instituting or continuing any action against Tiffany Gate related to the consumption of its Greek style pasta salad marketed between May 1, 2002 and May 31, 2002. If a Tiffany Gate Consumer elects to Opt Out of the Settlement and the Ontario class proceeding, each and every Derivative Claimant related to this Tiffany Gate Consumer who has Opted Out will be deemed to also have Opted Out of the Settlement.

## LEGAL FEES

The Ontario Superior of Justice has awarded to Plaintiff's counsel representing the Class ("Class Counsel") collectively, an amount of \$700,000 dollars in legal costs (inclusive fees and disbursements) plus applicable taxes.

Claimants may, but are not obliged to, retain their own lawyers to assist them in making individual claims under the Settlement. Claimants are responsible for paying the legal fees of any lawyers they retain. Claimants are advised that submitting a Claim under the Settlement Agreement will be considerably less complex and less expensive than pursuing an individual lawsuit, and as such, any percentage fee agreement might be for a lesser percentage than in ordinary circumstances.

## IMPORTANT DEADLINES

Deadline to Opt Out of the Settlement is 90 days after the date of the Order certifying the action.

Deadline to file claim is 90 days after the date of the Order certifying the action.

Because of the deadlines, you must act without delay.

## FURTHER INFORMATION

A complete copy of the Settlement Agreement including the detailed instruction package and instructions on how to obtain a Claim Form or Opt Out Form are available from the Claims Administrator and/or Class Counsel. To obtain a copy of the detailed instruction package and a Claim Form necessary to file a Claim for settlement benefits or an Opt Out Form necessary to Opt Out, please contact the Claims Administrator, Crawford Class Action Services at 1-866-640-0039, or by fax: (519) 578-4016 or Class Counsel as set forth below:

The law firms of McPhaddeo Samac Merner Barry (Toronto) and Nelligan O'Brien Payne LLP (Ottawa) represent Class Members in Canada. McPhaddeo Samac Merner Barry can be reached at (416)363-5195 or at [www.msmb.ca](http://www.msmb.ca). Nelligan O'Brien Payne LLP can be reached at (613) 238-8080 or at [www.nelligan.ca](http://www.nelligan.ca)

If there is a conflict between the provision of this Notice and the Settlement Agreement and any of its exhibits, the terms of the Settlement Agreement shall prevail.

PUBLICATION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE.

SCHEDULE "B"