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No official word yet on error rate of tissue tests

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CBC News

Forty-one women have so far come forward to ask the Newfoundland Supreme Court to certify a class-action lawsuit arising from errors made in testing tissue samples.

The women are all breast cancer patients whose tissue samples had to be retested because of errors that were first disclosed in 2005. Some of the samples date as far back as 1997.

The Eastern Health regional authority, which recently finished contacting women involved in the case, sent hundreds of samples to Mount Sinai Hospital in Toronto for retesting.

Ches Crosbie, the St. John's lawyer who filed court papers this summer, said little information has been revealed about how many women received erroneous results from hormone receptor tests, which indicate what type of treatment is appropriate.

"They haven't been given any information since a year ago about the rate of reversal, or error rate, if you want to call it that," Crosbie told CBC News.

Gerry Rogers said she was alarmed to hear of mistakes in screening of tissue samples.

"They said a year ago [it] was 10 per cent, which I'm hearing through the grapevine might be a lot higher than that. If it was any lower, then I suspect they would have told us about that."

Eastern Health said it does not yet know for certain what the rate of error was in the tissue sampling.

Court proceedings on Crosbie's application begin in November.

Another law firm is representing 24 additional women, but is not yet part of the request to certify the class action. However, if the court approves Crosbie's application, those women — and others yet to join — could be covered.

The tests showed whether cancer cells respond to particular hormones. If the results are positive, patients are usually treated with the hormone therapy tamoxifen.

Gerry Rogers, a St. John's filmmaker who turned her ordeal with breast cancer into the award-winning documentary *My Left Breast*, said she was horrified to learn that errors in testing had been made.

"I'm fine now but I can't help but wonder about some of my friends who've passed on," Rogers told CBC News.

"I want to know what went wrong. I want to know whether it was human error. Was it the test itself?" said Rogers, who is not part of the class-action request, but who may join.