

Exhibit D

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**** Unedited ****

Indexed as:

Wilson v Guichon

Between

**Linda Wilson, Plaintiff and
Dr. Donald Guichon, Defendant**

And Between

**Linda Wilson, Plaintiff, and
Dr. A.K.C. Hui, Defendant**

**Vancouver Registry Nos. C863922 and C865281
[1990] B.C.J. No. 1812
British Columbia Supreme Court
Vancouver, British Columbia**

Hood J.

Heard: November 14 - 17, 20 - 24 and December 7 and 8, 1989

Judgment: August 7, 1990

Counsel for the Plaintiff

Mark R. Steven.

Counsel for the Defendants

C.E. Hinkson and C.L. Talbot.

HOOD J.:-

INTRODUCTION:

In these actions the plaintiff seeks damages from the defendant doctors, for failing adequately to warn her of the risks of a two-step surgical procedure, involving a subcutaneous mastectomy performed by Dr. Hui, a general surgeon, and the immediate replacement of breast tissue with Meme implants by Dr. Guichon, a plastic and reconstructive surgeon. There are numerous other allegations of negligence in the statements of claim but lack of consent is the thrust of the case, and I propose to deal only with allegations of negligence raised in the closing arguments of counsel.

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actions in this regard have been totally irresponsible, unprofessional and reprehensible in the context of your duties.

The author, A. J. Liston, Ph.D., Assistant Deputy Minister, then goes on to outline other acts which he considers to amount to insubordination.

This brings me to comment generally on Dr. Blais' demeanour in the witness box and on his evidence. Dr. Blais in my view is a well qualified scientist. However, it seems clear to me that in advancing his cause against the Meme implant and in giving evidence at trial, Dr. Blais set aside the mantle of the scientist and replaced it with that of the zealot. My concerns are not with Dr. Blais' views or opinions of the Meme but with the manner in which he has advanced his cause and given evidence in Court as regards the Meme's alleged faults and the notoriety of those faults prior to the plaintiff's March 1985 surgeries. In many respects his evidence was not the objective and unbiased evidence which the Court expects of, and requires from, a scientist, an expert. It was instead so obviously biased that in most respects it is of little value to the Court. His crusade and his methods used in attempting to discredit the Meme appear to have cost him his job. They have also coloured his evidence such that I do not believe that it would be safe to accept it unless it is corroborated by other evidence. Time and time again Dr. Blais was not responsive to questions put to him not only by defense counsel but also by plaintiff's counsel. His answers in the main seemed to be directed to his cause against the Meme, and the cause took precedence over everything else. He was not responsive, he was not forthright, he exaggerated and was evasive. His misleading report which he well knew was to be placed in evidence in Court, and which he should have corrected immediately, is but one example of his overriding desire to stop the use of the Meme.

It is not for me to decide in this action whether or not Dr. Blais' concerns are justified or whether the use of the Meme implant should continue. Those are matters to be decided at some other time and probably in some other forum. My comments are directed only to the weight that I can give to Dr. Blais' evidence in the circumstances outlined.

EVIDENCE OF THE PLAINTIFF:

The plaintiff is 41 years of age. She was born in England and immigrated to Canada in 1975. She and her husband live in Delta. They have three daughters. She was a housewife until 1984 when she started working as a secretary for her husband's company.