

SCHEDULE "A"

**NOTICE OF CERTIFICATION OF THE  
HILLY ACRES FARM – FALL 2020 SALMONELLA OUTBREAK CLASS ACTION  
HIGDON et al v. HILLY ACRES FARM LIMITED**

**WHAT IS THE CLASS ACTION ABOUT?**

Members of the public are advised of the certification of a class action (the "Class Action") regarding salmonella-contaminated eggs produced by Hilly Acres Farm Limited and sold in Newfoundland and Labrador in the fall of 2020 under brand names such as Farmer John Eyking, Eyking Delite, Compliments, Maritime Pride, Nova Eggs, Nova Eggs Ultra, Nova Eggs Eggsquisite, & Great Value which were subject to Food Recalls by the Canadian Food Inspection Agency in October and December, 2020.

The Class Action seeks compensation for class members who suffered salmonella poisoning after consuming eggs which were subject to the recalls.

**WHO IS A CLASS MEMBER?**

All natural persons residing in Newfoundland and Labrador who consumed eggs or products containing eggs which were subject of a Food Recall and Notification issued by the Canadian Food Inspection Agency on October 8th, 2020, updated on October 9th, 2020, and December 12th, 2020 related to its food safety investigation of the possible contamination of Salmonella present in eggs produced at Hilly Acres Farm Limited's premises; and claim to have suffered physical illness or injury as a result of consuming the eggs or products containing eggs herein described (the "Class").

Some of the recalled eggs, as identified in the October 9, 2020 Food Recall and Notification, were also distributed in Cape Breton, Nova Scotia. If you reside outside Newfoundland and Labrador but believe you otherwise meet the Class definition, you must opt-in to this action to benefit from any potential favourable ruling. Details on how to opt-in are outlined further in this Notice.

**REPRESENTATIVE PLAINTIFFS**

Ruth Higdon, Clyde Compton, and Herbert Bray (c/o Bob Buckingham Law)

**CLASS COUNSEL**

Bob Buckingham Law

**CLASS COUNSEL COMPENSATION**

The representative plaintiffs have entered into a contingency fee agreement with Class Counsel. The agreement provides for a contingency fee of 25% of the amount recovered if the matter settles before trial, or 30% if the matter settles after trial begins or the plaintiffs obtain a favourable result at trial. Class Counsel will apply to the Court at the conclusion of the case to have its legal fees approved. Class Counsel will pay for all expenses incurred in advancing the case and if the case is successful, Class Counsel will apply to the Court to be reimbursed for these expenses. If the case is not successfully settled or tried, Class Counsel will not be paid or reimbursed for any expenses.

**WHAT WILL IT COST ME TO PARTICIPATE?**

If the class action is successful, the determination of how much compensation to which each Class member is entitled will be made either by the Court or by a process supervised and sanctioned by the Court. Some individual participation may be required by Class members in determining the amount of money to which the Class member is entitled during this stage of the process. If individual hearings are necessary to determine the amount of a Class member's entitlement, Class Counsel agrees to represent individual Class members on a contingency fee basis subject to terms which will be approved by the Court.

The Class Action can be seen as a two-part process: a) common issues; and b) individual claims. If the Class loses the case on common issues, no Class member will be liable to pay an award of legal costs in favour of the Defendant. If a Class member chooses to make an individual claim and participate in an individual hearing (related to the individual claims part of the process), they may be liable to pay an award of legal costs in favour of the Defendant in respect of the determination of their own individual claim. Class members will receive notice if the class action is successful at the common issues part of the Class Action, and will have the opportunity at that time to decide whether to make an individual claim at the individual claims part of the Class Action. The Court may require notice be given to Class members concerning the participation in any hearings associated with the individual claims part of the Class Action and any cost implications of participating in those hearings.

**WHAT OPTIONS DO CLASS MEMBERS HAVE?**

If you are a Class member as of [date of Order Issuance] you do not need to do anything at this point to benefit from any favourable ruling on the common issues part of the Class Action. A judgment on the common issues, favourable or not, will bind all Class members who do not opt-out.

If the common issues are resolved in favour of the Class, Class members will need to advance an individual claim (the second part of the Class Action), and any remaining individual issues will need to be addressed in a manner to be determined by the Court.

If you are a Class member and wish to be excluded from the Class you must opt-out of the Class Action by sending an opt-out form to Class Counsel on or before [opt-out deadline]. By opting out you will exclude yourself from the benefit of any settlement or trial.

If you are a person who does not reside in Newfoundland and Labrador, but who otherwise meets the criteria of the Class (see "WHO IS A CLASS MEMBER" above) and wish to participate in the Class Action, you must opt in to the class action by delivering a completed opt-in form to Bob Buckingham Law on or before [opt-in deadline].

To access an opt-out or opt-in form, or to obtain further information, visit <http://www.buckinghamlaw.ca> or contact Bob Buckingham Law at

Bob Buckingham Law  
81 Bond Street  
St. John's, NL A1C 1T2  
Tel: 709-739-6688  
Fax: 709-739-6686  
Email: [office@buckinghamlaw.ca](mailto:office@buckinghamlaw.ca)

**THIS SUMMARY NOTICE HAS BEEN APPROVED BY THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR. DO NOT CONTACT THE COURT ABOUT THIS CERTIFICATION.**