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DELIVERED BY EMAIL

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Steven Forbes
Suite 600, 97 Queen Street
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Dear Mr. Forbes:

Kiss v. Health PEI

We are writing to set out in greater detail our concerns regarding the conflict of interest which your firm appears to be facing in acting for Health PEI in this matter. Given that this matter affects your firm as a whole, we have copied your managing partner and the CEO of your firm on this letter.

As you know, we act for Mr. Gyorgy Kiss, the plaintiff in an action against Health PEI. The claim relates to the public disclosure of Mr. Kiss's personal health information while he was a patient at Queen Elizabeth Hospital. Specifically, his HIV status was leaked to a blogger by the name of Kevin Arsenault and published on a Facebook page.

Our claim sets out that because of the impact of this disclosure in the small and conservative community in which he and his family were living, Mr. Kiss suffered social stigmatization resulting in serious mental health effects. Because of this, he and his husband felt that they had no choice but to sell their dream home and move their family out of Prince Edward Island. The allegations around the sale of the house go in part to the damages Mr. Kiss sustained as a result of Health PEI's actions.

Cox and Palmer acted on the sale of their home. Our prior email correspondence did not specifically identify that your firm had acted on this matter, and we apologise for that oversight. However, in the circumstances, we believe that this brief creates a conflict of interest sufficient to disqualify your firm from acting.

Specifically, it is reasonable to assume—and in fact we can do more than assume—that in the circumstances, Mr. Kiss would have discussed with his [Cox & Palmer] real estate lawyer the situation

giving rise to the need to sell the property, including the facts relating to the privacy breach at the hospital and the effects it had on him and his family. Those discussions would have been for the purposes of obtaining legal advice and would be both confidential and subject to privilege.

Additionally, were Mr. Kiss to determine that it was necessary and appropriate to waive privilege over those conversations, the lawyers who acted on the transaction would become material witnesses in the case which you are now defending.

In our view, on principal, it would be inappropriate for Cox & Palmer to continue to act for Health PEI in this matter. We ask that you reconsider your representation of your client in this matter.

We look forward to your timely response.

Yours very truly,

SPARK LAW PROFESSIONAL CORPORATION



per: Jeff Rosekat
Lawyer and Co-Founder

c.c. George Cooper QC, Chief Executive Officer, Cox & Palmer LLP - gcooper@coxandpalmer.com
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