Further amended pursuant to Rule 6-1(1)(b)(ii) and by order of the court on November 16, 2022.
Further amended pursuant to the Order Made After Application dated February 22, 2017
Amended pleadings filed April 12, 2012
Original pleadings filed January 5, 2012

No S120095
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

JEFFREY GEORGE EWERT

PLAINTIFF

AND:

THE ATTORNEY GENERAL OF CANADA

DEFENDANT

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

SECOND FURTHER AMENDED 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.

JUDGEMENT 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 reside anywhere in Canada, within 21 days after the date on which a copy of the filed notice of civil claim was served on you,

(b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,

(c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or

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

CLAIM OF THE PLAINTIFF

Part 1: STATEMENT OF FACTS

1. The Plaintiff was at all material times, a federal inmate at Kent Institution located in Agassiz, BC and operated by the Correctional Service of Canada. He is currently aged 60 years old.

2. The Defendant, the Attorney General of Canada is the minister of Her Majesty the Queen in Right of Canada and is named in these proceedings by virtue of *section 23* of the *Crown Liability and Proceedings Act R.B.C. 1985, c C-50.* The Defendant is liable for the unlawful acts and/or omissions of Crown employees as its servants in accordance with section 3 and section 10 of the *Crown Liability and Proceedings Act* R.S.C., 1985, c. C-50 . The Defendant's address for service is: c/o Department of Justice, 900-840 Howe Street, Vancouver V6Z 2S9.

3. On 7th January 2010, a lockdown was undertaken at Kent Institution. A lockdown refers to a decision taken by the Warden to control/restrict inmate movement. During the lockdown inmates were confined to their cells and regular institutional routines, activities and inmate movements were suspended.

4. The lockdown arose following staff concerns that a suspected ballistic threat (a "zip gun") may have been smuggled into the institution. The concern came about following receipt of an anonymous inmate letter/note alleging a zip gun had entered the institution through the personal effects recently delivered to an inmate at Kent Institution.

5. The institution was placed on lockdown status to facilitate an "exceptional" search pursuant to section 53 of the *Corrections and Conditional Release Act* ("*CCRA*"). The purpose of the s.53 search was to locate the zip gun. Although the entire institution was placed on lockdown status on 7th January, 2010, the search itself (of inmates, cells and common areas) applied only to three of the four living units at Kent Institution – Units I, II and III. As is further explained below, due to deficiencies in the planning and execution of the s.53 search that commenced on 7th January, 2010, the Warden ultimately authorized a second s.53 search to attempt to locate the zip gun. Unlike the

first s.53 search, the second s.53 search, which commenced on 11th January, 2010, applied institution-wide (i.e. inmates, cells and common areas in Units I, II, III and IV were searched). The two s.53 searches were carried out by the Pacific Region's Emergency Response Team ("ERT"), comprised of both Riot and armed Tactical Team ("TAC") members.

6. Several Situation, Mission, Execution, Administration and Communications Action Plans ("SMEAC") were drawn up by the Warden in respect of the lockdown and two s.53 searches, the first on the evening of 7th January 2010. The SMEAC plans authorized deployment of TAC members, who were armed with firearms, to provide a lethal over watch for ERT members in contact with inmates in unsearched units. TAC members were authorized to be deployed from a position at the head of the range of cells and not in or on the actual ranges. TAC members were not authorized to be present with ERT members at inmates' cell doors during cell extractions nor were they authorized to join ERT members in escorting inmates down the ranges.

7. The only use of force pre-approved by the Warden was the deployment of ERT and the application of restraints to perform cell extractions and escorting duties.

8. The first search (which applied to Units I, II and III) commenced on 7th January 2010 by way of correctional officers searching common areas. On 8th January 2010, to facilitate inmate strip-searches and the searches of inmates' cells, ERT and TAC began the cell extraction process, whereby inmates were handcuffed, removed from their cells, frisked, and then escorted to a common area to be strip-searched. Correctional staff would then search the inmates' cells while the inmates were absent from them. Contrary to the SMEAC plans, in all cases TAC members with firearms drawn accompanied the ERT onto the ranges, were present at the cell doors of each inmate during cell extractions, and escorted the inmates down their respective ranges to be strip-searched. In entering the ranges and conducting cell extractions and escorts with armed TAC members present, the ERT and TAC were operating in accordance with a common command from ERT/TAC leadership. ERT/TAC leadership knew, or was reckless or willfully blind as to whether, this command was unlawful and contrary to the Warden's SMEAC plans. Furthermore, ERT/TAC leadership knew, or was reckless or willfully blind as to whether, entering the ranges and conducting cell extractions with

armed TAC members present constituted a use of force that was threatening, intimidating and likely to harm the inmate. This routine continued through 10th January 2010.

9. The need for the second search came to light on 11th January 2010 when the Union of Canadian Correction Officers ("UCCO") raised concerns over the quality and integrity of the first set of searches after a Drug Dog Handler indicated she had not searched one of the blocks earlier in the search, which potentially compromised the entire search.

10. On 11th January 2010, following receipt of this information and after consultation with Security and UCCO representatives, the Warden authorized a second s. 53 search. The second s.53 search was of the entire institution – inmates in Units I, II, and III were cell extracted, had their cells searched and were strip-searched a second time, and inmates in Unit IV were cell extracted, had their cells searched and were strip-searched for the first time. The second s.53 search resulted in the lockdown of the institution being extended. The need for a second s.53 search was a direct result of the Defendant's failure to properly plan and execute the first s.53 search.

11. Between 12th January 2010 and 17th January 2010, cell extractions and strip-searches were performed by ERT and TAC members. Again, contrary to the SMEAC plans, in all cases TAC members with firearms drawn accompanied the ERT onto the ranges, were present at the cell doors of every inmate during extractions, and escorted the inmates down their respective ranges to be strip-searched. Again, this was done in accordance with a common command and ERT/TAC leadership knew, or was reckless or willfully blind as to whether, this command was unlawful and not in accordance with any of the Warden's SMEAC plans. Furthermore, ERT/TAC leadership knew, or was reckless or willfully blind as to whether, this command would result in a use of force that was threatening, intimidating and likely to harm the inmates.

12. On 17th January 2010, the second s.53 search was completed. No "zip gun" was ever found, though a sizable quantity of other contraband was discovered.

13. No TAC or any other person filed any use of force reports during the lockdown and s.53 searches or otherwise. Instead, the TAC team Leader submitted a daily report attesting

that the TAC members did not use any force that day, knowing, or being reckless or willfully blind as to whether, this was false.

14. Between 19th January and 22nd January 2010, the institution returned, living unit by living unit, from lockdown back to normal operational routine.

15. Over the course of the lockdown and two s.53 searches:

    (a) All inmates spent multiple days confined in their cells without being permitted any tier time, yard time, gym time or any other free/personal time out of their cells whatsoever. The number of days was common to each living unit;

    (b) All inmates spent multiple days without access to a shower. The number of days was common to each living unit;

    (c) All inmates went without access to laundry facilities for the entire duration of the lockdown and two s.53 searches;

    (d) All inmates had their visits and programs suspended and were not permitted access to a telephone (including to call legal counsel) for the duration of the lockdown and two s.53 searches;

    (e) All inmates were provided only two meals per day for the majority of the lockdown and two s.53 searches. The number of days was common to each living unit;

    (f) All inmates were subject to cell extractions in which, contrary to the Warden's SMEAC plans, TAC members with firearms drawn accompanied the ERT onto the ranges, were present at the cell doors of the inmates during extractions, and escorted the inmates down their respective ranges to be strip-searched;

    (g) All inmates were subject to a strip-search during the second s.53 search, which would not have occurred had the first s.53 search been reasonably and properly planned and/or executed; and

    (h) None of the inmates were provided a written communique advising of the reason for the lockdown and s.53 searches, the planned cellblock routines, nor of the anticipated timeframe for completion of the lockdowns and s.53 searches until January 14, 2010 (at the earliest). This, despite the fact that on January 8, 2010, Kent Institution management had provided ERT/TAC leadership printed copies of

a communique, written to inmates, advising them of the reason for the lockdown/s.53 searches and the planned cellblock routines, and had directed ERT/TAC leadership to distribute copies of the communique to inmates in the institution. ERT/TAC leadership disregarded this direction, with the result that communiques were not shared with inmates until January 14 (at the earliest).

16. For the purposes of this action, "Class Members" means all inmates at Kent Institution between January 7-January 22, 2010. "Subclass Members" means the Class Members broken down into four subclasses representing each of the four living units at Kent Institution (Unit I, II, III and IV) at the time of the lockdown and two s.53 searches.

17. The ERT and/or TAC team leadership deliberately and unlawfully used their position of power to cause damage to the Class Members. The ERT and/or TAC leadership knew (or were reckless and/or willfully blind) that they were acting unlawfully in excess of their powers and that their conduct was likely to harm the Class Members.

18. The deprivations and treatment of the Class Members, as set out in paragraph 17, were not reasonable nor necessary in the circumstances.

19. Over the course of the lockdown and two s.53 searches, Kent Institution management, including the Warden, failed to supervise and monitor the ERT and TAC team to ensure compliance with the SMEAC plans and other policy, and effectively relinquished control of the institution to ERT/TAC leadership.

20. In addition to the common treatment and common experiences of the Class Members or Subclass Members identified above, some also experienced the following:

    (a) Taunts, threats and assaults by ERT/TAC members and/or other staff, causing physical and psychological pain and suffering;

    (b) Sleep deprivation as a result of being repeatedly woken or disturbed by ERT/TAC or other staff members throughout the night, including by ERT/TAC members or staff banging objects such as riot shields against cell doors as they walked the range;

    (c) Having guns pointed directly at them, including through the food slots of their cell doors, causing anxiety and fear;

(d) Deprivation of medication, causing adverse health consequences;

(e) Damage to personal property caused by ERT/TAC members or other CSC staff during cell searches, which damage was unnecessary and avoidable;

(f) Deprivation of toiletries, including toothpaste, toilet paper and soap;

(g) Strip-search/es in the absence of adequate, or any, privacy barriers;

(h) Meals were served in an unsanitary manner, including by ERT/TAC members wearing their search gloves;

(i) Deprivation of utensils, meaning inmates had to eat their meals with their hands (which often couldn't be properly cleaned because of a lack of soap); and

(j) Other such deprivations and treatment as counsel shall advise.

21. The losses and/or treatment of some Class Members, set out in paragraph 20 above, are individual issues to be resolved after the resolution of the common issues trial.

Part 2: RELIEF SOUGHT

22. The Plaintiff claims as follows:

(a) general damages;

(b) declarations that the Class Members' or Subclass Members' ss.7, 8 and 12 *Charter* rights were breached and damages pursuant to s.24(1) of the *Charter*;

(c) aggravated damages;

(d) exemplary damages;

(e) costs;

(f) interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79 and amendments thereto; and

(g) such further and other relief as to this Honourable Court may seem just.

Part 3: LEGAL BASIS

UNLAWFUL IMPRISONMENT

23. The actions and omissions of the Defendant constitute an unlawful imprisonment because the Defendant unlawfully deprived the Plaintiff and members of the Class of their residual liberty by subjecting to them to a manner of imprisonment that was significantly different from and a more severe deprivation of liberty than ordinary imprisonment. The Plaintiff relies on the facts as stated in paragraph 15 of Part 1.

24. There is no justification for the Defendant's conduct. The Defendant acted without lawful authority. The Defendant's decisions and actions that resulted in deprivations of the Plaintiff's and the Class Members' or Subclass Members' residual liberty were unlawful.

25. No actual loss is required as a prerequisite of recovery.

NEGLIGENCE: Correctional staff

26. The Kent correctional officers are employees of Canada and owe a duty of care to the inmates of Kent Institution to take reasonable steps to ensure their safety and to protect them from foreseeable harm. This includes a duty not to act in a fashion that that puts inmates at risk of harm that was reasonably foreseeable. They are required to carry out their duties in a professional, effective manner and with due regard to the health, safety and welfare of the inmates.

27. The aforesaid staff, whose identities are not known to the Plaintiff but are known to the Defendant, were negligent in that they failed to properly conduct the first s. 53 search, thus requiring a second s. 53 search to be conducted resulting in the lockdown period and resulting conditions being extended by a prolonged period, and resulting in inmates on Units I, II and III being cell extracted, having their cells searched, and being strip-searched a second time, and inmates on Unit IV being cell extracted, having their cells searched, and being strip-searched a first time, to the detriment of the health and welfare of the Plaintiff and the other Class Members.

NEGLIGENCE: Prison Administrators

28. The prison administrators of the Kent Institution, responsible for the management and care of the Plaintiff and all other inmates, are employees of Canada. A duty of care is owed to inmates of Kent institution by the aforesaid employees including the Warden to take reasonable steps to ensure their safety and to protect them from foreseeable harm and to ensure that any decisions or actions taken which affect the inmates are carried out in a lawful and effective manner and with due regard to their health, safety and welfare.

29. In accordance with the aforesaid material facts set out in paragraphs 3 to 21, the prison administrators of Kent institution breached the duty of care owed to the Plaintiff and other Class Members in that they:

(a) failed to minimize the length of the lockdown period, including by failing to properly plan and/or supervise the first search to ensure that a second search would not be necessary;

(b) allowed the ERT/TAC to behave in an unlawful manner in excessive of the authority they had been lawfully given under the SMEAC plans without proper oversight and control;

(c) failed to supervise and monitor the ERT/TAC team activities during both the first and second *Section 53* searches to ensure compliance with policy (including Commissioner's Directive 567 (Use of Force), 567-1 (Use of Force Guideline), and 567-5 (Use of Firearms), the SMEAC plans, and law;

(d) failed to ensure that inmates were not subject to cruel, inhumane and degrading treatments contrary to section 69 of *CCRA*;

(e) failed to take all reasonable steps to ensure that the environment of the institution and the living conditions of inmates were safe, healthful and free of practices that undermine a person's sense of personal dignity as required by section 70 of *CCRA;*

(g) failed to ensure that Class Members had any access to laundry facilities over the course of the lockdown and s.53 searches

(h) failed to ensure the Plaintiff and other Class Members were provided with a reasonable period, daily or otherwise, of free/personal time out of their cells, and/or an opportunity for at least one hour of free time out of their cells daily for exercise as required by section 83 of the *Corrections and Conditional Release Regulations* SOR/ 92-620 ("*CCRR*");

(j) failed to ensure the Plaintiff and other Class Members were given reasonable access to their legal representatives, as required by section 97(3) of the *CCRR*, at the very least by telephone;

30. Particulars of the prison administrators' failures to supervise, monitor and train staff, including the ERT and TAC team, and to ensure they conducted themselves in accordance with policy (including Commissioner's Directive 567 (Use of Force), 567-1 (Use of Force Guideline), and 567-5 (Use of Firearms), includes the following:

(a) failing to ensure that any and all uses of force were conducted in accordance with the general principles stated in CD 567 (Management of Security Incidents) or the relevant institutional guideline in place during the Lockdown Period;

(b) failing to ensure that any use of force involving the use of firearms was conducted in accordance with CD 567-5 (Use of Firearms);

(c) failing to ensure all interventions were consistent with the Situation Management Model described in CD 567 or the relevant institutional guideline in place during the Lockdown Period;

(d) failing to consult with a Health Care Practitioner as it pertained to parts i, ii and iii of paragraph 19d of the Commissioner's Directive Number 567-1 (Use of Force Guideline);

(e) failing to ensure that video-recording devices, cameras and accessories were available and in working order;

(f) failing to ensure that sufficient staff were properly trained on the use of camera and video-recording procedures;

(g) failing to train CSC staff, including ERT/TAC members, on what constitutes a use of force incident;

(h) failing to train CSC staff, including ERT/TAC members, on what constitutes an excessive use of force;

(i) failing to ensure that a Health Care Practitioner offered a physical assessment to every inmate involved in the use of force incident, and examined those who consented to the physical assessment;

(j) failing to ensure that following each use of force incident, all required documents were completed by staff members present during the incident and submitted in accordance with CD 568-1 or the relevant institutional guideline in place during the Lockdown Period;

(k) failing to ensure a full review of use of force incidents were conducted in accordance with the procedures;

(l) when a planned use of force was not video-recorded from the onset, or a spontaneous use of force was not video-recorded as soon as it was possible, failing to provide a written explanation for that failure to video-record; and

(m) failing to ensure that reporting requirements outlined in paragraph 45 of the Commissioner's Directive Number 567-1 (Use of Force Guideline) were followed for each use of force incident;

31. Additionally, during the Lockdown Period, the prison administrators failed to ensure that the Class Members were provided a communique advising them of the reason for the lockdowns and s.53 searches, the planned cellblock routines, and the anticipated timeframe for completion of the lockdowns and s.53 searches, in a timely manner.

NEGLIGENCE: Emergency Response Team/ Tactical Team Leadership

32. Leadership of the ERT/TAC team are employees of Canada. They owe inmates a duty of care to take reasonable steps to ensure their safety and to protect them from foreseeable harm and to ensure any actions taken by them are taken in a lawful manner and with due regard to inmates' health, safety and welfare.

33. The ERT/TAC leadership was negligent in commanding ERT/TAC members to carry out cell extractions in a manner that would foreseeably result in harm to Class Members,

including by directing that armed TAC team members be present on the ranges for all cell extractions, contrary to the SMEAC plans. In the alternative, the ERT/TAC leadership was negligent in failing to monitor and/or supervise the ERT/TAC members to ensure they carried out cell extractions in a lawful manner and in accordance with the SMEAC plans. The ERT/TAC leadership was also negligent in failing to ensure all cell extractions were video recorded, as required by policy and/or the SMEAC plans, and in failing to ensure that the information it reported to management about uses of force by the ERT/TAC team was accurate.

MISFEASANCE IN PUBLIC OFFICE: ERT/TAC Team Leadership

34. In accordance with the aforesaid material facts set out in paragraphs 3 to 21 herein, the ERT and/or TAC team leadership committed the tort of misfeasance in public office in that they deliberately and unlawfully used their position of power to cause damage to the Plaintiff and other Class Members to whom they owed a duty of care and the ERT and/or TAC team members knew (or were reckless and/or willfully blind) that they were acting unlawfully in excess of their powers (including those authorized under the SMEAC plans) and that their conduct was likely to harm the Class Members.

THE VIOLATIONS OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

35. The Defendant's conduct violated the Plaintiff's rights and those of the other inmates under *sections 7, 8* and *12* of *Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982 ("the Charter")* and caused him and other Class Members severe harm.

36. *Section 7* of the *Charter* provides that everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. By reason of matters set out in subparagraphs 15(a), (e) (f) and (g) of Part 1, the actions of the servants/agents/employees of the Defendant deprived the Plaintiff and other Class Members of their liberty and security of person. The aforesaid actions and/or non-actions of the correctional staff were arbitrary and therefore, contrary to that principle of fundamental justice. Moreover, the aforesaid actions and/or non-actions were contrary to the principle of fundamental justice that the State be required to keep a person sentenced by the courts to imprisonment in safe and

humane custody for the duration of their sentence as reflected in sections 3 and 4 of the *CCRA*. The Defendant's failure to do comply with the law resulted in "grossly disproportionate effects".

37. Section 8 of the *Charter* provides that everyone has the right to be secure against unreasonable search or seizure. All of the Class Members (i.e. inmates in each of the four living units at Kent Institution) were subjected to the second s.53 search, during which they were subjected to cell extraction, their cells were searched and they were subjected to a strip-search. The second s.53 search was unreasonable and entirely avoidable. The Warden's decision to authorize the second s.53 search was the result of the Defendant's failure to properly plan and execute the first s.53 search.

38. Section 12 of the *Charter* provides that everyone has the right not to be subjected to any cruel and unusual treatment or punishment. By reason of matters set out in subparagraphs 15(a)-(h) in Part 1, the actions of the servants/agents/employees of the Defendant deprived the Plaintiff and other Class Members of this right.

39. Pursuant to section 24(1) of the *Charter*, the Plaintiff seeks damages as the appropriate remedy for the aforesaid violation of his *Charter* rights. All three functions of an award for *Charter* damages (namely vindication, compensation or deterrence) are engaged. A *Charter* damage award in this case is necessary to:

    (a) express society's condemnation of the Defendant's conduct;

    (b) provide an incentive to the Defendant to respect the *Charter* in the future;

    (c) advance safety in Canada's prisons by ensuring compliance with laws governing our prisons;

    (d) provide fuller compensation for the costs of successful litigation;

    (e) encourage plaintiffs to act in the public interest by bringing claims concerning flagrant *Charter* violations; and

    (f) achieve the goal of specific and general deterrence.

AGGRAVATED AND EXEMPLARY DAMAGES

40. Such conduct renders the Defendant liable to pay aggravated and exemplary damages to:

    (a) express society's condemnation of the Defendant's conduct;

    (b) provide an incentive to the Defendant to respect the *Charter* in the future;

    (c) advance safety in Canada's prisons by ensuring compliance with laws governing our prisons;

    (d) provide fuller compensation for the costs of successful litigation;

    (e) encourage plaintiffs to act in the public interest by bringing claims concerning flagrant *Charter* violations; and

    (f) achieve the goal of specific and general deterrence.

THE HARM SUFFERED

41. The unlawful conduct of the Defendant through its employees, servants and agents caused extreme harm that was common to the Class Members or Subclass Members during the two s.53 searches/lockdown period, including:

    (a) pain and suffering, including psychological and emotional harm; and

    (b) loss of residual liberty.

42. The unlawful conduct of the Defendant through its employees, servants and agents caused additional harm to some Class Members, as set out in paragraph 20 herein.

THE CLASS

43. This action is brought as a proposed class action by the named Plaintiff pursuant to the Class Proceedings Act R.S.B.C., 1996, c.50, on behalf of all inmates who were subject to the lockdown at Kent Institution from 7th January 2010 to 22nd January 2010. The number of inmates at Kent Institution during the aforesaid period is estimated to be in the region of 222 men.

44. There are questions of law and fact common to the proposed class. The claims of the Plaintiff are typical of the claims for the proposed class and the Plaintiff herein will adequately represent and protect the interests of the said proposed class.

45. Separate actions by individual members of the proposed class would create a risk of inconsistent adjudications with respect to individual members of the said class.

Plaintiff's address for service: Grace, Snowdon & Terepocki LLP
201-2622 Montrose Avenue
Abbotsford, BC V2S 3T6

Fax number address for service (if any): 604 744 1065

Place of trial: Vancouver, British Columbia

The address of the registry is: 800 Smithe Street, Vancouver, BC V6Z 2E1

Further Amended this 16th day of November 2022

Signature of [x] Lawyer for Plaintiff
Tonia Grace
Grace, Snowdon & Terepocki LLP

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 or 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 NATURE OF CLAIM:

Unlawful imprisonment, negligence, misfeasance in public office and breaches of S. 7, 8 and 12 *Charter* rights.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

[ ] a motor vehicle accident
[X] personal injury, other than one arising from a motor vehicle accident
[ ] a dispute about real property (real estate)
[ ] a dispute about personal property
[ ] the lending of money
[ ] the provision of goods or services or other general commercial matters
[ ] an employment relationship
[ ] a dispute about a will or other issues concerning the probate of an estate
[X] a matter not listed here

Part 3: THIS CLAIM INVOLVES:

[Check all boxes below that apply to this case]
[X] a class action
[ ] maritime law
[ ] aboriginal law
[X] constitutional law
[ ] conflict of laws
[ ] none of the above
[ ] do not know

Part 4:

Sections 7, 8 and 12 of the *Canadian Charter of Rights and Freedoms*