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F I L E D	FEDERAL COURT COUR FÉDÉRALE
	January 11, 2021 11 janvier 2021
Amanda Dunn	
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Court File No.

**FEDERAL COURT
PROPOSED CLASS PROCEEDING**

Between

JENNIFER ANNE SANDERSON AND JENNIFER CONSTANT

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defense in Form 171B prescribed by the Federal Courts Rules, serve it on the plaintiffs' solicitor or, where the plaintiffs do not have a solicitor, serve it on the plaintiffs, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defense is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defense is sixty days.

Copies of the Federal Court Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Vancouver (telephone 604-666-3232) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

(Date)

Issued by: _____
(Registry Office)

Address of local office:
Pacific Centre
P.O. Box 10065
701 West Georgia Street
Vancouver, British Columbia
V7Y 1B6

TO: Her Majesty The Queen
Department of Justice Canada
900 – 840 Howe Street
Vancouver, British Columbia
V6Z 2S9

RELIEF SOUGHT

1. The plaintiffs claim on their own behalf and on behalf of Class Members (as described below):
 - a. an order certifying this action as a class proceeding and appointing Jennifer Anne Sanderson and Jennifer Constant as the representative plaintiffs under the *Federal Courts Rules*, SOR/98-106;
 - b. general damages plus damages equal to the costs of administering the plan of distribution;
 - c. special damages in an amount to be determined, including but not limited to past and future loss of income, medical expenses and out-of-pocket expenses;
 - d. punitive damages;
 - e. damages pursuant to the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11, s. 24(1) (the "*Charter*");
 - f. punitive damages pursuant to the *Charter of Human Rights and Freedoms*, C.Q.L.R. c.C-12, s. 49 and the *Civil Code of Québec*, C.Q.L.R. c. C-1991, s. 1621 (the "*Québec Charter*");
 - g. damages pursuant to the *Family Law Act*, R.S.O. 1990, c. F-3 and comparable legislation in other provinces and territories;
 - h. recovery of healthcare costs incurred by provincial and territorial health insurers on behalf of the plaintiffs and Class Members pursuant to the *Crown's Right of Recovery Act*, S.A. 2009, c.C-35 and the *Health Administration Act*, R.S.S. 1978, c. H-0.0001, and comparable legislation in other provinces and territories;
 - i. pre-judgment and post-judgment interest;
 - j. costs; and

k. such further and other relief as this Honourable Court may deem just.

NATURE OF THIS ACTION

2. This action concerns systemic racism by the Correctional Service of Canada (“CSC”) on the basis of race, ethnic or national origin, colour or religion, directed at racialized persons who work for or with the CSC.

3. The Class (to be defined by the Court) is intended to include all racialized individuals who are or were staff members under the *Corrections and Conditional Release Act*, S.C. 1992, c. 20, Part I, sections 1 and 5, including persons designated as peace officers under section 10, all persons covered by the *Application to Canadian Penitentiary Service Regulations*, C.R.C. c. 1333, including members of the CSC under the *Public Service Employment Act*, S.C. 2003, c. 22 and all other racialized individuals who worked for or with the CSC (“Class Members”).

4. The Class also includes all individuals who, by reason of a relationship with a Class Member, are entitled to assert a claim pursuant to the *Family Law Act*, R.S.O. 1990 c. F.3, or equivalent or comparable legislation in other provinces and territories (“Family Members”).

5. The plaintiffs allege that they and fellow racialized Class Members were subjected to racism and racist acts by the CSC and CSC management and staff and that these issues were systemic throughout CSC workplaces in Canada.

6. The plaintiffs allege that the Crown, the CSC and CSC management and staff were negligent in failing to ensure that they and other Class Members could work in an environment free of racism and that by failing to do so the defendant caused damages to the plaintiffs and Class Members and breached their constitutional rights. As a result of the institutional racism towards racialized Class Members, the plaintiffs and Class Members have suffered serious infringement of their constitutional rights to equality, as well as serious physical and psychological damages, out-of-pocket expenses and loss of income.

The Parties

7. The plaintiff Jennifer Anne Sanderson was at material times a correctional officer, servant and employee of the CSC pursuant to the *Corrections and Conditional Release Act*, S.C. 1992 c. 20 and its regulations. Ms. Sanderson is a member of the Wahpeton Dakota Nation. At material times, she held the rank of Correctional Officer CS1. She resides in the Province of Saskatchewan.

8. The plaintiff Jennifer Constant was at material times a correctional officer, servant and employee of the CSC pursuant to the *Corrections and Conditional Release Act*, S.C. 1992, c. 20 and its regulations. Ms. Constant is a member of the Deh Gah Gotie Dene Band. She resides in a suburb of Edmonton, Alberta. She has two Diplomas in Office and Business Administration in Marketing and is working towards obtaining her Psychology degree with the Athabasca University. At material times, she held the rank of Correctional Officer CS1. She resides in the Province of Alberta.

9. The defendant, Her Majesty the Queen, represents the Crown and the CSC in this proceeding pursuant to the *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C-50, s 23 (the "*Crown Liability Act*"). The Crown's liability arises from the conduct, malfeasance, and vicarious liability of the CSC and individuals who were at all material times Crown employees, agents and servants.

The CSC and Racialized Members

10. From the founding of the first penitentiary in what would become Canada at Kingston in 1835, the CSC and its predecessor organisations have discriminated against racialized minorities inside and outside its ranks.

11. The mistreatment of prisoners in Canada's penitentiaries is well known. Successive commissions and investigations disclosed terrible abuse from the *Brown Report* in 1848 to the *Archambault Report* in 1936 to the *Swackhamer Report* in 1971 and to the *Arbour Commission of Inquiry* in 1996. In contrast, the abuses within the CSC's own ranks have been largely hidden.

12. Responsibility for Canada's penitentiaries rested first with the Inspector of Penitentiaries (1874-1919); a Board of Directors (1868-1874); a Board of Inspectors of Penitentiaries (1834-1868); the Superintendent of Penitentiaries (1868-1947); and the Commissioner of Penitentiaries (1947-1978). In 1978, the first Commissioner of the Correctional Service of Canada assumed his post. The modern CSC was founded in 1979, with the merger of the Canadian Penitentiary Service and the National Parole Service.

13. The CSC has over 18,000 employees including correctional officers, correctional program officers, parole officers, primary workers, aboriginal liaison officers, social program officers, nurses, and psychology staff. The CSC, as of 2018, manages and maintains approximately 43 institutions, 11 Clustered Institutions, 2 maximum/medium/minimum security level, 9 medium/minimum security level, 6 maximum security institutions, 9 medium security institutions, 5 minimum security institutions (including 2 healing lodges), 12 multi-level security institutions (including 2 healing lodges and six women's institutions), 91 parole offices, 14 Community Correctional Centres, and over 200 Community Residential Facilities.

14. Among inmates in federal custody, racialized minorities are disproportionately represented:

- a. In 2017/2018, Aboriginal adults accounted for approximately 29% of admissions to federal custody, while representing approximately 4% of the Canadian adult population; and
- b. In 2018/2019, Black persons in Canada were approximately 3.5% of the population but 7.2% of the admissions to federal custody.

15. The ranks of the CSC are not diverse:

- a. The public service of Canada (which includes the CSC) has only approximately 14.5% visible minorities and aboriginal persons, while those groups make up approximately 24.2% of the Canadian population;

- b. The public service of Canada has only approximately 5.2% visible minorities in executive leadership roles; and
- c. No single Commissioner since 1978 has been a racialized minority. The first woman commissioner was named in 2000.

16. The stark racial divisions between CSC employees and inmates contribute to a culture of racism and hostility towards racialized minorities inside the CSC. In particular, CSC management and staff treat racialized staff as though they are inmates, and not like equals. It is an “us versus them” mentality, and racialized CSC staff members are on the outside.

17. The CSC has long been hostile towards prospective recruits from racialized minority communities in Canada. Through outright rejection based on prospective members’ apparent colour, race, ethnic origin, place of origin or religion, to systematic racism and discrimination, the CSC has deliberately harmed Class Members.

18. Despite the perseverance and sacrifice of the plaintiffs and of other Class Members like them to overcome the barriers erected against them by CSC management and staff, the CSC has actively discriminated against the plaintiffs and Class Members on the basis of their apparent colour, race, religion, ethnic or place of origin, and permitted racism and racist acts directed at Class Members.

The Plaintiffs’ Experience

19. The plaintiff Jennifer Anne Sanderson worked as a Correctional Officer (CS1) from June 2009 to June 30, 2017. Ms. Sanderson worked at the Maximum-Security Unit in the Saskatchewan Penitentiary. Her time with the CSC was marred by repeated and persistent racist episodes and a culture of racism, which went unchanged even when she was brave enough to complain to CSC management.

20. In particular, Ms. Sanderson was subjected to persistent racism by non-racialized CSC staff members, including her superior (CS2). She was asked insensitive questions and was the subject of pointed racial remarks, including the following verbal abuse:

- a. “How come you aren’t a drunk?”
- b. “Why don’t you wear feathers to work?”
- c. “You wear your hair in braids so that you will listen to your husband, he will give you a tug”
- d. *In dealing with Indigenous people on a gun range:* “Go talk to your people – you’re just like them”
- e. *When approaching Indigenous people partying on a reserve:* “Don’t you want to join the party?”
- f. *Regarding her personal life:* “This guy your dating he sounds native, Sanderson, didn't you learn from the last one, native guys are obviously useless you can do better by going with a white guy, come on give them a chance”
- g. In 2016, a group of officers shouted to Ms. Sanderson to come into the main area. One officer said to Jenn: “It’s shirtless Sunday”. Her superior CS2 responded: “No, it’s Residential School Sunday at the prison today!”
- h. In 2017, while she was pregnant, her superior CS2 intruded into her personal space and asked “Will the baby come out pow wow dancing?”

21. When Ms. Sanderson complained to CSC management, her complaints were dismissed, ignored or belittled. Ultimately, Ms. Sanderson was driven to resign from the CSC because the work environment, infected by racism, had become unbearable.

22. The plaintiff Jennifer Constant worked as a Correctional Officer (CS1) from August 16, 2011 until April 20, 2016. She worked at the Edmonton Institution for men, maximum security.

23. After April 2016, Ms. Constant went into an acting position of Aboriginal Liaison Officer and became an indeterminate Aboriginal Liaison Officer starting July 4, 2016.

24. Ms. Constant joined the CSC because she wanted to gain security experiences as a Correctional Officer and hoped to eventually work her way into the Aboriginal Initiatives

Department within the CSC. Her years with the CSC were grueling. During her employment with the CSC, Ms. Constant witnessed, experienced and endured from CSC management and staff racism, discrimination, and verbal and abusive behaviors that were malicious, vindictive and willful.

25. In particular, although Ms. Constant worked diligently throughout her career, and despite her desire to move beyond her position of CS1, she was never considered for promotion. Instead, she watched fellow non-racialized colleagues climb the ranks. Specifically, one non-racialized colleague was promoted to a job meant for Indigenous CSC staff members (Aboriginal Correctional Program Officer) by representing herself to be Indigenous, when she was not. Ms. Constant applied for, but was rejected from, the same position. When Ms. Constant asked why, she was told it was "due to [her] lack of significant interviewing experience". Her Indigenous colleagues who had also applied were told the same thing. This was just one example of non-racialized minorities being hired into Indigenous-specific roles.

26. In addition, Ms. Constant was discriminated against in terms of shifts, posted to dangerous assignments more often than her non-racialized colleagues, and denied access to safety equipment. When Ms. Constant reported these serious issues to CSC management, she was retaliated against and the wrongdoing continued.

27. Ms. Constant also witnessed racism and targeting of Indigenous inmates and outsiders, including Elders in the correctional facilities who were present to provide support and care to inmates. For example, there were many times the Elders would be standing outside in -30C weather after a sweat lodge ceremony, drenched in sweat. The Aboriginal Department and inmates were always the last to be called for programs and almost always ended after the 4:00pm workday. When Aboriginal programs were running with no one else running a program, then it was "fkn Indians always get special privileges" and "must be nice to be Indian to always get programming".

28. Eventually, Ms. Constant began to hate her job and she sank into a depression. Despite always being hardworking, polite, caring, kind and respectful, she was mistreated based on her race.

29. During the time they worked for the CSC, the plaintiffs each frequently observed other racialized Class Members and inmates being treated differently by non-racialized colleagues and management, including but not limited to:

- a. explicit and demeaning comments made about their race, national or ethnic origin, religion and/or colour;
- b. implicit and explicit comments dismissing their ability to carry out their duties because of their race, national or ethnic origin, religion and/or colour;
- c. non-racialized members of equivalent rank/experience receiving greater accommodation on sick leave, vacation requests, shift changes and transfer requests; and
- d. non-racialized members of equivalent rank/experience assigned to more complex, high-profile files and tasks, receiving better career training, education, counselling and mentorship, receiving more positive performance reviews, and being more likely to be considered for promotion.

30. This had the effect of demeaning and humiliating, as well as limiting the careers of, racialized Class Members.

31. Due to the culture of racism in the CSC, the plaintiffs and the Class Members were ostracized, and their career advancement prospects limited.

32. The plaintiffs were unable to bring an action in respect of their injury, damage or loss as a consequence of the symptoms of depression and anxiety that they suffered because of ongoing racism by individual non-racialized Members and management of the CSC. The plaintiffs could not reasonably have brought an action prior to this time, when their psychological state has progressed to the point where they finally have the mental fortitude to pursue a claim and when the public scrutiny arising from the “Me, too” and “Black Lives Matter” movements have made it slightly safer to do so.

Systemic Negligence

33. At all material times, the Crown, by virtue of its control over and operation of the CSC, the CSC, and individuals who were CSC management and staff owed a duty of care to the plaintiffs and other Class Members to ensure that they could work in an environment free of racism. Specifically, the Crown, the CSC, and individuals who were CSC management and staff had a duty to:

- a. have in place management and operations procedures that would reasonably prevent racism and racist acts in the CSC workplace;
- b. take reasonable measures in the operation or management of the CSC to protect the plaintiffs and other Class Members from racism and racist acts, by management and staff of the CSC;
- c. adequately, properly and effectively supervise the CSC work environment and management and staff of the CSC;
- d. use reasonable care in assuring the safety, well-being and protection of the plaintiffs and other Class Members;
- e. establish, implement and enforce appropriate policies, procedures, codes of conduct, guidelines and standards of conduct for management and staff of the CSC to ensure that these individuals did not injure or endanger the well-being of the plaintiffs and other Class Members;
- f. provide a complaint procedure through which complaints of racism and racist acts would be recognized, reported and pursued with due diligence and in a timely manner without endangering the safety of the plaintiffs and other Class Members and without risking retaliatory consequences against them;
- g. properly vet and screen management and staff of the CSC;
- h. provide the plaintiffs and other Class Members with equal access to files, meetings, tasks and opportunities as compared to their non-racialized colleagues; and

- i. educate and train management and staff of the CSC to promote a universal understanding that racism and racist acts in the workplace is harmful and will not be tolerated.

34. The Crown, the CSC, and individuals who were CSC management and staff negligently breached the duty of care they owed to the plaintiffs and other Class Members by, among other things:

- a. failing to have in place management and operations procedures that would reasonably prevent racism and racist acts in the CSC workplace;
- b. failing to take reasonable measures in the operation or management of the CSC to protect the plaintiffs and other Class Members from racism and racist acts by management and staff of the CSC;
- c. failing to adequately, properly or effectively supervise the CSC work environment and management and staff of the CSC;
- d. failing to use reasonable care in assuring the safety, well-being or protection of the plaintiffs and other Class Members;
- e. failing to establish, implement or enforce appropriate policies, procedures, codes of conduct, guidelines or standards of conduct for management and staff of the CSC to ensure that they did not injure or endanger the well-being of the plaintiffs and other Class Members;
- f. failing to provide a complaint procedure through which complaints of racism and racist acts would be recognized, reported and pursued with due diligence and in a timely manner without endangering the safety of the plaintiffs and other Class Members and without risking retaliatory consequences against them;
- g. failing to properly vet or screen management and staff of the CSC;

- h. failing to provide the plaintiffs and other Class Members with equal access to files, meetings, tasks or opportunities as compared to their non-racialized colleagues;
- i. failing to educate and train management and staff of the CSC to promote a universal understanding that racism and racist acts in the workplace is harmful and will not be tolerated; and
- j. creating an environment which encouraged or fostered silence and obedience when racism and racist acts occurred.

35. As a result of the Crown's, the CSC's, and CSC management and staffs' negligent conduct, the plaintiffs and other Class Members suffered mental and physical injury, particularized below. The Crown, the CSC, and CSC management and staff knew, or ought to have known, that the negligent acts described above were of a kind reasonably capable of traumatizing a normal person and that the plaintiffs and other Class Members would suffer damages as a result.

36. Further, the Crown is vicariously liable for the acts and omissions of the individuals who were CSC management and staff, who were at all material times the Crown's servants. The Crown knew about the presence and prevalence of racism and racist acts within the CSC and failed to take corrective action. The conduct which the individuals who were CSC management and staff directed toward the plaintiffs and other Class Members was repetitive and extreme and was intended to harass and harm them. As a result of this conduct, the plaintiffs and other Class Members suffered psychological, emotional and physical injury, particularized below. The individuals who were CSC managers and staff knew or ought to have known that their conduct was of a kind reasonably capable of harming a normal person.

Breach of the *Canadian Charter of Rights and Freedoms* and the *Québec Charter*

37. The Crown, the CSC, and the CSC management and staff breached the plaintiffs' and Class Members' right to be free from discrimination on the basis of race, ethnic or

national origin, colour and religion as provided in s. 15 of the *Charter* and s. 10 of the *Québec Charter* by engaging in the conduct as set out above.

38. In addition, the *Corrections and Conditional Release Act*, S.C. 1992, c. 20 and its regulations (including the applicable provisions of the *Public Service Employment Act*) were applied unequally, unfairly and improperly by the CSC and its management with respect to the plaintiffs and Class Members on the basis of enumerated grounds under the *Charter*, s. 15 and under the *Québec Charter*, s. 10, on a discriminatory basis, namely on the basis of race, ethnic or national origin, colour and religion.

39. Damages should be awarded pursuant to section 24 of the *Charter* and section 49 of the *Québec Charter* as they are just and appropriate (i) to provide compensation that might not otherwise be awarded to the plaintiffs and to the Class Members, (ii) to vindicate the plaintiffs, the Class Members and society at large for the harm caused by the CSC's violation of section 15 of the *Charter* and section 10 of the *Québec Charter* and (iii) to deter future breaches.

Injury and Damage

40. As a result of the wrongdoing of the Crown, the CSC, and its management and staff, the plaintiffs and the Class Members have sustained serious injuries and consequences, including:

- a. post-traumatic stress disorder;
- b. physical, psychological and/or emotional harm or distress;
- c. diminished self-worth;
- d. diminished ability to concentrate;
- e. repeated and ongoing nightmares;
- f. depression;
- g. anxiety;
- h. difficulty in coping with emotional stress;
- i. suicidal ideation;
- j. attempted suicide;
- k. feelings of guilt, responsibility, and self-blame;

- l. nervous shock;
- m. mental anguish;
- n. insomnia;
- o. irritable bowel syndrome;
- p. failed relationships;
- q. substance abuse;
- r. career limitations or loss of promotional opportunities;
- s. losses due to early retirement;
- t. losses due to any impact on pension amount and/or entitlement;
- u. loss of consortium; and
- v. loss of enjoyment of life.

41. These injuries have caused and continue to cause the plaintiffs and the Class Members pain, suffering, loss of enjoyment of life, permanent disability, loss of physical, mental and emotional health and loss of income, past and prospective.

42. These injuries aggravated or exacerbated other injuries of the plaintiffs and the Class Members such that they are indivisible.

43. As a further result of the breaches of the Crown, the CSC, and the CSC management and staff, the plaintiffs and the Class Members have sustained special damages and loss and expenses for medical and psychological treatment. The plaintiffs and the Class Members continue to undergo medical and psychological care and treatment and continue to incur loss and expense.

44. As a result of the wrongdoing of the Crown, the CSC, and CSC management and staff, Family Members have also sustained and will continue to sustain injury, loss and damages, including but not limited to:

- a. actual expenses reasonably incurred for the benefit of Class Members;
- b. travel expenses incurred while visiting Class Members during medical procedures and/or counselling and/or recovery; and

- c. loss of income and/or the value of services provided by Family Members to Class Members, where such services, including nursing and housekeeping have been provided.

45. Family Members seek compensation for the costs set out above as well as compensation for loss of support, guidance, consortium, care and companionship that they might reasonably have expected to receive from Class Members.

Punitive Damages

46. A punitive damage award in this case is necessary to express society's condemnation of the conduct engaged in by the Crown, the CSC, and its management and staff, and to achieve the goals of both specific and general deterrence.

47. The actions described above of the Crown, the CSC, and CSC management and staff were reckless, arrogant, high-handed, wanton, willful, reprehensible, vindictive, malicious and abusive and showed a callous disregard for the rights of the plaintiffs and the Class Members. The conduct of the Crown, the CSC, and CSC management and staff was deliberate, lasted for many years and represented a marked departure from ordinary standards of decent behaviour.

48. Compensatory damages are insufficient in this case. The conduct of the Crown, the CSC, and its management and staff merits punishment and warrants a claim for punitive damages.

Provincial Health Insurers

49. As a consequence of the conduct of the Crown, the CSC, and CSC management and staff, as set out above, provincial and territorial health insurers have incurred expenses with respect to the medical treatment of the plaintiffs and the Class Members. Accordingly, provincial and territorial health insurers have suffered, and will continue to suffer, damages including the ongoing medical treatment of the plaintiffs and the Class Members, for which they are entitled to be compensated by virtue of their subrogated and direct rights of action in respect of all past and future insured services.

50. This action is maintained on behalf of the provincial and territorial health insurers. The plaintiffs plead the following provincial and territorial statutes, as amended, in support of a claim for recovery of health care costs incurred by provincial and territorial governments:

- a. *Health Care Cost Recovery Act*, S.B.C. 2008, c. 27;
- b. *Medicare Protection Act*, R.S.B.C. 1996, c. 286;
- c. *Pharmaceutical Services Act*, S.B.C. 2012, c. 22;
- d. *Hospital Act*, R.S.A. 2000, c. H-12;
- e. *Crown's Right of Recovery Act*, S.A. 2009, c. C-35;
- f. *The Health Administration Act*, R.S.S. 1978, c. H-0.0001 (formerly known as the *Department of Health Act*)
- g. *Health Services Insurance Act*, C.S.S.M., c. H35;
- h. *Health Insurance Act*, R.S.O. 1990, c. H.6;
- i. *Home Care and Community Services Act*, 1994, S.O. 1994, c. 26;
- j. *Health Services Act*, R.S.N.B. 1973, c. H-3;
- k. *Medical Services Payment Act*, R.S.N.B. 1973, c. M-7;
- l. *Hospital Services Act*, R.S.N.B. 1973, c. H-9;
- m. *Family Services Act*, S.N.B. 1980, c. F-2.2;
- n. *Hospital and Diagnostic Services Insurance Act*, R.S.P.E.I. 1988, c. H-8;
- o. *Health Services Payment Act*, R.S.P.E.I. 1988, c. H-2;
- p. *Health Services and Insurance Act*, R.S.N.S. 1989, c. 197;
- q. *Hospital Insurance Agreement Act*, R.S.N. 1990, c. H-7;
- r. *Medical Care and Hospital Insurance Act*, S.N.L. 2016, c. M-5.01;

- s. *Hospital Insurance and Health and Social Services Administration Act*, R.S.N.W.T. 1988, c. T-3;
- t. *Hospital Insurance and Health and Social Services Administration Act*, R.S.N.W.T. (Nu) 1988, c. T-3;
- u. *Medical Care Act*, R.S.N.W.T. (Nu) 1988, c. M-8;
- v. *Health Insurance Act*, C.Q.L.R. c. A-29; and
- w. *Hospital Insurance Act*, R.S.Q., c. A-28.

Legislation

51. In addition to the statutes set out above, the plaintiffs plead *inter alia* the following, as amended, on behalf of themselves and the Class Members:

- a. *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*, 1982, c. 11;
- b. *Charter of Human Rights and Freedoms*, C.Q.L.R. c. C-12;
- c. *Civil Code of Québec*, C.Q.L.R. c.C-1991;
- d. *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C-50;
- e. *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-1 O;
- f. *Royal Canadian Mounted Police Regulations, 2014*, SOR/2014-281;
- g. *Survival of Actions Act*, R.S.A. 2000, c S-27;
- h. *The Survival of Actions Act*, S.S. 1990, c S-66.1;
- i. *Survival of Actions Act*, R.S.N.S. 1989, c 453;
- j. *Survival of Actions Act*, R.S.N.B. 2011, c 227;
- k. *Survival of Actions Act*, R.S.P.E.I. 1988, c S-11;
- l. *Survival of Actions Act*, R.S.N.L. 1990, c S-32;

- m. *Family Compensation Act*, R.S.B.C. 1996, c 126;
- n. *Fatal Accidents Act*, R.S.Y. 2002, c 86;
- o. *Fatal Accidents Act*, R.S.A. 2000, c F-8;
- p. *The Fatal Accidents Act*, R.S.S. 1978, c F-11;
- q. *Fatal Accidents Act*, S.Nu. 20 10, c 14;
- r. *The Fatal Accidents Act*, C.C.S.M. c FS0;
- s. *Family Law Act*, R.S.O. 1990, c F 3;
- t. *Fatal Accidents Act*, R.S.N.L. 1990, c F-6;
- u. *Fatal Accidents Act*, R.S.N.B. 2012, c 104;
- v. *Fatal Injuries Act*, R.S.N.S. 1989, c 163; and
- w. *Fatal Accidents Act*, R.S.P.E.I. 1988, c F-5.

Place of Trial

The plaintiffs propose that this action be tried at the City of Vancouver in the Province of British Columbia.

Date: January 11, 2021



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