**FREQUENTLY ASKED QUESTIONS**

**(LivaNova Class Action)**

**Do I have to pay to be in this class action?**

No, there is no cost to class members to be a part of this class action. Class Counsel are working on a contingency fee basis, which means that they only get paid if the class action is successful in recovering money for the class members. The fees that Class Counsel will be paid, and the amount they will be reimbursed for the expenses incurred in running the case (disbursements), will have to be approved by the court before anything is paid to them.

**How many people have been infected with *M. chimaera* in Canada?**

This infection is very rare, and is reported to occur in between 0.1 – 1% or 0.39 cases per 10,000 patient years. The total number of patients infected in Canada is not known, as they have not all been reported to Health Canada or other public health organizations.

**How do I find out if the Sorin 3T Heater-Cooler device was used during my surgery?**

There should be a notation in your hospital records indicating if the Sorin 3T Heater-Cooler device was used during your surgery. You can request a copy of your surgical records from the hospital where your surgery took place. You can also inquire with your surgeon who may be able to answer this questions for you.

Some hospitals sent a letter to patients warning about the potential risk of an M. chimaera infection after the Health Canada advisory was published in 2016. If you received such a letter, then it is highly probable that the Sorin 3T Heater-Cooler device was used during your surgery.

**What are the symptoms of *M. chimaera* infection?**

Symptoms of an M. chimaera infection tend to develop slowly, and often do not begin to show until as much as 18 months to 5 or 6 years post-surgery.

The most common symptoms of an M. chimaera following open-chest surgery are persistent fevers, shortness of breath, and unexplained weight loss.

Other possible symptoms of the infection may include:

* Redness, heat, or pus at the surgical site
* Fatigue
* Night sweats
* Muscle/Abdominal pain
* Nausea and/or vomiting
* Joint pain
* Persistent cough or cough with blood

**What should I do if I am experiencing any of these symptoms?**

You should contact your treating physician or surgeon if you are experiencing symptoms and inform them that you had open-heart surgery, and tell them of your concern about M. chimaera infection.

**I had an infection following my open-chest cardiac surgery. Was it an *M. chimaera* infection?**

Your medical records from the hospital or your treating physician should indicate the nature of the infection you suffered. In most cases, the nature of the infection will be identified. In some cases, it is possible that the doctors were unable to determine the nature of the infection.

You can request a copy of your records from the physician who treated the infection. You can also inquire with your treating physician who may be able to answer this question for you by looking at your medical records.

If your records show that you did have an *M. chimaera* infection, or if the source of the infection could not be determined, then please contact us.

**I had open-chest surgery. Should I be concerned?**

If you are feeling unwell, you should consult with your doctor. You and your doctor can then decide whether it is advisable to test for an *M. chimaera* infection.

**My parent (or other family member) had open-chest surgery in one of the listed hospitals in the specified time frames, and died or has become incapacitated. Can I make a claim on their behalf?**

Yes, the person who is the Estate’s executor or who has a power of attorney for property can take the place of a deceased or incapacitated class member.

To do so, they must produce a document such as a grant of probate, or a will and proof of death, or the power of attorney and proof of the class member’s incapacity, along with their own personal identification, and then Class Counsel, and Trilogy (the notice administrator) can update their records to name the executor or attorney as the class member’s representative.

**Can I make a claim on behalf of the deceased patient’s next of kin?**

Yes, the next of kin of a person who died from an *M. chimaera* infection are entitled to make a claim for their losses, and are included in this class action.

**Should I send in my medical records from the hospital where my open-chest surgery took place?**

You do not have to send us your medical records right now. If you suspect that you were infected with *M. chimaera*, you can request your medical records from the treating physician or hospital, in order to see if the doctors were able to identify the type of infection you suffered. If the documents show an *M. chimaera* infection or no identifiable source for the infection, then please contact us, and keep your medical records in a safe and accessible place.

**I learned about the contaminated HCUs from Health Canada, my hospital, or the news. I have been very anxious since then. What should I do?**

If you have suffered from significant anxiety since learning of the potential of being infected by *M. chimaera*, you should contact your health care provider or mental health care provider to address your anxiety, if this anxiety is interfering with your mental well-being or day to day living and coping ability.

If this is the case, we would also like to hear from you about your experiences. Significant anxiety is something that is “serious and prolonged and rises above the ordinary annoyances, anxieties and fears that come with living in civil society. If your anxiety rises to this level, you might be entitled to compensation, even if there is no conclusive proof that you were infected with *M. chimaera* from the LivaNova heater cooler units.