



Affidavit #1 Zoltan Nagy  
Sworn September 27, 2012  
No. S090663  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

**CAMBIE SURGERIES CORPORATION, CHRIS CHIAVATTI by his litigation guardian RITA CHIAVATTI, MANDY MARTENS, KRYSTIANA CORRADO by her litigation guardian ANTONIO CORRADO and ERMA KRAHN**

**PLAINTIFF**

AND:

**MEDICAL SERVICES COMMISSION OF BRITISH COLUMBIA, MINISTER OF HEALTH SERVICES OF BRITISH COLUMBIA AND ATTORNEY GENERAL OF BRITISH COLUMBIA**

**DEFENDANTS**

AND:

**SPECIALIST REFERRAL CLINIC (VANCOUVER) INC.**

**DEFENDANT BY COUNTERCLAIM**

**DUNCAN ETCHES, GLYN TOWNSON, THOMAS MACGREGOR, THE BRITISH COLUMBIA FRIENDS OF MEDICARE SOCIETY, CANADIAN DOCTORS FOR MEDICARE, MARIËL SCHOOFF, DAPHNE LANG, JOYCE HAMER, MYRNA ALLISON, and CAROL WELCH**

**INTERVENERS**

**AFFIDAVIT #1 OF ZOLTAN NAGY**

I, **Zoltan Nagy**, Manager, of Suite 121, 555 West 12<sup>th</sup> Avenue, in the City of Vancouver, Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am employed by the Specialist Referral Clinic ("SRC") as Clinic Manager and as such have personal knowledge of the facts and matters hereinafter deposed to,

save and except where same are stated to be made on information and belief, and where so stated, I verily believe them to be true.

2. I have reviewed the document which is the final page of Exhibit 31 to the Affidavit of Bob de Faye in this proceeding, and which is entitled "Surgery Cost Breakdown Report". This document was prepared by me in October, 2006 in response to a request from the patient (referred to as "GM" in Mr. de Faye's affidavit) for a breakdown of the fee he paid for his surgery.
3. SRC invoices private pay patients who are either BC residents or out-of-province patients who have had surgery at Cambie following an assessment by a Specialist who is a member of SRC. SRC collects payment from the patient and remits the facility fee to Cambie, less an administration fee which is retained by SRC. In the case of out-of-province patients, they are also charged a surgeon's fee and an anesthesia fee which is over and above the facility fee charged to BC residents. SRC also collects the surgeon's fee and the anesthesia fee from out-of-province patients and remits this to Cambie.
4. At the time of this request, I had only recently assumed the position of Clinic Manager at SRC and was still in the process of mastering the administrative processes associated with the position, including the different fee structures for different patient groups. Normally, SRC only receives requests for and prepares Surgery Cost Breakdown Reports of this type for out-of-province patients, in particular patients from Alberta, who require such breakdowns, which include the fees paid to the surgeon and the anesthesiologist for their services, for the purposes of submitting a claim for reimbursement to the Alberta Health Care Insurance Plan.
5. To the best of my recollection, when I received the request from GM for a surgery fee breakdown, I assumed that he was an Alberta patient, who would have been charged a surgeon fee and an anesthesia fee. I prepared the cost breakdown accordingly, without checking the records as to what GM was actually charged. This was an error on my part. GM was not charged and did not pay a fee for the

services of the surgeon or the anesthesiologist during his surgery. BC residents who are paying privately for surgery at Cambie are never charged fees for the services of the surgeon or the anesthesiologist.

SWORN BEFORE ME at the City of )  
Vancouver, in the Province of British )  
Columbia, this 27<sup>th</sup> day of September, )  
2012. )  
Melanie Vipond )  
A Commissioner for taking Affidavits for )  
British Columbia. )

Zoltan Nagy  
Zoltan Nagy

**MELANIE VIPOND**  
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