S=257907
ACTION NO.
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JOHN LIND

PLAINTIFF

AND:

CITY OF VANCOUVER, VANCOUVER COASTAL HEALTH AUTHORITY AND KAI-JI ADAM LO

DEFENDANTS

Brought under the *Class Proceedings Act,* R.S.B.C. 1996, c. 50

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

(a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and

(b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

(a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and

(b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff,

(a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,

(b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,

(c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or

(d) if the time for response to civil claim has been set by order of the court, within that time.

THE PLAINTIFF'S CLAIM

Part 1: STATEMENT OF FACTS

Overview of Claim

1. On Saturday, April 26, 2025, a free community event called the Lapu-Lapu Day Block Party was held in South Vancouver to celebrate Filipino culture and history (the "**Festival**").

2. The Festival took place over several city streets, including at or near the section of East 43rd Avenue, bordered by Fraser Street on the East and George Street on the West (the "**Premises**"). Roughly 100,000 people were in attendance.

3. At approximately 8:14PM, the Defendant Kai-Ji Adam Lo, driving a black Audi SUV (the "**SUV**") unlawfully bypassed wooden barriers placed by the Defendants on East 43rd Avenue near St. George Street (the "**Unlawful Entry**"). The SUV continued along East 43rd Avenue before striking several people, killing 11 and injuring dozens more.

4. This claim relates to the Defendants' failure to identify risks posed by the Defendant Kai-Ji Adam Lo in the months and weeks leading up to the Festival. It also relates to the Defendants' negligence in planning, security and risk assessment, and incident avoidance with respect to the Festival.

The Defendants

5. The Defendant, CITY OF VANCOUVER (the "**Defendant Vancouver**"), is a municipal corporation continued under the provisions of the *Vancouver Charter*, S.B.C. 1953, c. 55, as amended, with a municipal city hall located at 453 West 12th Avenue, in the City of Vancouver, in the Province of British Columbia.

6. The Defendant Vancouver employs police officers through its municipal police force, the Vancouver Police Department (the "**VPD**"). At all material times, officers of the VPD were acting in the course of their duties on behalf of the VPD and/or as employees of the Defendant Vancouver.

7. At common law, and pursuant to 20(1)(a) of the *Police Act*, R.S.B.C.1996, c. 367 (the "*Police Act*"), the Defendant Vancouver is vicariously liable for the torts committed by the VPD and its officers.

8. The Defendant, Vancouver Coastal Health Authority (the "**Defendant VCHA**"), is a body corporate designated as the Health Authority for the Vancouver Coastal Health Region pursuant to the provisions of the *Health Authorities Act*, R.S.B.C., 1996, c. 180, as amended, and regulations thereto, with a corporate office located at 11th floor, 601 West Broadway in the City of Vancouver, B.C., and in that capacity operates various hospitals and psychiatric facilities pursuant to the provisions of the *Hospital Act*, R.S.B.C. 1996, c. 200, as amended, and regulations thereto,

9. The Defendant Kai-Ji Adam Lo (the "**Defendant Lo**"), whose occupation is unknown, resides at 2261 44th Avenue E, Vancouver, British Columbia. After the Unlawful Entry, the Defendant Lo was arrested by the VPD and was subsequently charged with 11 counts of second-degree murder pursuant to Section 231(7) of the *Criminal Code* (R.S.C., 1985, c. C-46) ("*Criminal Code*") and 31 counts of attempted murder pursuant to Section 239(1) of the *Criminal Code*.

10. At all material times, the Defendants, and each of them, owed a duty of care to the Plaintiff and Class Members.

11. At all material times, and specifically throughout the duration of the Festival and at the time the Unlawful Entry occurred, the Defendant Vancouver was an occupier as defined in the *Occupiers Liability Act,* RSBC 1996, c. 337 (the "*OLA*") of the Premises. The Defendant Vancouver was responsible for the approval, planning, security, staffing, and maintenance of the Premises during the Festival.

12. At all material times, the Plaintiff and Class Members were lawfully accessing the Premises.

The Plaintiff and Class Members

13. The Plaintiff, John Lind, has an address for delivery for this action only of 820 - 980 Howe Street, in the City of Vancouver, in the Province of British Columbia.

14. The Plaintiff attended the Festival with his family. He suffered serious injuries as a result of the Unlawful Entry.

15. As a result of the statutory breaches and/or the negligence of the Defendants, and each of them (discussed below), the Plaintiff sustained serious injuries as follows:

    a. Post-Traumatic Stress Disorder;

    b. Multiple left-sided rib fractures;

    c. Punctured spleen;

d. Punctured lung;

e. Kidney laceration; and

f. Such other injuries as shall be proven at trial.

16. The Plaintiff brings this action on his own behalf and on behalf of:

> All persons who claim physical and/or mental injuries as a result of the Unlawful Entry at the Festival, and persons entitled to maintain a claim under the *Family Compensation Act,* R.S.B.C. 1996, c. 126 ("*FCA*"), for the death of person(s) as a result of the Unlawful Entry at the Festival.
>
> (the "**Class**" or "**Class Members**").

17. The Plaintiff and Class Members have sustained injuries and damages as a result of the Defendants' negligence, all of which have caused and continue to cause the Plaintiff and Class Members pain, suffering, loss of enjoyment of life, loss of earnings, past and prospective, and loss of income earning capacity, loss of opportunity to earn income, past and prospective, or in the case of those entitled to maintain a claim under the *FCA*, harms and losses entitling them to prescribed statutory compensation.

Special Event Permitting in the City of Vancouver

18. The approval of a special event permit in the City of Vancouver involves a number of participants and phases. After determining where and when the event will occur (and whether any food or building permits etc. will be required), the event organizer must put together several plans for the event, including: a traffic management plan, transportation plan, neighbourhood impact plan and safety plan (which must include a risk assessment process, mitigation strategies, and incident responses, including for large emergencies). After paying application fees and a deposit, the application is submitted to the Defendant Vancouver and the organizer waits for a review of the application.

19. The Defendant Vancouver's Film and Special Events ("**FASE**") office reviews the application and then forwards it to the VPD's Emergency and Operational Planning Section ("**EOPS**") for an initial assessment of whether there should be a dedicated deployment of VPD officers at the event. During this stage, the EOPS may communicate with the event organizer, the Defendant Vancouver, or other members of the VPD to assess the potential for event-specific risks that may require a police deployment. The decision to provide mitigation of threats to event attendees (including vehicle barriers, etc.) is at the sole discretion of the VPD.

20. If the EOPS determines that a dedicated police deployment is required, EOPS will be in touch with FASE and the event organizer to inform them, after which EOPS begins the process of determining how many police officers are required. EOPS will

determine this based on several factors, including but not limited to the following: the event location, whether traffic will be affected, geographical considerations including ease of access, expected crowd attendance, whether the venue is fenced off, whether the event is free or ticketed, whether private security was hired, whether the organizer is experienced in running events and the time of year (nice weather usually equating with larger crowds).

21. FASE will then determine and assign a 'complexity' for the event ('Low', 'Medium', or 'High'), and if categorized as Medium or High complexity, then the oversight of the application moves to the Defendant Vancouver's Festival Expediting Staff Team ("**FEST**") Committee, which includes representatives from several Defendant Vancouver departments and agencies.

Permitting for the Festival

22. The Filipino Canadian Community & Cultural Society of BC ("**Filipino BC**") applied for, and was granted, a permit for the Festival.

23. Filipino BC submitted the application with a complexity level stated as "High", the highest possible classification for special events.

24. The Defendant Vancouver categorized the festival as "Low" complexity. Accordingly, the application for the Festival was never sent to FEST.

25. The Defendant Vancouver confirmed the use of an Incident Command Post at the Festival so that emergency responders would have a designated location to quickly mobilize resources should an issue arise.

26. No dedicated police deployment by the VPD or any other police force was scheduled to patrol the Festival.

27. The Defendant Vancouver used only wooden sawhorse-style barricades to prevent cars from accessing closed streets.

Events Prior to April 26, 2025

28. Sometime prior to April 26, 2025, the Defendant Lo was diagnosed with schizophrenia.

29. At all material times, including on the day of the Unlawful Entry, Defendant Lo was under the care of a mental health team employed by the Defendant VCHA. Despite being under the care of this team, the Defendant Lo was permitted by the Defendant VCHA to be out in public on "extended leave" from the mental health facility in which he was receiving care. "Extended leave" requires patients to follow a treatment plan that comes with various conditions, often including taking medication and having

consistent visits with mental-health professionals. Care teams have discretion to do check-ins with these patients, including through unannounced house calls.

In the two years prior to the Unlawful Entry, the Defendant Lo had been held in hospital for serious mental-health issues, including for 11 days in March 2023 and for a period of time in April 2024.

30. Despite being granted permission to be out in public on an "extended leave", the Defendant Lo demonstrated increased paranoia and worsening mental health leading up to the Festival.

31. The Defendant Lo complained about the side effects of his prescription medication, and his mental health team was concerned that if he did not take the medications as prescribed, he would be at a "high risk" of becoming mentally unstable, and of having his psychosis and delusions return.

32. The Defendant Lo was regarded as a "frequent flyer" among law enforcement agencies, including the VPD and the Richmond RCMP. In the years and months leading up to the Festival, he had a significant history of mental health interactions with various police officers and police departments, including both the VPD and Richmond RCMP. The Defendant VCHA knew about these interactions and his worsening mental health, yet they permitted him to remain on "extended leave".

33. Three months prior to the Unlawful Entry, the Defendant Lo had spent over $1,000 USD to purchase a device that can identify chemical warfare agents and toxic chemicals.

34. On April 11, 2025, roughly two weeks prior to the Festival, the Defendant Lo attended a community clinic in South Vancouver to meet his psychiatrist, who determined that the Defendant Lo's mental health appeared to be deteriorating and that his delusions appeared to be increasing. This doctor was concerned about the Defendant Lo's efforts to have his anti-psychotic medication reduced and was also worried about further deterioration of his mental health. During this appointment, the psychiatrist expressed concern that the Defendant Lo's current dosage may be insufficient to be considered therapeutic. All of this was known or knowable by the Defendant VCHA.

35. In the months leading up to the Festival, the Defendant Lo would call the police regularly about his fears that people were doing things to him and the SUV, among other concerning claims.

36. At approximately 3:00 AM on Friday, April 25, 2025 (the day before the Festival), the Defendant Lo made a phone call to the Richmond RCMP, claiming that someone had spilled chemicals into the SUV and that a virus had been installed on his dash cam. An officer employed by the Richmond RCMP spoke with the Defendant Lo on the phone but made no recommendations and conducted no further follow-up. A

brief entry was noted in the RCMP police computer system known as the Police Records Information Management Environment ("**PRIME**").

37. Just a few hours before the Unlawful Entry occurred, the Defendant Lo's declining mental health was so evident that one of his family members contacted a psychiatric facility to seek assistance.

The Defendants Knew or Ought to Have Known that the Unlawful Entry was Reasonably Foreseeable

38. Prior to the start of the Festival, the Defendant Vancouver and the VPD knew or ought to have known the following:

    a. the Festival was anticipated to be larger than the 2024 Lapu-Lapu Day Block Party, with an expanded geographical "footprint" (including use of several roadways not used in the 2024 event), and with roughly 100,000 people in attendance (twice as large as the 50,000 person event in 2024);

    b. Filipino BC had submitted the application with a complexity level stated as "High", the highest possible classification for special events;

    c. no dedicated police deployment by the VPD or any other police force was scheduled to patrol the Festival, despite the Festival's significantly increased anticipated attendance and geographical scope;

    d. despite the absence of any dedicated police deployment, the Defendant Vancouver had confirmed the use of an Incident Command Post at the Festival;

    e. despite holding the Festival on city streets which were accessible by vehicles, the Defendant Vancouver used only wooden sawhorse-style barricades (which are easy to move or to drive past or through) to prevent cars from accessing any closed streets; and

    f. incidents of vehicle incursions at public events across the globe have been on the rise over the past several years, including but not limited to incidents in 2016 (Nice, France), 2017 (London, UK), 2018 (Toronto, Canada), 2021 (Wisconsin, USA), and 2024 (Magdeburg, Germany), to name only a few.

39. Prior to the start of the Festival, based on their prior interactions and history with him, the Defendant VCHA and the VPD knew or ought to have known that the Defendant Lo was an imminent threat to himself or others.

PART 2: RELIEF SOUGHT

40. The Plaintiff claims on his own behalf and on behalf of the Class Members:

    a. An order certifying this action as a class proceeding and appointing the Plaintiff as the representative Plaintiff under the *Class Proceedings Act* [RSBC 1996] c. 50;

    b. Recovery of health care costs incurred by the Ministry of Health Services on their behalf pursuant to the *Health Care Cost Recovery Act*, S.B.C. 2008, 27, (the "***HCCRA***") and comparable legislation in the other provinces and territories;

    c. General damages;

    d. Special damages;

    e. Punitive damages;

    f. Costs for the administration of any court award or judgment obtained in this action;

    g. Interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79; and

    h. Such further and other relief this Honourable Court may deem just.

Part 3: LEGAL BASIS

41. The Plaintiff and Class Members plead and rely on the *Class Proceedings Act* [RSBC 1996] c. 50; the *Court Order Interest Act*, RSBC 1996, c 79; the *Supreme Court Civil Rules*, BC Reg 168/2009; the *Negligence Act*, RSBC 1996, c. 333; the *HCCRA*, and related enactments.

Negligence, Failure to Warn and Breach of Statutory Duties

42. As the entity primarily involved in reviewing and approving the application and granting permits for the Festival, the Defendant Vancouver was in such a close and proximate relationship to the Plaintiff and Class Members as to owe them a duty of care.

43. Particulars of the negligence and/or breaches of statutory obligations under the *OLA* on the part of the Defendant Vancouver include, *inter alia:*

    a. Failing to proactively install sufficient, or any, vehicle barriers or other barriers on the Premises, (including but not limited to Heavy Vehicle Barriers (such as dump trucks), Light Vehicle Barriers (such as vans, trucks, or police vehicles), and Mobile Vehicle Barriers) to prevent or lessen the chance of vehicle incursions, particularly given the Defendants' knowledge

of the increased frequency of and harm caused by hostile vehicle incursions at public events worldwide, and the expected number of pedestrians at the Festival;

b. Having inadequate and ineffective integrated special event planning and risk assessment processes and practices for public events;

c. Having no, or an inadequate, Hostile Vehicle Mitigation plan in place;

d. Failing to proactively use the Hazard Risk Vulnerability Tool to assess the risk of the Festival (as they had done previously for other large public events);

e. Failing to deploy any VPD officers or other police officers on the Premises prior to the Unlawful Entry, in particular near key entry and exit points;

f. Failing to formalize early safety planning procedures, including the development of integrated access and egress control plans;

g. Having inadequate and ineffective traffic management and safety plans in place;

h. Negligently conducting their risk assessment for the Festival (assessing the complexity and risk of the Festival as being "Low"), including negligent assessment of access points, the Festival site perimeter, and potential conflicts between pedestrians and vehicles;

i. Relying too heavily on risk assessment tools that focus on the absence of specific known threats (i.e. terrorism, history of security breaches at prior years events, etc.), especially given the number of pedestrians expected in attendance and their proximity to vehicles on the roadway;

j. Failing to properly train employees and volunteers in attendance at the Festival with respect to incident mitigation and on-the-ground safety;

k. Failing to use reasonable care to ensure the safety and well-being of the Plaintiff and Class Members;

l. Failing to warn the Plaintiff and Class Members of the dangers they faced when attending the Festival;

m. Failing to take other proactive measures; and

n. Such further and other particulars as may become known.

44. Particulars of the negligence on the part of the VPD include, *inter alia:*

    a. Failing to properly and adequately assess the special event permit application;

    b. Negligently determining that no dedicated police presence was needed at the Festival, despite the anticipated number of attendees and location of the Festival, the fact the VPD had approved a dedicated police deployment at over 2,200 other events in 2024 alone, and other knowledge the VPD had about the Defendant Lo;

    c. Failing to approve or recommend sufficient, or any, vehicle barriers or other barriers on the Premises (including but not limited to Heavy Vehicle Barriers (such as dump trucks), Light Vehicle Barriers (such as vans, trucks, or police vehicles), and Mobile Vehicle Barriers) to prevent or lessen the chance of vehicle incursions, given the Defendants' knowledge of the increased frequency of and harm caused by hostile vehicle incursions at public events worldwide; and

    d. Failing to arrest/detain the Defendant Lo, given their knowledge of his conduct over the past several weeks leading up to the Festival and the imminent risk of harm to himself or others that he posed.

45. Particulars of the negligence on the part of the Defendant VCHA include, *inter alia:*

    a. Failing to adequately treat the Defendant Lo given the obvious deterioration of his mental health, and/or failing to ensure that they were following up with him adequately to assess his current mental health status and the risk he posed to himself or others; and

    b. Failing to pursue the detention and/or hospitalization of the Defendant Lo (or recommend his arrest), given their knowledge of his conduct over the past several weeks leading up to the Festival and the imminent risk of harm to himself or others that he posed.

46. Particulars of the negligence on the part of the Defendant Lo include, *inter alia:*

    a. Driving the SUV past wooden barriers on the Premises, knowing that significant harm and/or death to attendees would likely result.

47. The Plaintiff and Class Members have suffered loss and damage that was a direct and foreseeable consequence of the Defendants' negligence.

Causation and Damages

48. As a result of the Defendants' negligence and the Defendants' breach of the *OLA*, the Plaintiff and class members have suffered and will continue to suffer loss and

damage. Such loss and damage was foreseeable by the Defendants. Particulars of the loss and damage suffered by the Plaintiff and class members which were caused or materially contributed to by the aforementioned acts and failures of the Defendants include:

a. Personal injury;

b. Special damages for medical expenses and out-of-pocket expenses;

c. Loss of both past and prospective income;

d. Cost of future care; and

e. In the case of those entitled to maintain a claim under the *FCA*, harms and losses entitling them to prescribed statutory compensation.

49. The conduct of the Defendants warrants a claim for punitive damages. They have conducted themselves in a high-handed, wanton and reckless manner, and without regard to public safety.

50. This case raises issues of general deterrence. A punitive damage award in this case is necessary to express society's condemnation of conduct such as the Defendants', to advance public safety and to achieve the goal of both specific and general deterrence.

Joint and Several Liability

51. The Defendants are jointly and severally liable for the actions and damages allocable to any of them.

Health Care Cost Recovery Act

52. The Plaintiff and Class Members are beneficiaries as defined in section 1 of the *Health Care Costs Recovery Act,* SBC 2008, c. 27 ("*HCCRA*"), who have received one or more health care services as defined in section 2(1) of the *HCCRA,* and have an obligation to claim for the health care services both past and in the future attributed to, in whole or in part, by the Defendants, pursuant to section 3 of the *HCCRA,* and without restricting the generality of the foregoing, the Plaintiff and Class Members specifically plead and relies upon the *HCCRA,* and amendments thereto and any subsequent enactments that may apply.

Plaintiff's address for service:	**RICE HARBUT ELLIOTT LLP** Barristers and Solicitors 820 - 980 Howe Street Vancouver, BC V6Z 0C8 **HUNTER LITIGATION CHAMBERS** 2100 – 1040 West Georgia Street Vancouver, BC V6Z 0C8
Fax number address for service:	(604) 682-0587
E-mail address for service:	service@rhelaw.com
Place of trial:	Vancouver
The address of the registry is:	800 Smithe Street, Vancouver, BC V6Z 2E1

Date: 22/Oct/2025

Signature of Counsel for the Plaintiff
(John M. Rice, K.C.; Claire E. Hunter, K.C.)
☐ Plaintiff ☒ lawyers for Plaintiff

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

A claim in negligence and breach of statutory duty with loss and damages to the Plaintiff and a class of similarly situated persons resident in Canada.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- ☒ another cause

A dispute concerning:

- ☐ contaminated sites
- ☐ construction defects
- ☐ real property (real estate)
- ☐ personal property
- ☐ the provision of goods or services or other general commercial matters
- ☐ investment losses
- ☐ the lending of money
- ☐ an employment relationship
- ☐ a will or other issues concerning the probate of an estate
- ☒ a matter not listed here

Part 3: THIS CLAIM INVOLVES:

- ☒ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☐ constitutional law
- ☐ conflict of laws
- ☐ none of the above
- ☐ do not know

Part 4:

1. *Negligence Act*, RSBC 1996, c. 333;
2. *Occupiers Liability Act*, RSBC 1996, c. 337, and amendments thereto; and
3. *Class Proceedings Act*, R.S.B.C. 1996, c. 50