

MAR 13 2018



No. **S-183684**
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

RYAN THOMAS LETNES

PLAINTIFF

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA (ATTORNEY GENERAL), HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA (MINISTER OF JUSTICE AND SOLICITOR GENERAL), HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA (MINISTER OF JUSTICE AND ATTORNEY GENERAL), DWAYNE MCDONALD, ANTHONY HAMORI, TROY SWITZER, SCOTT SHEPPARD, CAROL BRADLEY, MAXINE SCHWARTZ, RENE BERNARD, SCOTT BECK, DAMON POOLE, MICHAEL COADY, DENNIS ESAYENKO AND JOHN DOE 1-20

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the Plaintiff(s) 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.

CLAIM OF THE PLAINTIFF

PART 1: STATEMENT OF FACTS

The Parties

1. The Plaintiff, Ryan Thomas Letnes, (the "**Plaintiff**") is an individual residing in Coquitlam, British Columbia.
2. The Defendant, Her Majesty the Queen in Right of Canada (Attorney General) represents the Federal Government of Canada (the "**Federal Crown**") and the Royal Canadian Mounted Police ("the "**RCMP**") in this action pursuant to s. 23(1) of the *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C-50. The Federal Crown's liability arises from the conduct, negligence, malfeasance and vicarious liability of the RCMP and individuals who were at all material times Federal Crown employees and agents.
3. The Defendant, Her Majesty the Queen in Right of Alberta (Minister of Justice and Solicitor General) represents the provincial government of Alberta (the "**Alberta Crown**"). The Alberta Crown's liability arises from the conduct, negligence, malfeasance and vicarious liability of individual provincial constables in the course of their duties in Alberta and/or individual who were at all material times Alberta Crown employees and agents.
4. The Defendant, Her Majesty the Queen in Right of British Columbia (Minister of Justice and Attorney General) represents the provincial government of British Columbia (the "**BC Crown**"). The BC Crown is named pursuant to ss. 11 and 21 of the *Police Act*, RSBC 1996, c 367 (the "**BC Police Act**"). The BC Crown's liability arises from the conduct, negligence, malfeasance and vicarious liability of individual provincial constables in the course of their duties in British Columbia and/or individual who were at all material times BC Crown employees and agents.

5. The Defendant, Assistant Commissioner Dwayne McDonald ("**McDonald**"), was at all material times the Officer in Charge of the RCMP detachment located in Surrey, British Columbia (the "**Surrey Detachment**").
6. The Defendant, Chief Superintendent Anthony Hamori ("**Hamori**"), was at all material times the Officer in Charge of the RCMP detachment located in Airdrie, Alberta (the "**Airdrie Detachment**") or the District Commander for the Southern Alberta District of the RCMP.
7. The Defendant, Sergeant Troy Switzer ("**Switzer**"), was at all material times the Rural Operations Non-Commissioned Officer for the Airdrie Detachment.
8. The Defendant, Chief Superintendent Scott Sheppard ("**Sheppard**"), was at all material times the Departmental National Coordinator of RCMP Relocation Services.
9. The Defendant, Superintendent Carol Bradley ("**Bradley**"), was at all material times the Operations Support Officer of the Surrey Detachment.
10. The Defendant, Superintendent Maxine Schwartz ("**Schwartz**"), was at all material times the Client Services Officer or the Operations Support Officer of Surrey Detachment.
11. The Defendant, Superintendent Rene Bernard ("**Bernard**"), was at all material times the Departmental National Coordinator of RCMP Relocation Services.
12. The Defendant, Staff Sergeant Scott Beck ("**Beck**"), was at all material times the Operations Non-Commissioned Officer of Airdrie Detachment.
13. The Defendant, Staff Sergeant Damon Poole ("**Poole**"), was at all material times the acting Officer in Charge or Operations Non-Commissioned Officer ("**NCO**") of Airdrie Detachment.
14. The Defendant, Staff Sergeant Michael Coady ("**Coady**"), was at all material times the Non-Commissioned Officer in Charge of Airdrie Detachment.
15. The Defendant, Sergeant Dennis Esayenko ("**Esayenko**"), was at all material times the Operations Support Non-Commissioned Officer of Airdrie Detachment.
16. The Defendants John Doe 1-20 are unknown individuals within the province of British Columbia or Alberta who have been directly or indirectly involved with the Plaintiff's career in the RCMP from time to time.
17. McDonald, Hamori, Switzer, Sheppard, Bradley, Schwartz, Bernard, Beck, Poole, Coady, Esayenko and John Doe 1-20 shall be collectively referred to as the "**Personal Defendants**".

Background

18. The Plaintiff has been a member of the Royal Canadian Mounted Police (the "RCMP") since October 2, 2000, and has been continuously employed with the RCMP since that time.
19. On or about September 12, 2008, the Plaintiff commenced duties at the Airdrie Detachment at the rank of Corporal, serving the role of Watch Commander for C Watch ("Watch Commander").
20. As Watch Commander, the Plaintiff commandeered all operational and administrative affairs for both the municipal and rural components of C Watch. During the fulfillment of his duties as Watch Commander, the Plaintiff observed a series of operational irregularities occurring which included, *inter alia*, the following:
 - a. supervisor *Police Reporting and Occurrence System* ("PROS") reports were being purposefully withheld from disclosure to the Crown, with many supervisor reports expressly providing that they were "Not for Disclosure";
 - b. supervisor PROS reports at the Airdrie Detachment often were highly critical of investigating members, questioned the abilities of investigators and were treated as being interpersonal grievance documents;
 - c. RCMP Form C-13 prisoner reports were intentionally and wrongfully withheld from disclosure to the Crown, and contrary to requirements failed to indicate that they were subject to disclosure;
 - d. Airdrie Detachment investigators were not expected to conduct comprehensive, impartial investigations and no standard of care was mandated by Airdrie Detachment managers;
 - e. Airdrie Detachment investigators, under orders or direction from Airdrie Detachment managers, were intentionally laying criminal charges where there were no reasonable grounds to do so; and
 - f. Esayenko, contrary to RCMP PROS policy was preparing reports in a manner that allowed for subsequent modification or deletion without record of this activity appearing in the PROS occurrence activity log.

(the "Operational Irregularities")

21. Starting in September 2008, the Plaintiff repeatedly raised his concerns regarding the Operational Irregularities with Airdrie Detachment management and requested that management investigate and address these Irregularities.
22. In the late fall of 2008, where possible, the Plaintiff began to take steps to address the Operational Irregularities on his own, which steps included but were not limited to completing electronic reports that he handled in a manner that prevented future modification and requiring those working under him to do the same.
23. In addition to the Operational Irregularities, the Plaintiff witnessed senior management of the Airdrie Detachment coercing members into laying unjustified charges by threatening sanctions or negative performance reviews (the "**Improper Charges**"). In response, the Plaintiff identified to RCMP management that numerous investigations into criminal matters were being improperly handled, resulting in the Improper Charges.
24. As set out below, as a direct result of the Plaintiff's continued insistence that the RCMP address the Operational Irregularities and Improper Charges, the Plaintiff has been subject to systemic harassment and humiliation by members of the RCMP and/or the Personal Defendants.

Interference with Authority

25. Beginning in November 2008, Esayenko began to deliberately and improperly interfere in the Plaintiff's duties as Watch Commander, which interference included but was not limited to:
 - a. issuing numerous unwarranted censures to C Watch members under the Plaintiff's command, with the purpose of undermining his authority;
 - b. acting outside of his role as Operations Support NCO by documenting the performance of C Watch members and doing so in an inaccurate manner;
 - c. improperly restricting members of C Watch under the Plaintiff's command from accessing programs required for fulfilment of their duties; and,
 - d. such further particulars as they become known to the Plaintiff.
26. The actions of Esayenko during this time period were harassing in nature as they were a calculated and deliberate attempt to undermine and embarrass the Plaintiff and to create an appearance that the Plaintiff could not fulfill the duties required of him as Watch Commander.

Demeaning Investigation

27. On or about March 2009, the Plaintiff was the subject of a public complainant investigation in response to a complaint brought by a member of the public.
28. Contrary to RCMP practice, in a direct attempt to embarrass and demean the Plaintiff, Coady assigned the investigation to a junior member who had just previously been a direct subordinate of the Plaintiff.
29. While the complaint against the Plaintiff was deemed to be unfounded, the actions of Coady in respect to the investigation were highly embarrassing and had a profound effect on the Plaintiff.

Meeting with Esayenko

30. On or about March 11, 2009, Esayenko called a meeting with the Plaintiff, during which the Plaintiff raised his concerns in relation to the Improper Charges and the harassment which he had been subject to during the preceding months ("**Esayenko Meeting**").
31. Contrary to RCMP policy, following the Esayenko Meeting, Esayenko deliberately summarized the conversation had with the Plaintiff in his official performance log, which formed part of his permanent service file, in an inaccurate manner, which summary was an intentional attempt to misrepresent the content and dynamics of the Esayenko Meeting so as to create a negative perception of the Plaintiff's competency, attitude and performance. This inaccurate summary was done for no other purpose than to harass the Plaintiff and damage his reputation within the Airdrie Detachment and the RCMP.
32. Following the Esayenko Meeting, the Plaintiff met with Coady and raised his concerns regarding the harassment that he was being subject to by Esayenko and the inaccurate performance log report. In response to this information, Coady informed the Plaintiff that because Esayenko was a more senior member of the RCMP he was unwilling to intervene.
33. The inaction of Coady in response to these complaints further exacerbated the hostile work environment experienced by the Plaintiff and added to the deterioration of his career.

The Promotion of Poole

34. On or about March 30, 2009, Poole was promoted to a supervisory position over the Plaintiff. During this period of supervision, in concert with Esayenko and Coady, Poole engaged in systemic harassment of the Plaintiff.

35. Particulars of the harassment of Poole include but are not limited to:
- a. refusing to communicate with the Plaintiff by means other than email;
 - b. beginning in May 2009, sending adversarial emails to the Plaintiff questioning his time management and utilization of RCMP policy;
 - c. on or about May 26, 2009, without seeking an explanation from or notifying the Plaintiff of any alleged issue, creating a negative performance log for the Plaintiff in relation to an absence without leave taken on May 23, 2009, and placing this negative performance log into his personnel file without advising him of same;
 - d. relying on the May 26, 2009, negative performance log in an annual review for the Plaintiff;
 - e. colluding with Coady and Esayenko to find unwarranted fault and engage in unwarranted criticism of the Plaintiff;
 - f. contrary to RCMP policy, attempting to complete an annual assessment of the Plaintiff without obtaining the signature of the Plaintiff; and,
 - g. such further particulars as they become known to the Plaintiff.

The Summer of 2010

36. In or around late 2009 or early 2010, the Airdrie Detachment and the Detachment located in Beiseker, Alberta were amalgamated into a single unit (the "**Amalgamated Unit**").
37. In or around early July 2010, a management meeting was conducted for the Amalgamated Unit, with many members being present including Esayenko and the Plaintiff. During this meeting, a disagreement arose between the Plaintiff and Esayenko in relation to how the Amalgamated Unit was to be structured.
38. On or about August 17, 2010, the Plaintiff presented his own structure plan for the Amalgamated Unit to management at the Amalgamated Unit. The plan presented by the Plaintiff was eventually accepted by the RCMP and in late summer 2010 Esayenko was informed that the plan to be implemented would be that of the Plaintiff and not his own.
39. After having his amalgamation plan rejected, Esayenko returned to his targeted harassment of the Plaintiff, which harassment included but was not limited to Esayenko serving the Plaintiff with three unfounded performance log censures documents in or around September 2010. These censure documents were served despite the fact that the Plaintiff was no longer

directly reporting to Esayenko. As such, the issuing of censure reports by Esayenko to the Plaintiff was an abuse the authority afforded to him by the RCMP.

Continuing Harassment of Esayenko and Poole

40. The ongoing campaign of systemic harassment by Esayenko and Poole continued in the Amalgamated Unit, the particulars of which include but are not limited to:
- a. on or about October 21, 2010, Esayenko ordered an improper Code of Conduct investigation into the Plaintiff's role in attending to a routine call regarding a Sudden Death on September 29, 2010 (the "2010 Code");
 - b. Poole wrongly refused to accommodate a request by the Plaintiff to have the 2010 Code investigation assigned to another qualified member;
 - c. Poole wrongly refused to recuse himself from the 2010 Code investigation despite the request of the Plaintiff to do so;
 - d. reaching unfounded negative findings against the Plaintiff in the 2010 Code investigation, which were ultimately dismissed;
 - e. disseminating negative opinions and false information about the Plaintiff to other members of the Amalgamated Unit and the RCMP in general;
 - f. such further particulars as they become known to the Plaintiff.
41. As a result of this ongoing and systemic harassment, the Plaintiff was ordered to be reassigned to the municipal component of Airdrie Detachment of the RCMP, which move was a lateral demotion which resulted in diminished career prospects, loss of reputation, and personal humiliation.

The Performance Enhancement Process and Annual Assessment

42. Following his transfer to the municipal Airdrie Detachment, in or around January 2011, the Plaintiff was wrongly placed in a performance enhancement process, a program designed to enhance the work of alleged poor performers. The Plaintiff was specifically advised that he was placed into the performance enhancement process due to the fact that he filed grievances under the *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10 (the "RCMP Act") in regards to his ongoing harassment.
43. The placement of the Plaintiff into the performance enhancement process was a continuation of the ongoing workplace harassment being inflicted upon the Plaintiff as well as an attempt to intimidate and dissuade him from filing further grievances.

44. In or around March 2011, Hamori took over command of the Airdrie Detachment. Upon review, Hamori dismissed the performance enhancement process for the Plaintiff, acknowledging that it had been implemented without cause.
45. In or around April 2011, Poole left the Airdrie Detachment and was replaced by Beck. As a result, Beck became the new direct supervisor of the Plaintiff.
46. On or about October 28, 2011, the Plaintiff received a positive and exemplary work evaluation from Beck, in which he was praised for his knowledge and skills as well as his ability to deal with other members within the RCMP.
47. Despite his positive work evaluation, in or around November, 2011, Esayenko continued to harass the Plaintiff within the Airdrie Detachment, which harassment included but was not limited to:
 - a. criticism regarding investigations conducted by the Plaintiff's direct subordinates;
 - b. setting out unwarranted concerns to Beck and demanding that the Plaintiff be required to take remedial steps regarding his direct subordinates;
 - c. making persistent complaints about the Plaintiff to Beck in an attempt to undermine their positive working relationship; and,
 - d. such further particulars as they become known to the Plaintiff.
48. As a result of this ongoing harassment by Esayenko, in or around November 2011, Beck began to be unjustifiably critical of the Plaintiff in how he was managing the affairs of his Watch and alleged complaints regarding those working under his supervision.
49. In or around March 2012, Beck completed an annual assessment in which he raised unfounded concerns, including but not limited to allegations that:
 - a. the Plaintiff failed to effectively manage his subordinates;
 - b. members under the Plaintiff's watch were subject to more complaints than other members;
 - c. the Plaintiff did not make client services a priority and failed to take professional development seriously; and,
 - d. the Plaintiff demonstrated poor inter-personal skills outside of the members of his Watch.

(the "Beck 2012 Assessment").

50. The Plaintiff requested a reconsideration of the Beck 2012 Assessment, which was undertaken by Hamori in or around July 2013 (the "**Hamori Assessment**"). In the Hamori Assessment, Hamori found that the Beck 2012 Assessment was incorrect and that the Plaintiff had met all of his employment responsibility, unit objectives and demonstrated a thorough and comprehensive understanding of criminal law, case law, RCMP policy and all operational and administrative aspects of general duty policing.

Further Improper Conduct Towards the Plaintiff

51. In or around February 2011, Esayenko and/or Switzer began to improperly track and monitor the Plaintiff's whereabouts using the GPS on the Plaintiff's mobile workstation for no other reason than to harass and intimidate the Plaintiff.
52. Also in or around February 2011, Poole and Switzer wrongly interfered with the Plaintiff's surveillance efforts in relation to a high risk sex offender who had kidnapped a child. When the Plaintiff expressed his concerns to Hamori and McGowan in relation to this interference between March 2011 and November 2012, the RCMP failed to investigate or deal with the complaint and, instead, the harassment and intimidation of the Plaintiff by Poole, Coady, Esayenko, Hamori and/or Switzer increased as a result.

The Negligent Investigation

53. On or about January 12, 2012, a member under the Plaintiff's supervision became the subject of a public complaint (the "**Public Complaint**"). While the Plaintiff was initially designated as the lead investigator of the Public Complaint, Beck took over the file and conducted his own review. On or about March 13, 2012, Beck expanded the scope his investigation to include the conduct of the Plaintiff in supervising the officer who was the subject of the Public Complaint. On or about March 16, 2012, after speaking with Beck, Hamori informed the Plaintiff that an internal investigation would take place in regards to the Plaintiff's role in the incident, even though the Plaintiff was not on shift when the alleged incident occurred (the "**Negligent Investigation**").
54. Despite being told that the Plaintiff was not on duty at the time of the alleged incident, Hamori did not correct this error and the Negligent Investigation continued.
55. In or around June 2012, the Plaintiff entered into a period of parental leave prior to any resolution of the Public Complaint. Upon his return to duty in or around November 2012, the Plaintiff reviewed the Public Complaint and discovered that the documents giving rise to the Negligent Investigation had been improperly removed from the file.
56. On or about April 25, 2017, the Plaintiff requested that Hamori provide disclosure of all relevant documentation related to the Public Complaint, including the Negligent

Investigation, pursuant to the *Access to Information Act*, RSC 1985, c A-1. The disclosure received wrongly withheld documentation and communications relating to the Negligent Investigation, including emails which had been sent to the Plaintiff during this time.

The Letter to Deputy Commissioner and Related Repercussions

57. On or about November 21, 2012, the Plaintiff submitted a without prejudice letter, in confidence to the Deputy Commissioner of the RCMP (the "**Letter**").
58. Despite the confidential nature of the Letter, it was provided to other Airdrie Detachment members, including Hamori.
59. On or about November 22, 2012, a senior member of the Alberta RCMP ordered that a thorough review take place regarding the complaints raised within the Letter.
60. On or about December 18, 2012, the Plaintiff was requested to attend a meeting with Beck and Hamori (the "**December 2012 Meeting**") to explore the concerns which had been raised in the Letter. During the December 2012 Meeting, the Plaintiff became aware that the Letter had been disseminated to management at the Airdrie Detachment without his consent. The December 2012 Meeting and dissemination of the Letter was an attempt by Hamori and Beck to intimidate and harass the Plaintiff, and to discipline him for raising concerns with the Deputy Commissioner. The RCMP even sought approval to discipline the Plaintiff as opposed to address the concerns detailed in the Letter.
61. On or about January 17, 2013, without the consent of the Plaintiff, Hamori sent an email to an uninvolved member of RCMP Health Services detailing his history with the Plaintiff, the conflict between the Plaintiff and Esayenko, the Letter and the December 2012 Meeting (the "**Improper Disclosure Email**"). There was no reason for the Improper Disclosure Email to be sent other than to harass and intimidate the Plaintiff.
62. On or around January 23, 2013, the Plaintiff commenced a period of medical leave for illness which was contributed to in part, or exacerbated by, stress relating to his work environment.
63. On or about February 12, 2013, Hamori forwarded the Improper Disclosure Email to two additional members of RCMP Health Services and discussed transferring the Plaintiff to another RCMP Detachment.
64. On or about March 11, 2013, an email was sent from Hamori to the RCMP Chief Superintendent, requesting that the Plaintiff be transferred "as soon as possible". Within this email, Hamori also discloses that the Plaintiff had sent the Letter.

65. On or about March 14, 2013, Hamori sent an email to the Plaintiff requesting that he liaise with the local Career Development & Resourcing Advisor to expedite a transfer from the Airdrie Detachment. In this email, Hamori emphasized that the Plaintiff was no longer welcome at the Airdrie Detachment by telling the Plaintiff and that he no longer had a position at the Airdrie Detachment.

The On Shift Supervision

66. On or about March 28, 2013, the Plaintiff returned to duty at the Airdrie Detachment from medical leave and at approximately 1900 hours, he attended his residence on his prescribed lunch break to administer his medication.
67. On or about March 29, 2013, Hamori sent an email to the Plaintiff advising that he had been informed that the Plaintiff had been parked outside of his residence for a lengthy period during his shift (the "**March 29th Email**").
68. In response to the March 29th Email, the Plaintiff became concerned that an unknown member of the RCMP was conducting surveillance of his house and/or whereabouts, and requested information from Hamori regarding the identity of this member. In response to this request, Hamori attempted to downplay the incident and requested that the Plaintiff begin reporting to the neighbouring Beiseker detachment until he receives a formal transfer. While Hamori attempted to describe this arrangement as an opportunity for the Plaintiff to form a more trusting relationship with his Commanding Officer, the new position was a constructive demotion as the Plaintiff no longer had any subordinates or tangible duties.
69. These incidents were further, targeted harassment of the Plaintiff, resulting in a further breakdown in the relationship between the Plaintiff and members of the Airdrie Detachment.

The Transfer

70. On or around September 4, 2015, the Plaintiff was transferred to the Surrey Detachment and commenced his duties in the Professional Standards Unit (the "**PSU**"). In this new role, the Plaintiff was to report to Bradley, the Operations Support Officer of Surrey Detachment. At the time of the transfer, the Plaintiff was designated as a medically restricted member due to poor uncorrected vision.
71. Following his transfer to the Surrey Detachment, officers from the Airdrie Detachment, including the Personal Defendants, continued to interfere with the Plaintiff's relationship with the RCMP by improperly contacting officers within the Plaintiff's chain of command in the Surrey Detachment in order to continue the targeted harassment of the Plaintiff.

72. As part of his transfer, the Plaintiff was put into contact with Sheppard, the Departmental National Coordinator of RCMP Relocation Services and assigned an RCMP Relocation Reviewer (the "**Relocation Reviewer**").
73. As part of his relocation, the Plaintiff was entitled to collect an Interim Accommodation, Meals and Miscellaneous Relocation Allowance ("**IAM&MRA**").
74. During this relocation, the Plaintiff experienced issues in finding suitable permanent accommodation. In response to these difficulties, the Plaintiff requested an extension of the IAM&MRA payments, which was subsequently denied by the Relocation Reviewer (the "**IAM&MRA Denial**").
75. In response to the IAM&MRA Denial, the Plaintiff filed a formal internal grievance regarding the conduct of the Relocation Reviewer and sent an email to Sheppard outlining his concerns. In doing so, the Plaintiff had a reasonable expectation that this grievance and related correspondence would be treated as confidential by Sheppard.
76. On or about December 22, 2015, without the consent of the Plaintiff, Sheppard advised Bradley that a grievance had been filed by the Plaintiff and provided her with the emails that he had received from the Plaintiff in relation to the grievance. Bradley was not entitled to receive this information and the sharing of this information was a deliberate privacy violation by Sheppard who through his communications to Bradley acknowledged that he was violating the Plaintiff's privacy.
77. On May 3, 2016, the grievance over the IAM&MRA Denial was resolved in favour of the Plaintiff. In lieu of ordering payment for outstanding IAM&MRA costs, the adjudicator referred the matter back to the decision-maker for re-consideration (the "**Grievance Decision**").
78. On July 14, 2016, Bernard, a member of the RCMP Relocation Services, informed the Plaintiff that he did not agree with the Grievance Decision and that he refused to pay the IAM&MRA requested. In addition, Bernard communicated with both the E Division Headquarters PSU ("EHQ PSU") and Bradley regarding the Grievance Decision and in doing so disclosed confidential information pertaining to the Plaintiff. The disclosure to EHQ PSU was made through an error of Bernard and as a result, and diminished the reputation of the Plaintiff within the EHQ PSU.
79. On August 25, 2016, the Plaintiff was issued a censure by the direction of Bradley in relation to his conduct surrounding the IAM&MRA Denial and following grievance. The information on which Bradley based this censure was disclosed without the consent of the Plaintiff, and in breach of the confidential internal grievance process.

Ongoing Harassment Following the Plaintiff's Transfer

80. On or about September 28, 2015, the Plaintiff returned to Airdrie, Alberta, to discuss a potential resolution to the concerns raised in the Letter (the "**Resolution Meeting**"). No resolution was agreed to during the Resolution Meeting, however, a proposal was put forward by the Plaintiff, which proposal was not accepted.
81. On or about February 15, 2016, in direct retaliation to the Resolution Meeting, the Plaintiff was informed that he was being transferred from the PSU and would assume a role within the Surrey Detachment Services Unit (the "**DSU**"), a clear demotion which was intended to cause the Plaintiff to resign from the RCMP.
82. Following his transfer to the DSU, officers from the Airdrie Detachment and the Surrey Detachment, including the Personal Defendants, continued to wrongly interfere with the Plaintiff's relationship with the RCMP by contacting officers within the Plaintiff's chain of command in the DSU in an attempt to continue the systemic harassment of the Plaintiff.
83. The Plaintiff raised his concerns with the transfer and, upon raising said concerns, was subject to further harassment from those members within his chain of command, which harassment was, in part, as a result of the wrongful interference and communication by officers in the Airdrie Detachment and/or other management as may be determined at trial. This harassment included but was not limited to:
- a. demands that the Plaintiff complete work activities which were outside of the Plaintiff's job duties;
 - b. continuing to deploy the Plaintiff in the DSU when there was no justification for same;
 - c. repeatedly passing the Plaintiff over for transfer from the DSU without justification; and,
 - d. such further particulars as they become known to the Plaintiff.
84. On or about September 1, 2016, the Plaintiff was placed on stress leave as a result of the conditions and harassment he was experiencing while in the DSU. The Plaintiff returned to work approximately one month later and was placed on a modified work schedule.

The Human Right Complaint and Repercussions

85. On or about August 15, 2016, the Plaintiff submitted a discrimination complaint to the Canadian Human Rights Commission as he was being precluded from promotional opportunities as a result of his medical classification and visual restrictions (the "**CHRC Complaint**").

86. On or about September 3, 2016, members of the RCMP received confirmation from the Canadian Human Rights Commission (the "CHRC") that the CHRC Complaint filed by the Plaintiff was approved for an investigation.
87. Following the issuance of the CHRC Complaint, the Plaintiff became the victim of further harassment in the workplace, the particulars of which include but are not limited to:
- a. providing undue criticism and harassment about his workplace performance;
 - b. being openly hostile to the Plaintiff;
 - c. placing unreasonable restrictions upon communication within his workplace, which restrictions were limited to the Plaintiff alone; and,
 - d. such further particulars as they become known to the Plaintiff.

The 2017 Code of Conduct Investigation

88. On or about June 15, 2017, the Plaintiff filed a formal complaint against Schwartz in relation to his unjustified transfer to the DSU and the ongoing harassment he suffered while at this unit. On or about August 9, 2017, the complaint was ordered to be subject to investigation and McDonald was informed (the "**Schwartz Investigation**").
89. On or about August 15, 2017, the Plaintiff received notice that he was being subject to a Code of Conduct investigation for contravention of Section 8.1 of the *RCMP Code of Conduct* (the "**2017 Code**"), which investigation could have resulted in his dismissal.
90. The 2017 Code was ordered by McDonald, alleging that the Plaintiff had failed to report a loss of items which he had been provided by the RCMP. The items which were the subject of the 2017 Code consisted of:
- a. oleoresin capsicum spray;
 - b. a collapsible baton;
 - c. two pistol magazines;
 - d. a RCMP patrol jacket;
 - e. an external vest carrier and two panels; and
 - f. an RCMP-issued duty belt
- (the "**Missing Items**").
91. The Plaintiff was subjected to an initial investigation by a PSU colleague who on July 8, 2017, reported the alleged missing items to McDonald. McDonald took no action regarding the alleged missing items until one month passed and he was informed of the Schwartz

Investigation. McDonald did not take action regarding the 2017 Code "without delay" as mandated by RCMP guidelines.

92. Upon receiving notice of the 2017 Code, the Plaintiff promptly provided McDonald with proof that the Missing Items were either located in his home or had been surrendered to the Airdrie Detachment in 2014. Despite clear evidence that the 2017 Code was based on mistaken fact and without merit, the investigation remains on-going. The Plaintiff has made numerous requests that the allegations within the 2017 Code Investigation be withdrawn, but these requests have subsequently been ignored or dismissed.
93. On or about September 21, 2017, the Plaintiff filed a formal harassment complaint against McDonald, alleging a multitude of managerial malfeasance, as well as a complaint of retaliation against McDonald, alleging that the 2017 Code had been ordered as retaliation against the Schwartz Investigation. The commanding officer improperly and without justification refused to action the retaliation complaint. Additionally, the commanding officer, having been in possession of the Plaintiff's harassment complaint since October 12, 2017, has wrongly refused to order an investigation into McDonald in relation to the Plaintiff.
94. On or about August 18, 2017, the Plaintiff commenced a second period of stress leave as a direct result of the 2017 Code and on-going workplace harassment.
95. On or about September 18, 2017, the Plaintiff returned to duty at the Surrey Detachment and discovered that his key card access had been disabled, locking him out in open view of the Surrey Detachment in a deliberate attempt to embarrass and humiliate him in front of his peers. Upon gaining access to the Surrey Detachment, the Plaintiff was informed that due to the conflicts surrounding the 2017 Code Investigation he was no longer welcome in the PSU office and instead was provided an empty workspace segregated from other members and was required to report to the Ridge Meadows Detachment.
96. This conduct by the management at the Surrey Detachment was intended to harass and humiliate the Plaintiff and to emphasize that the Plaintiff was no longer welcome at the RCMP.

Continue Deliberate Targeting of the Plaintiff

97. Throughout the Plaintiff's employment with the Airdrie Detachment and the Surrey Detachment, including following his transfer to the DSU, the Personal Defendants continued to engage in wrongful and harassing behavior towards the Plaintiff, which behavior includes but is not limited to:
 - a. improperly sharing confidential documents and information related to the plaintiff;

- b. improperly sharing unwarranted negative opinions of the Plaintiff;
- c. colluding with one another to harass and intimidate the Plaintiff;
- d. colluding with one another to convince the Plaintiff to resign from the RCMP;
- e. improperly targeting the Plaintiff for unwarranted criticism and sanctions; and,
- f. such further particulars as they become known to the Plaintiff.

Employment Contract

98. The Plaintiff and the Federal Crown, or in the alternative, the British Columbia Crown and the Alberta Crown (collectively, the "**Provincial Crowns**") entered into a contract of employment with the Plaintiff, on or about October 2, 2000, for the purpose of employing the Plaintiff as a general duty constable (the "**Employment Contract**").
99. As an express or implied term of the Employment Contract, the Federal Crown, and/or, in the alternative, the Provincial Crowns, was to provide a work environment free from harassing behavior and intimidation.
100. The Plaintiff faithfully and diligently performed his duties under the Employment Contract.
101. The Federal Crown and/or in the alternative the Provincial Crowns breached the express or implied terms of the Employment Contract by failing to provide a safe work environment free from harassing, intimidating and discriminatory behaviour, by allowing the conduct of the Personal Defendants to continue as alleged in paragraphs 23 to 92 above.
102. As a result of the breach of the Employment Contract by the Federal and/or Provincial Crowns, the Plaintiff has suffered loss and damages and will continue to suffer the same.

Impact on the Plaintiff

103. The harassment, humiliation, and loss of privacy suffered by the Plaintiff at the hands of members of the RCMP has had a profound impact on both his health and well-being. As a result of these acts, the Plaintiff remains limited in his position and continuously feels unwelcome and helpless in his work environment.
104. These events have also had a negative impact on the career and reputation of the Plaintiff. Prior to the harassment beginning at the Airdrie Detachment, the Plaintiff was a highly regarded member of the RCMP and regularly received praise for his leadership skills and knowledge of policy. Despite his attempts for a fresh start at different detachments, the Plaintiff remains unable to reverse the permanent damage that these acts have caused.

105. Throughout his career at the RCMP, the Plaintiff has made numerous attempts to reach out through both informal and formal processes regarding these wrongful acts, and has been unable to obtain any meaningful recourse or remedy. On the contrary, these attempts made by the Plaintiff to address these on-going issues were often improperly disclosed to other members, in breach of the Plaintiff's privacy, and have only resulted in backlash and retaliation.
106. Without limiting the generality of the foregoing, because of the conduct of the Defendants herein, the Plaintiff has suffered and continues to suffer the following injuries, including but not limited to the following:
- a. Exacerbation and/or aggravation of psychological conditions;
 - b. Exacerbation and/or aggravation of physical conditions;
 - c. Manifestation and aggravation of non-pensioned physical conditions;
 - d. Loss of career advancement opportunities;
 - e. Humiliation and loss of reputation;
 - f. Loss of income;
 - g. Loss of enjoyment of life;
 - h. Loss of privacy; and
 - i. Such further and other damages as shall be proven at a trial of this Action.

PART 2: RELIEF SOUGHT

1. Damages;
2. Punitive damages;
3. Aggravated damages;
4. Special damages;
5. Interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996 c.79; and
6. Such other relief as this Honourable Court deems just and appropriate.

PART 3: LEGAL BASIS

1. The Federal Crown and Provincial Crowns, on behalf of the RCMP and other Crown employees, and each of them or any combination of them are vicariously liable for the actions their employees, including various members of the RCMP and the Personal Defendants.
2. At all material times the Defendants owed the Plaintiff a duty of care to ensure that he worked in a safe workplace environment free of harassment and intimidation.
3. Section 124 of the *Canada Labour Code*, R.S.C. 1985, c. L-2 provides that every employer shall ensure that the health and safety of every person employed by that employer is protected.
4. The *RCMP Act*, R.S.C. 1985, c. R-10, provides:

Conduct

Purposes

36.2 The purposes of this Part are

- (a) to establish the responsibilities of members;
- (b) to provide for the establishment of a Code of Conduct that emphasizes the important of maintaining the public trust and reinforces the high standard of conduct expected of members;
- (c) to ensure that members are responsible and accountable for the promotion and maintenance of good conduct in the Force;
- (d) to establish a framework for dealing with contraventions of provisions of the Code of Conduct, in a fair and consistent manner, at the most appropriate level of the Force; and
- (e) to provide, in relation to the contravention of any provision of the Code of Conduct, for the imposition of conduct measures that are proportionate to the nature and circumstances of the contravention and, where appropriate, that are educative and remedial rather than punitive.

Responsibilities

37 It is the responsibility of every member

- (a) to respect the rights of all persons;

- (b) to maintain the integrity of the law, law enforcement and the administration of justice;
- (c) to perform the member's duties promptly, impartially and diligently, in accordance with the law and without abusing the member's authority;
- (d) to avoid any actual, apparent or potential conflict of interest;
- (e) to ensure that any improper or unlawful conduct of any members is not concealed or permitted to continue;
- (f) to be incorruptible, never accepting or seeking special privilege in the performance of the member's duties or otherwise placing the member under any obligation that may prejudice the proper performance of the member's duties;
- (g) to act at all times in a courteous, respectful and honourable manner;
and
- (h) to maintain the honour of the Force and its principles and purposes.

5. The Federal Crown and the Provincial Crowns, on behalf of the RCMP and/or the Personal Defendants, breached their duty to provide a workplace free from harassment and intimidation by failing to make a timely, prompt and appropriate or remedial response to the Plaintiff's information and formal complaints as follows:

- (a) failing to act in a prompt, timely, efficient and appropriate manner to the Plaintiff's complaints of harassment and intimidation by the Personal Defendants;
- (b) failing to act when the RCMP knew or ought to have known of the harassment, and intimidation;
- (c) failing to properly, or at all, reprimand the Personal Defendants for their actions towards the Plaintiff;
- (d) failing to properly, or at all, protect the Plaintiff from repercussions from the Personal Defendants after the Plaintiff made his informal and formal complaints about them known to the RCMP; and
- (e) failing to properly, or at all, protect the Plaintiff's privacy and information when he made his formal complaints to the RCMP.

6. The Personal Defendants willfully and without justification inflicted mental suffering upon the Plaintiff by their conduct, the particulars of which are contained in paragraphs 24 to 102 of Part 1 above.
7. In addition, or in the alternative, the Personal Defendants negligently inflicted mental suffering upon the Plaintiff by their conduct, the particulars of which are contained in paragraphs 24 to 102 of Part 1 above.
8. The Federal Crown and/or the Provincial Crowns owed a duty to the Plaintiff as a result of being the Plaintiff's employer, to act upon the Plaintiff's complaints of harassment and intimidation and not to acquiesce to the participation of the Personal Defendants.
9. In addition, or in the alternative, the Federal Crown and/or the Provincial Crowns were in the position of a fiduciary to the Plaintiff as they were in a position of discretion and power over the Plaintiff, such power that could be exercised unilaterally as to affect the Plaintiff's legal and practical interest, and the Plaintiff was vulnerable to the exercise of that power.
10. The Federal Crown and/or the Provincial Crowns breached their fiduciary duty which they owed to the Plaintiff by allowing the continuing course of harassing, intimidating and discriminatory conduct of the Personal Defendants, which conduct had been reported to the Plaintiff's superiors at the RCMP and which rendered it impossible for the Plaintiff to continue to work in dignity and without fear of such conduct continuing.
11. The Federal Crown and/or the Provincial Crowns were in a position of authority over the Personal Defendants and the Plaintiff, and had the authority and ability to control, prevent and rectify the harassing, intimidating and discriminatory behavior directed towards the Plaintiff. The Federal Crown and/or the Provincial Crown breached their fiduciary duty to the Plaintiff by failing to act and allowing the harassment and intimidation to continue by the Personal Defendants.

Plaintiff's address for service:

C. Michelle Tribe
Fraser Litigation Group
1100 – 570 Granville Street
Vancouver, BC V6C 1P3
Direct Number: 604.343.3110

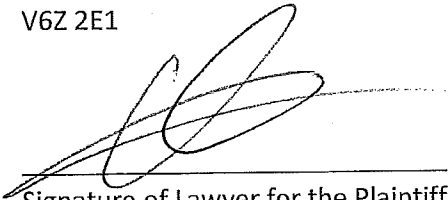
Fax number address for service (if any): 604.343.3119

E-mail address for service (if any): mtribe@fraserlitigation.com

Place of trial: Vancouver, B.C.

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

Date: 13/MAR/2018


Signature of Lawyer for the Plaintiff
Lawyer: C. Michelle Tribe

This NOTICE OF CIVIL CLAIM is prepared by C. Michelle Tribe of the firm of **Fraser Litigation Group** whose place of business is 1100-570 Granville Street, Vancouver, British Columbia, V6C 1P3 (Direct #: 604.343.3110, Fax #: 604.343.3119, Email: mtribe@fraserlitigation.com) (File #: 60311-001).

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.

Form 11 (Rule 4-5 (2))**ENDORSEMENT ON ORIGINATING PLEADING OR PETITION
FOR SERVICE OUTSIDE BRITISH COLUMBIA**

The Plaintiff, Ryan Letnes, claims the right to serve this pleading/petition on the Defendants, The Minister of Justice and the Solicitor General of Alberta, Anthony Hamori, Troy Switzer, Scott Sheppard, Rene Bernard, Scott Beck, Damon Poole, Michael Coady, Dennis Esayenko and John Doe 1-20, outside British Columbia on the ground that it concerns a tort committed in British Columbia.

APPENDIX

[The following information is provided for data collection purposes only and is of no legal effect.]

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

Workplace harassment.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

[Check one box below for the case type that best describes this case.]

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:

[Check all boxes below that apply to this case]

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

Part 4:

[If an enactment is being relied on, specify. Do not list more than 3 enactments.]

Crown Liability and Proceedings Act, R.S.C. 1985, c. C-50

Canada Labour Code, R.S.C. 1985, C. L-2

RCMP Act, R.S.C. 1985, c. R-10