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Subject: Affidavit Evidence  
Date: April 5, 2016 at 3:43 PM  
To: cta-associates@cogeco.ca, suzanne.young11@gmail.com  
Cc: Sonja Nuic [sonja@wynperlelaw.ca](mailto:sonja@wynperlelaw.ca)



Good afternoon Teresa and Suzanne,

Further to your call with Sonja yesterday, please find attached draft affidavits for your review. Please review these documents and make any comments/corrections and we will have you both come in to swear same.

Please let me know once you have reviewed the affidavits and we can set up a meeting with Sonja.

Thanks!!

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**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

SUZANNE YOUNG, CARI-ANN YOUNG  
AND TERESA DI FALCO

Plaintiffs

- and -

ST. JOSEPH'S HEALTHCARE HAMILTON,  
DAVID RICHARD JOHNSON SMALL, FREDERICK J. BAXTER,  
NANCY DZAJA, ANNA DUL, NICHOLAS AFAGH, CATHERINE KELL, BREANNA  
CORNELIUS, JOSIELYN STACEY, ANNA MARIE WALTERS,  
TINA JACKSON-BEEMER, MARY MENS, DIANE GARDINER,  
JOHN DOE and JANE DOE

Defendants

**RESPONDING AFFIDAVIT OF SUZANNE YOUNG**

I, **SUZANNE YOUNG**, of the City of Hamilton, in the Province of Ontario, MAKE  
OATH AND SAY AS FOLLOWS:

1. I am a Plaintiff in the within action and as such have knowledge of the matters hereinafter deposed to except where same is stated to be based upon information and belief.
2. I make this Affidavit in response to the summary judgment motion brought by the Defendants, Anna Dul and Nicholas Afagh, (hereinafter referred to as "these Defendants").

3. This action arises out of an injury I suffered while a patient at the Defendant hospital, St. Joseph's Healthcare Hamilton, on November 26, 2012.
4. On the morning of November 26, 2012, I attended the Defendant hospital for the purpose of undergoing an abdominal hysterectomy and bilateral salpingo-oophorectomy. The Defendant, Dr. David Richard Johnson Small, was my treating gynecologist. He had recommended the surgery as a result of unusual looking ovaries.
5. I was put under general anesthesia prior to the surgery being completed.
6. My first recollection post surgery was initially waking up in what appeared to be the recovery room. My first vivid memory post surgery was lights flashing by and realizing that I was on a stretcher, being wheeled down a corridor. I eventually came to a stop in a hallway outside of a room. I realized that there was no one by my side. I immediately felt extreme pain in my head.
7. I was subsequently brought into a hospital room and put in a bed. I continued to experience severe head pain and began crying out in pain. Eventually, the Plaintiffs, Cari-Anne Young and Teresa DiFalco, came into the hospital room where I was placed. I specifically recall making complaints to the nurse that evening, post surgery and advised both the nurse and the Plaintiffs, Cari-Ann Young and Teresa DiFalco, that I thought I was bleeding from the back of my head. I further recall, my sister, Teresa DiFalco, touching the back of my head to confirm that it was not bleeding, but wet.
8. I further recall being given some medication for pain the evening of November 26, 2012, following the aforementioned complaints being made.

9. The following morning, I once again made complaints of a lump on the back of my scalp, which was confirmed in the Defendant, St. Joseph's Healthcare Hamilton's nursing department notes dated November 27, 2012. Attached hereto and marked as **Exhibit "A"** to this my affidavit is a true copy of the aforementioned note.
10. I am advised by my lawyer and do verily believe that these Defendants have alleged that they were in no way involved in my personal care and safety while under the effects of anesthesia. On this basis, they are proceeding with a summary judgment motion seeking an order dismissing this action as against them.
11. I understand that if these Defendants are successful in respect of the subject summary judgment motion, I would be disentitled to any compensation from these Defendants for damages sustained in the subject incident.
12. Given my sedated state just before, during and after the surgery, I have no first hand recollection of what took place. This knowledge is the direct possession of the Defendants in this action.
13. To date, the Defendants have not provided any explanation as to the cause of the hematoma on the back of my head detected post surgery. The Defendants have failed to provide the result of any investigation which was completed into this incident.
14. I make this Affidavit in response to the summary judgment motion brought by these Defendants and for no other or improper purpose.

SWORN before me at the City of Hamilton, )  
in the Province of Ontario, this        day )  
of April, 2016 )

\_\_\_\_\_  
SUZANNE YOUNG

A Commissioner, etc.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

SUZANNE YOUNG, CARI-ANN YOUNG  
AND TERESA DI FALCO

Plaintiffs

- and -

ST. JOSEPH'S HEALTHCARE HAMILTON,  
DAVID RICHARD JOHNSON SMALL, FREDERICK J. BAXTER,  
NANCY DZAJA, ANNA DUL, NICHOLAS AFAGH, CATHERINE KELL, BREANNA  
CORNELIUS, JOSIELYN STACEY, ANNA MARIE WALTERS,  
TINA JACKSON-BEEMER, MARY MENS, DIANE GARDINER,  
JOHN DOE and JANE DOE

Defendants

**RESPONDING AFFIDAVIT OF TERESA DI FALCO**

I, **TERESA DI FALCO**, of the City of Hamilton, in the Province of Ontario, MAKE  
OATH AND SAY AS FOLLOWS:

1. I am a Plaintiff in the within action and as such have knowledge of the matters hereinafter deposed to except where same is stated to be based upon information and belief.
2. I make this Affidavit in response to the summary judgment motion brought by the Defendants, Anna Dul and Nicholas Afagh, (hereinafter referred to as "these Defendants").

3. This action arises out of an injury my sister, the Plaintiff, Suzanne Young, suffered while a patient at the Defendant hospital, St. Joseph's Healthcare Hamilton, on November 26, 2012.
4. On November 26, 2012, I attended the Defendant hospital, St. Joseph's Healthcare Hamilton, for the purpose of accompanying my sister, the Plaintiff, Suzanne Young, who was undergoing a abdominal hysterectomy and bilateral salpingo-oophorectomy.
5. Following the completion of the aforementioned surgery, both myself and the Plaintiff, Cari-Ann Young, the daughter of the Plaintiff, Suzanne Young, were advised that my sister, Suzanne Young, had been transferred to a room on the sixth floor.
6. As a result of being provided with this information, myself and the Plaintiff, Cari-Anne Young, attended this room only to determine that my sister was not present. We subsequently attended the nursing station on the sixth floor and were advised that my sister had not been registered as a patient on this floor. We were told to return back to the information desk.
7. When we attended the information desk, we were told to go back to the recovery department. When we returned to the recovery department, we were advised that my sister was located in a room on the seventh floor.
8. I verily believe that it was approximately 20 minutes before anyone could confirm where my sister was located.

9. Upon arriving on the seventh floor, I overheard my sister screaming. When we entered the room in which my sister, the Plaintiff, Suzanne Young, was placed, I heard her make immediate complaints of head pain. She advised that the back of her head was bleeding. I subsequently felt the back of her head and determined that it was not bleeding, but the hair was matted and wet. A nurse who was attending to my sister, the Plaintiff, Suzanne Young, provided my sister with medication for pain.

10. I do confirm that my sister, the Plaintiff, Suzanne Young, complained of head pains post surgery on November 26, 2012, in the presence of both myself and the Plaintiff, Cari-Ann Young.

11. I am advised by my lawyer and do verily believe that these Defendants have alleged that they were in no way involved in my sister, the Plaintiff, Suzanne Young's personal care and safety while under the effects of anesthesia. On this basis, they are proceeding with a summary judgment motion seeking an order dismissing this action as against them.

12. I understand that if these Defendants are successful in respect of the subject summary judgment motion, the Plaintiffs, including myself and my sister, the Plaintiff, Suzanne Young, and her daughter, Cari-Anne Young, would be disentitled to any compensation from these Defendants for damages sustained in the subject incident.

13. To date, the Defendants have not provided any explanation as to the cause of the hematoma on the back on my sister, the Plaintiff, Suzanne Young's head, detected post surgery. The Defendants have failed to provide the result of any investigation was completed into this incident, despite my requests for same from the Defendant, St.



Joseph's Healthcare Hamilton's Patient Relations Department and their Director of Risk,  
Legal and Medical Affairs.

14. I make this Affidavit in response to the summary judgment motion brought by  
these Defendants and for no other or improper purpose.

SWORN before me at the City of Hamilton, )  
in the Province of Ontario, this day )  
of April, 2016 )

\_\_\_\_\_  
TERESA DI FALCO

A Commissioner, etc.