



# THE HAMILTON SPECTATOR

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## Brunch victims will get cash

BY MARISSA NELSON

People who were sickened by a Mother's Day brunch at the Royal Botanical Gardens last year will be eligible for between \$500 and \$50,000 compensation, after a proposed agreement was reached that will

avert two class-action lawsuits.

David Thompson, lawyer with Scarfone Hawkins, said the deal for the estimated 155 people who fell ill was completed yesterday. It still has to be ratified by the courts at a hearing set for Sept. 28.

Thompson said the total

value of the pain and suffering compensation is \$2 million — the insurance policy limit for the caterer involved, Compton & Greenland. What will ultimately be paid out from that pot isn't clear, as people who want compensation must first apply to an independent adjudicator.

The agreement sets out four levels of compensation based on the length of illness.

Mild is defined as having symptoms for no more than 72 hours and severe is having symptoms for more than 60 days, being treated medically and possibly requiring

hospitalization.

"I'm pleased with the outcome. Whenever you attempt to negotiate a classwide solution to a problem, it's inevitably imprecise and lacking in some respects," Thompson said.

RBG: A7

### RBG:

## 'Reasonably content'

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"While the solution may not be tailor-made for each and every class member, it's intended to be a global solution in the best interest of the class as a whole."

Thompson said he knows of at least a couple of people who were so ill from salmonella bacteria that they will meet the severe threshold, though most of the claimants will fall in the mild to moderate level. The claimants will have to answer about four pages of questions.

Halton health department files show 288 people ate the brunch and that agency's investigation showed about 155 could be included in the class-action.

Thompson said the compensation levels are in line with those handed out from the Walkerton water tragedy and similar to another case in Milton.

The compensation is only for general damages and covers pain and suffering, not out-of-pocket expenses like lost wages or drugs, which will be covered separately. There is no cap on those claims, if they can be documented.

Thompson said the Caledonia man who is the representative claimant for the lawsuit was "reasonably content" with the outcome. A notice about the agreement will run in newspapers and any of those afflicted can participate — though it isn't necessary — in the hearing Sept. 28.

Mark Runciman, executive director of the RBG, said he was unaware of the agreement when reached by The Spectator. He did not return phone calls after being forwarded the press release from Thompson.

The lawyer for the caterer could not be reached for comment last night.

An investigation found salmonella bacteria in the roast beef served by Compton & Greenland, owned by Kate Greenland, at the Mother's Day buffet May 8, 2005.

The incident resulted in seven charges laid by Halton's health department and a \$1.1 million suit filed by the RBG. The caterer has also filed a \$3-million countersuit against the RBG.

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