

**SUPREME COURT OF NOVA SCOTIA**

**BETWEEN:**

**DR. DAVID BARNETT**

**Plaintiff**

**-and-**

**DETECTIVE CONSTABLE JENNIFER MURRAY, CONSTABLE  
SCOTT FAIRBAIRN, CONSTABLE SHAUN CARVERY,  
CONSTABLE ANGELA BALCOM, OFFICER(S) JANE/JOHN DOE  
OF HALIFAX REGIONAL POLICE, HALIFAX BOARD OF  
POLICE COMMISSIONERS, CONSTABLE ERICKA GIGUERE,  
OFFICER(S) JANE/JOHN DOE OF ROYAL CANADIAN  
MOUNTED POLICE, AND HER MAJESTY THE QUEEN IN RIGHT  
OF THE ATTORNEY GENERAL OF CANADA (THE ROYAL  
CANADIAN MOUNTED POLICE)**

**Defendants**

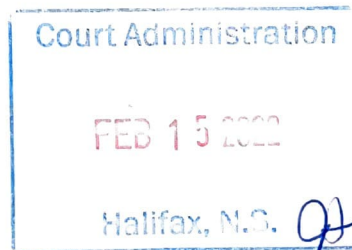
---

**NOTICE OF ACTION**

---

To:

Detective Constable Jennifer Murray  
c/o Halifax Regional Police  
1975 Gottingen Street  
Halifax, Nova Scotia  
B3J 2H1



And To:

Constable Scott Fairbairn  
c/o Halifax Regional Police  
1975 Gottingen Street  
Halifax, Nova Scotia  
B3J 2H1

And To:

Constable Shaun Carvery  
c/o Halifax Regional Police  
1975 Gottingen Street  
Halifax, Nova Scotia  
B3J 2H1

And To:

Constable Angela Balcom  
c/o Halifax Regional Police  
1975 Gottingen Street  
Halifax, Nova Scotia  
B3J 2H1

And To:

Officer(s) Jane/John Doe  
c/o Halifax Regional Police  
1975 Gottingen Street  
Halifax, Nova Scotia  
B3J 2H1

And To:

Halifax Regional Municipality  
1841 Argyle Street  
Halifax, NS  
B3J 3S1

And To:

Constable Ericka Giguere  
c/o Royal Canadian Mounted Police  
National Child Exploitation Crime Centre  
RCMP National Division  
155 McArthur Ave  
Ottawa ON  
K1A 0R4

And To:

Officer(s) Jane and/or John Doe  
c/o Royal Canadian Mounted Police  
RCMP National Division  
155 McArthur Ave

Ottawa ON K1A 0R4

And To:

Attorney General of Canada (Royal Canadian Mounted Police)  
Atlantic Regional Office  
Department of Justice Canada  
Suite 1400, Duke Tower  
5251 Duke Street  
Halifax, Nova Scotia B3J 1P3

Telephone: 902-426-3260

Fax: 902-426-2329

Email: [AGC\\_PGC\\_ARO-BRA@JUSTICE.GC.CA](mailto:AGC_PGC_ARO-BRA@JUSTICE.GC.CA)

**Action has been started against you**

The plaintiff takes action against you.

The plaintiff started the action by filing this notice with the court on the date certified by the prothonotary.

The plaintiff claims the relief described in the attached statement of claim. The claim is based on the grounds stated in the statement of claim.

**Deadline for defending the action**

To defend the action, you or your counsel must file a notice of defence with the court no more than the following number of days after the day this notice of action is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada
- 45 days if delivery is made anywhere else.

**Judgment against you if you do not defend**

The court may grant an order for the relief claimed without further notice, unless you file the notice of defence before the deadline.

**You may demand notice of steps in the action**

If you do not have a defence to the claim or you do not choose to defend it you may, if you wish to have further notice, file a demand for notice.

If you file a demand for notice, the plaintiff must notify you before obtaining an order for the relief claimed and, unless the court orders otherwise, you will be entitled to notice of each other step in the action.

**Rule 57 - Action for Damages Under \$150,000**

Civil Procedure Rule 57 limits pretrial and trial procedures in a defended action so it will be more economical. The Rule applies if the plaintiff states the action is within the Rule. Otherwise, the Rule does not apply, except as a possible basis for costs against the plaintiff.

This action is *not within* Rule 57.

### Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary of the Supreme Court of Nova Scotia, 1815 Upper Water St, Halifax, NS, B3J 1S7 (telephone # (902) 424-7968 or (902)424-8962 ).

When you file a document, you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

### Contact information

The plaintiff designates the following address:

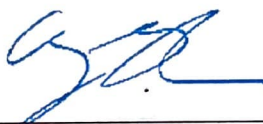
Documents delivered to this address are considered received by the plaintiff on delivery. Further contact information is available from the prothonotary.

### Proposed place of trial

The plaintiff proposes that, if you defend this action, the trial will be held in Halifax, Nova Scotia.

### Signature

Signed February 14, 2022



Signature of Counsel

### FALCONERS LLP

Barristers at Law  
10 Alcorn Avenue, Suite 204  
Toronto, Ontario  
M4V 3A9  
Tel.: (416) 964 0495  
Fax: (416) 929 8179

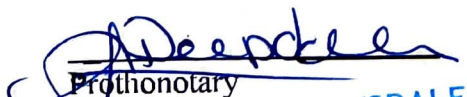
Julian N. Falconer (LSO #29465R)  
Asha James (LSO # 56817K)

Lawyers for the Plaintiff

### Prothonotary's certificate

I certify that this notice of action, including the attached statement of claim, was filed with the court on

February 15, 2022, 2022.

  
Prothonotary  
SARAH DRYSDALE  
Deputy Prothonotary



---

**STATEMENT OF CLAIM**

---

1. The Plaintiff, Dr. David Barnett, claims:
  - a) General damages in the amount of \$1,000,000.00;
  - b) Special damages in a sum to be disclosed before trial;
  - c) Punitive and/or exemplary damages in the amount of \$1,000,000.00;
  - d) Aggravated damages in the amount of \$1,000,000.00;
  - e) Damages pursuant to s. 24(1) of *the Canadian Charter of Rights and Freedoms*;
  - f) Pre-judgement interest as permissible under law
  - g) Post judgment interest pursuant to *Interest on Judgments Act*. R.S., c. 233, s. 1.
  - h) His costs of this action on a solicitor and client basis, together with HST payable pursuant to the *Excise Act*; and
  - i) Such further and other relief as this Honourable Court deems just.

**INTRODUCTION**

2. Dr. David Barnett ("Dr. Barnett") is a respected family physician who works in Dartmouth, Nova Scotia. On December 2, 2020, a team of police officers from the Halifax Regional Police ("HRP") and the Royal Canadian Mounted Police ("RCMP") entered Dr. Barnett's residence with a search warrant, and they arrested and interrogated Dr. Barnett about possession and distribution of child pornography. The identification of Dr. Barnett as a criminal suspect was an absolute error

committed by the police, based on an obvious typographical error contained in the investigation materials. The error was recognized by the officers as well as by a Justice of the Peace during a failed first attempt at obtaining a search warrant. The error was negligently ignored and diminished by the officers throughout their investigation.

3. This error led to the false arrest of Dr. Barnett and also resulted in a disciplinary investigation of Dr. Barnett by his licensing body, the temporary suspension of his license to practice medicine in Nova Scotia, the publishing of his name linked to child pornography allegations by news outlets, loss of his income and professional opportunities, damages to his professional and personal reputation, legal costs associated with his criminal defence, and other damages as outlined in this claim.

4. Furthermore, Dr. Barnett's rights as guaranteed under the *Canadian Charter of Rights and Freedoms* (the "*Charter*") were violated by the defendants during these events. The defendant officers did not have reasonable grounds to search Dr. Barnett's residence, violating his rights under s. 8 of the *Charter*. Further, the investigating officers never obtained a judicially-authorized warrant to arrest Dr. Barnett in his residence, violating his rights under s. 9 of the *Charter*.

#### **THE PARTIES**

5. The plaintiff, Dr. Barnett, was at all material times a licensed physician in Nova Scotia who practiced in hospital and community settings. Dr. Barnett lived together with his fiancée Megan Vincent ("Ms. Vincent") in Halifax. Dr. Barnett states that he was the victim of a negligent investigation, false arrest and false imprisonment and that his rights under sections 7, 8, 9 and 12 of the *Charter* were violated by the defendant police officers.

6. The defendant, Detective Constable Jennifer Murray (“Officer Murray”), was at all material times a police officer employed with and acting within her duties for the HRP. Dr. Barnett states that Officer Murray, acting individually and/or collectively with the other police defendants, committed the torts of negligent investigation, false arrest, and false imprisonment and that Officer Murray violated Dr. Barnett’s rights under sections 7, 8, 9 and 12 of the *Charter*.

7. The defendant, Constable Scott Fairbairn (“Officer Fairbairn”), was at all material times a police officer employed with and acting within his duties for the HRP. Dr. Barnett states that Officer Fairbairn, acting individually and/or collectively with the other police defendants, committed the torts of negligent investigation, false arrest and false imprisonment and that Officer Fairbairn violated Dr. Barnett’s rights under sections 7, 8, 9 and 12 of the *Charter*.

8. The defendant, Constable Shaun Carvery (“Officer Carvery”), was at all material times a police officer employed with and acting within his duties for the HRP. Dr. Barnett states that Officer Carvery, acting individually and/or collectively with the other police defendants, committed the torts of negligent investigation, false arrest and false imprisonment and that Officer Carvery violated Dr. Barnett’s rights under sections 7, 8, 9 and 12 of the *Charter*.

9. The defendant, Constable Angela Balcom (“Officer Balcom”), was at all material times a police officer employed with and acting within her duties for the HRP. Dr. Barnett states that Officer Balcom, acting individually and/or collectively with the other police defendants, committed the torts of negligent investigation, false arrest, and false imprisonment and that Officer Balcom violated Dr. Barnett’s rights under sections 7, 8, 9 and 12 of the *Charter*.



10. The defendants, HRP Officers John and Jane Doe, whose identities are unknown to the Dr. Barnett and are within the unique knowledge of the defendants, were at all material times police officers employed with and acting within their duties for the HRP. These defendants, acting individually and/or collectively with the other police defendants, committed the torts of negligent investigation and false imprisonment and violated Dr. Barnett's rights under sections 7, 8, 9 and 12 of the *Charter*.

11. The defendant, the Halifax Regional Municipality (hereafter the "Municipality") is a municipal corporation, continued pursuant to the *Halifax Regional Municipality Charter*, chapter 39 of the acts of 2008, as amended. Pursuant to the provisions of the *Police Act*, chapter 31 of the acts of 2004, as amended (the "*Act*"), and in particular sub-section. 43(1) of the *Act*, the Municipality is liable for torts committed by members of a police department which it maintains when those members are performing their duties. HRP is a police department maintained by the Municipality that falls within sub-section 43(1) of the *Act*. As such, the Municipality is liable for torts committed by the defendant HRP officers while they were performing their duties for HRP. The Municipality is further liable for breaches of the *Charter* committed by the defendant HRP officers.

12. The defendant, Constable Ericka Giguere ("Officer Giguere"), was at all material times a police officer acting within their duties for the RCMP. As such, this defendant was at all material times employed by the defendant, Her Majesty the Queen in Right of Canada (Royal Canadian Mounted Police). Dr. Barnett states that Officer Balcom, acting individually and/or collectively with the other police defendants, committed the tort of negligent investigation.



13. The defendants, RCMP Officers John and Jane Doe, whose identities are unknown to the Dr. Barnett and are within the unique knowledge of the defendants, were at all material times police officers employed with and acting within their duties for the RCMP. As such, these defendants were at all material times employed by the defendant, Her Majesty the Queen in Right of Canada (Royal Canadian Mounted Police). These defendants, acting individually and/or collectively with the other police defendants, committed the torts of negligent investigation, false arrest and false imprisonment and violated Dr. Barnett's rights under sections 7, 8, 9 and 12 of the *Charter*.

14. The defendant Her Majesty the Queen in Right of Canada (Royal Canadian Mounted Police) ("Canada") is designated as the representative of the Federal Crown, pursuant to s. 2 of the *Crown Liability and Proceedings Act*, R.S., 1985, c. C-50, s. 11990, c. 8, s. 21 ("*CLPA*"), and is liable for the actions and omissions of the Federal Crown, of Federal Departments and Ministers, and of all servants, agents, and employees of the Federal Crown. Canada is liable in tort for acts and omissions of officers and employees of the RCMP in the performance of their duties, including breaches of the *Charter*. As such, Canada is liable for the torts committed by the defendant RCMP officers.

### **THE FACTS**

15. Dr. Barnett grew up in Toronto and attended medical school at Rosalind Franklin University in North Chicago, Illinois. He subsequently completed a residency in Family Medicine at the University of Toronto. After practicing for two years in Ontario, Dr. Barnett decided to

relocate to Nova Scotia in order to provide services to residents of Dartmouth and the surrounding area through work in primary care, long term care, and hospital settings.

16. While Dr. Barnett was serving the people of Dartmouth, he was entirely unaware that a negligent and deeply flawed criminal investigation into child pornography which had no connection to him whatsoever, was beginning in North Dakota and which would, through a clear and absolute investigative error repeated by several police agencies, eventually lead to his unlawful arrest, search of his residence, and public embarrassment in Nova Scotia.

17. On or around, November 9, 2020, the United States Homeland Security (“USHS”) in North Dakota conducted a residential search of a suspected child pornography uploader. During the search, USHS discovered an online conversation on the suspected uploader’s phone indicating that a Dustin Barnett possessed and distributed another child pornography video. Dustin Barnett’s email address was clearly indicated in the conversation to be dsbarnett14@gmail.com.

18. On an unknown date, subsequent to November 9, 2020, USHS in North Dakota sends a request for information to Google for Dustin Barnett’s Gmail account. However, during this request USHS omits the “14” from the address, leaving only dsbarnett@gmail.com.

19. The resulting information provided by Google (the “Flawed Investigation Information”) therefore did not at all concern the child pornography suspect Dustin Barnett, whose email was dsbarnett14@gmail.com, but it instead was about was about the separate and unrelated user of the email address dsbarnett@gmail.com, who was Dr. Barnett.

20. USHS did not question or verify why a request was made for the unrelated email address dsbarnett@gmail.com instead of the email that was actually found in the investigation.

21. On or around November 19, 2020, USHS North Dakota sends the Investigation Information to USHS Ottawa describing “what led [them] to believe David Barnett, a Nova Scotia Family doctor is responsible of distributing child pornographic material”. The Flawed Investigation Information is summarized in this exchange (the “Summary”). The Summary includes the following information:

USHS performed a search in North Dakota and discovered that Dustin Barnett is suspected of uploading child pornography. His email is dsbarnett14@gmail.com.

Results of subpoena sent to Google:

dsbarnett@gmail.com

Name: David Barnett

Recovery email: david.barnett@nshealth.ca

Sign in phone number: (902) 448-9588

Twitter: <https://twitter.com/davsbar>

22. On or around November 19 or 20, 2020, USHS Ottawa forwards the Flawed Investigation Information and the Summary to the RCMP National Child Exploitation Crime Centre.

23. On November 20, 2020, the defendant Officer Giguere of RCMP National Child Exploitation Crime Centre reviews summary provided by USHS Ottawa as well as the Flawed Investigation Information and creates a second Summary (the “Second Summary”), the main points of which are:



Dustin Barnett, dsbarnett14@gmail.com is suspected of uploading child pornography

“Open source research on email address david.barnett@nshealth.ca leads to entity named David Barnett, Family Physician...”

24. On or around December 1, 2020, Officer Giguere or Officer Jane or John Doe of the RCMP National Child Exploitation Crime Centre contacted the HRP and RCMP joint integrated child exploitation unit in Halifax, providing the Flawed Investigation Information, the Summary, and the Second Summary.

25. The defendant, Officer Murray reviewed the Flawed Investigation Information, the Summary and the Second Summary and knew or ought to have known that the email for Dustin Barnett was not the email contained in the summary.

26. On December 1, 2020, Officer Murray conducts her own investigation which includes:

- Reviewing the pornographic material shared by Dustin Barnett;
- Reviewing the screenshots of the conversation between Dustin Barnett and the other suspected uploader in North Dakota in which the two individuals exchange pornographic material. The screenshots of this conversation, which is the source of the Flawed Investigation Information, clearly show Dustin Barnett’s name and email address as being dsbarnett14@gmail.com;
- Requesting that another officer perform open-source online searches for the following:
  - dsbarnett14@gmail.com; and
  - “David Barnett”, dsbarnett@gmail.com.



27. After locating Dr. Barnett's home and work address, Officer Murray assigned officers to surveil these locations.

28. Additionally on December 1, 2020, Officer Murray applied for an ITO to search Dr. Barnett's residence. The first ITO was denied by a JP for not providing a sufficient link between Dr. Barnett and the Investigation Information. Specifically, the JP identified a problem with the link being made between the email address that actually uploaded the pornographic content and the "Recovery Email" that belonged to Dr. Barnett.

29. Instead of conducting a thorough and proper investigation into the issue raised by the Justice of the Peace, Officer Murray simply modified the initial ITO indicating that the second email address was Dr. Barnett's recovery email for another email account and the search warrant was granted.

30. On the morning of December 2, 2020, the HRP/RCMP execute the search warrant at Dr. Barnett's residence. Dr. Barnett was arrested and taken from his apartment building in a marked police cruiser. Dr. Barnett is held in custody for approximately 4 to 6 hours and then released on a promise to appear and undertaking.

### **Information provided to the College of Physicians and Surgeons of Nova Scotia**

31. On December 4, 2020, as required by the College, Dr. Barnett and his criminal counsel advised the College of the criminal charges and provided a copy of the undertaking outlining the conditions of his release.

32. As a result of the notification to the College, Dr. Barnett's license to practice medicine was suspended by the College on December 4, 2020.

33. Sometime between December 4, 2020, and December 10, 2020, the College places a suspension announcement on its website that states the following:

“The College of Physicians & Surgeons of Nova Scotia hereby gives notice that pursuant to Section 45 of the Nova Scotia Medical Act, effective immediately December 4, 2020, an interim suspension has been placed on the license of Dr. David Barnett, pending further decision of an Investigation Committee or a Hearing Committee.”

34. On December 8, 2020, the College, at the request from the CBC provided information regarding the nature of the charges against Dr. Barnett as indicated in the criminal undertaking. On the same date the CBC published a story entitled “N.S. family doctor suspended over child porn allegations” naming Dr Barnett based on the information provided by the College.

**HRP/RCMP advised Dr. Barnett is not the subject of the investigation**

35. On January 22, 2021, the HRP/RCMP learned that an error had occurred relating to their initial identification of Dr. Barnett in the investigation.

36. On January 25, 2021, the legal proceedings against Dr. Barnett are terminated and the College reinstates Dr. Barnett's license and affirms publicly that the suspension was related to a case of mistaken identity.

37. On January 26, 2021, the HRP publish a media release entitled “Halifax Regional Police’s statement on a recent investigation”, not naming Dr. Barnett, and stating that an error was made from a partnering agency’s identification of a suspect in a child pornography investigation.

#### **LIABILITY OF THE INVESTIGATING OFFICERS**

38. The investigating officers are comprised of the defendants Murray, Fairbairn, Carvery, Balcom and Officers Jane and John Doe of the HRP and Giguere and Officers Jane and John Doe of the RCMP. The investigating officers were responsible for the entirety of the investigation into the allegations against Dr. Barnett and were responsible for the false arrest and the continuation of the baseless charges against Dr. Dr. Barnett.

#### ***False Imprisonment***

39. The plaintiff states that the defendants Murray, Fairbairn, Carvery, Balcom and Officers Jane and John Doe of the HRP and Giguere and Officers Jane and John Doe of the RCMP, individually and/or collectively falsely imprisoned Dr. Barnett by intentionally confining him in the police station, without lawful justification for the detention.

#### ***Negligent Investigation***

40. The plaintiff further states that the investigating police officers negligently investigated the information received from its partner agency regarding the identity and email address for Dustin Barnett. Further, the plaintiff states that the investigating officers ignored the clear error in email address relating to Dustin Barnett. The plaintiff states that when the investigating police officers embarked on an investigation of Dr. Barnett, they owed him a duty of care to engage in the investigation in a competent and professional manner. That duty of care was a continuing duty that



did not end until the criminal proceedings against Dr. Barnett were terminated on January 25, 2021. The plaintiff states that the investigating police officers breached the ongoing duty of care that they owed to Dr. Barnett and, accordingly, are liable for negligent investigation.

41. The plaintiff states that the harm suffered by Dr. Barnett arose as a direct result of the negligence of the investigating police officers at the pre and post arrest stages. The plaintiff states that the negligent actions and/or inactions of these defendants as plead herein each and/or collectively caused the damages to the plaintiff, a consequence these defendants knew or ought to have known would occur as a direct result of their negligence. Without restricting the generality of the foregoing, the particulars of the negligent investigation and prosecution are, *inter alia*, as follows:

- i. These defendants breached their duty of care by failing to carry out even the most rudimentary investigation before effecting arrest, and then initiating and continuing a criminal proceeding that did not have reasonable and probable grounds;
- ii. These defendants willfully ignored the differences in the email accounts of Dustin Barnett and Dr. Barnett and took no steps to ensure the accuracy of the information which had been provided to them;
- iii. These defendants failed at all material times to exercise the standard of care required by their position as police officers with the Halifax Regional Police and the RCMP; and
- iv. These defendants were incompetent to carry out the duties of police officers and lacked the reasonable care, skill, ability and training necessary to



perform the duties of a police officer, and ought not to have been assuming the responsibilities and obligations of their positions.

## **LIABILITY OF THE MUNICIPALITY**

### ***Vicarious Liability***

42. The plaintiff states that the Municipality of the Halifax is responsible for the torts and *Charter* violations of the defendant police officers, as plead aforesaid, by virtue of section 43(1) of the *Police Act*, chapter 31 of the acts of 2004, as amended.

### ***Negligent Supervision and Training***

43. In addition, the plaintiff states that the Municipality and the Chief of Police of the Halifax Regional Police and the Commissioner of the RCMP owed a duty of care to the plaintiff to ensure that the defendant police officers were properly trained for, and supervised in respect of, their duties as police officers. The plaintiff states that the Municipality, the Chief of Police and the Commissioner of the RCMP breached this standard of care and were negligent in supervising the defendant police officers. The negligent actions and/or inaction of these defendants caused injuries to the plaintiff, a consequence these defendants knew or ought to have known would occur as a result of its negligence. Without restricting the generality of the foregoing, some of the particulars of this negligence are as follows:

- (i) These defendants knew or ought to have known that the defendant police officers were insufficiently trained to be dealing with the public;
- (ii) These defendants knew or ought to have known that the defendant officers were unfit to perform duties reasonably expected of police officers;

- (iii) These defendants knew or ought to have known that the defendant officers lacked the appropriate training to carry-out the most basic and rudimentary of criminal investigations; and
- (iv) These defendants failed to ensure that the defendant police officers carried out their duties in accordance with the provisions of the *Police Services Act*.

### **DAMAGES**

44. The plaintiff states that as a direct result of the actions of the defendants, Dr. Barnett suffered a severe and profound impact to his personal and professional reputation in the City of Halifax, the province of Nova Scotia, and throughout the entire country, and was deprived of numerous opportunities to gain further employment and referrals from other doctors.

45. The plaintiff further states that as a direct result of the actions of the defendants Dr. Barnett suffered a loss of income, some of the particulars being:

- i. At all relevant times, Dr. Barnett was a licensed physician in Nova Scotia who practiced in clinical and community settings. As a result of the actions of the defendants, Dr. Barnett's license was suspended and he was unable to earn a living as a doctor.

46. The plaintiff states that the defendants are additionally liable for violations of Dr. Barnett's rights pursuant to sections 7, 8, 9, and 12 of the *Canadian Charter of Rights and Freedoms*, by virtue of the facts pleaded aforesaid.

47. In particular, the plaintiff states that contrary to section 7 of the *Charter*, Dr. Barnett was deprived of his rights to liberty and security of the person in a manner that contravened the principles of fundamental justice. The plaintiff further states that Dr. Barnett was subject to an

unreasonable search and seizure, contrary to section 8 of the *Charter*, owing to the unlawful search of Dr. Barnett's apartment. The plaintiff further states that, contrary to section 9 of the *Charter*, Dr. Barnett was arbitrarily detained as a result of the conduct of the defendants. The plaintiff further states that Dr. Barnett was subjected, contrary to section 12 of the *Charter*, to cruel and unusual treatment by virtue of the conduct of the defendants.

48. The plaintiff pleads and relies upon the *Canadian Charter of Rights and Freedoms*, in particular section 24(1), and states that the plaintiff is additionally entitled to a remedy that this Honourable Court considers appropriate and just in the circumstances.

49. By reason of the facts set out herein and in particular the highhanded, shocking, contemptuous conduct of the defendants, the plaintiff claims exemplary, aggravated and/or punitive damages.

50. The plaintiff pleads and relies upon the *Police Act*, chapter 31 of the acts of 2004, as amended and the regulations thereunder.

51. The plaintiff pleads and relies upon the *Tortfeasors Act* R.S., c. 471, s.1.

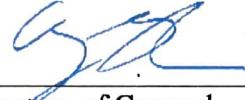
52. The plaintiff pleads and relies upon the *Criminal Code of Canada*, R.S.C. 1985, c. C-46, as amended.

53. The plaintiff pleads and relies upon the *Canadian Charter of Rights and Freedoms*.

54. The plaintiff proposes that this action be tried in the City of Halifax.

**Signature**  
Signed

February 14, 2022



---

Signature of Counsel

**FALCONERS LLP**  
Barristers-at-Law  
10 Alcorn Ave. Suite, 204  
Toronto, Ontario  
M4V 3A9

Tel.: (416) 964-0495  
Fax: (416) 929-8179

Julian N. Falconer (L.S.U.C. No. 29465R)

Asha James (L.S.U.C. No. 56817K)

Lawyers for the Plaintiff



**Dr. David Barnett**

**Plaintiff**

**- and -**

**Detective Constable Jennifer Murray et. al**  
**Defendants**

**Court File No.**

***NOVA SCOTIA***  
**SUPREME COURT OF NOVA SCOTIA**

**Proceedings commenced in HALIFAX**

**NOTICE OF ACTION**

**FALCONERS LLP**  
**Julian N. Falconer (L.S.O. #29465R)**  
**Asha James (L.S.O. #56817K)**

**Barristers-at-Law**  
**104 Syndicate Avenue North, Suite 200 Thunder**  
**Bay, ON P7C 3V7**

**Tel.: 807-622-4900**

**Fax: 416-929-8179**

**E: [julianf@falconsers.ca](mailto:julianf@falconsers.ca)**

**E: [ashaj@falconsers.ca](mailto:ashaj@falconsers.ca)**

**Lawyers for the Plaintiff**  
**Dr. David Barnett**