

PAUL-AIMÉ PAQUIN V. LIVANOVA CANADA CORP ET AL.
No. : 500-06-000817-169

NOTICE OF DISCONTINUANCE OF A CLASS ACTION

Who is Covered by this Notice?

You are covered by this notice if you underwent an open-heart surgery after November 1, 2011 in one of the following health centers:

- Centre hospitalier universitaire de Montréal (CHUM) :
 - Hôtel-Dieu;
 - Notre-Dame Hospital;
- Centre hospitalier universitaire Sainte-Justine (HSJ);
- Centre hospitalier universitaire de Sherbrooke (CHUS) ;
- McGill University Health Center (MUHC) :
 - Montreal General Hospital;
 - Royal Victoria Hospital;
 - Montreal Children’s Hospital;
- CHU de Québec - Université Laval :
 - Centre hospitalier de l’Université Laval (CHUL);
- Hôpital de Chicoutimi;
- Jewish General Hospital (JGH);
- Hôpital Sacré-Cœur de Montréal (HSC);
- Montreal Heart Institute (MHI) ; and
- Institut universitaire de cardiologie et de pneumologie de Québec (IUCPQ).

You are also covered by this notice if you are the heir, a liquidator or successor of a person who underwent such a surgery.

Discontinuance of the Class Action

On October 26, 2016, the plaintiff, Mr. Paul-Aimé Paquin, filed a motion for authorization to institute a class action in damages (the “**Motion for Authorization**”) against *Livanova Canada Corp.* and *Livanova Deutschland GMBH* regarding 3T heater-coolers (the “**Devices**”) used during open-heart surgeries in some of the above-listed health centers.

The plaintiff sought their liability as manufacturer or seller of the Devices. The Motion for Authorization alleges that some of the Devices could have been contaminated by the *Mycobacterium chimer*a and thus could have infected patients who underwent open-heart surgery during which one of the Devices would have been used. These allegations have not been proven in Court and are strongly contested by the defendants.

The plaintiff sought leave of the court to discontinue the class action. The motion for leave to discontinue [is available here](#).

The discontinuance was allowed by the Superior Court. This means that the action was abandoned. [Review the judgment here](#).

IMPORTANT : the Motion for Authorization has not been heard by the court. No decision has been rendered as to the potential liability of *Livanova Canada Corp* et de *Livanova Deutschland GMBH*.

The discontinuance of the class action thus does not have the effect of extinguishing your rights, if any. If you are covered by this notice and think that you have a claim to pursue with respect to a heart surgery involving a 3T heater-cooler, you should quickly seek the advice of a lawyer as the time period to file an action is limited.

This notice was approved by the Superior Court of Québec.