



No. **Court File No. VLC-S-S-165314**
Vancouver Registry

In the Supreme Court of British Columbia

BILL BENTLEY

Plaintiff

and

**ATTORNEY GENERAL OF CANADA and the
MINISTER OF JUSTICE FOR THE PROVINCE OF BRITISH COLUMBIA**

Defendant

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(s),

- (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

1. The plaintiff, Bill Bentley is a member of the RCMP, residing in Toronto, Ontario and has an address for delivery at 700 - 275 Lansdowne Street, in the City of Kamloops, in the Province of British Columbia.

2. The defendant, the Attorney General of Canada (the Federal Crown) is the defendant as a result of the acts and omissions by or on behalf of the RCMP, the Police Force, pursuant to the provisions of the *Royal Canadian Mounted Police Act* R.S.C., 1985, c. R-10 and amendments thereto and the *Crown Liability and Proceedings Act* R.S.C., 1985, c. C-50.

3. The defendant, the Minister of Justice for the Province of British Columbia (the Provincial Crown) is a defendant as a result of the acts and omissions by or on behalf of the RCMP, the Police Force, pursuant to the provisions of the *Royal Canadian Mounted Police Act* R.S.C., 1985, c. R-10 and amendments thereto or in the alternative, as a result of the acts and omissions on behalf of those members involved, all of whom are deemed to be provincial constables pursuant to the provisions of the *Police Act* R.S.B.C., 1996, c. 367 and amendments thereto and the *Crown Proceedings Act* R.S.C., 1996, c. 89 and amendments thereto.

4. The plaintiff entered into the RCMP, graduating from Depot on May 29, 2006.

5. Upon entry into the RCMP, members are required to swear an Oath of Office as follows:

"I solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the Royal Canadian Mounted Police, and will well and truly obey and perform all lawful orders and instructions that I receive, without fear, fear or affection of or toward any person so help me God."

6. Also, upon entry into the RCMP, Members are required to take an Oath of Secrecy as follows:

"Do you solemnly swear that you will keep absolutely secret all knowledge and information of which you may become possessed through your position with the Royal Canadian Mounted Police; that you will not, without authority in that behalf, discuss with members of the force, or any other person, either by word or by letter, any matter which may come to your notice through your employment with the Royal Canadian Mounted Police, so help you God."

7. Also, all members are bound by the RCMP Code of Conduct, which, in section 9.2 states as follows:

"Members abide by their duty of loyalty and refrain from making any public statements criticizing the Government of Canada or the operations or administration of the force, except where authorized by law."

8. Immediately upon graduation from Depot, the plaintiff was posted to Richmond, British Columbia, and in September of 2007, was assigned to the Vancouver International Airport, a sub-detachment of Richmond ("YVR").

9. During his tenure in Richmond and at YVR, the plaintiff was held in high regard within the RCMP, documented in a series of positive evaluations and performance logs (known by the RCMP form number 1004).

10. Throughout his career in the RCMP the plaintiff has held the rank of Constable.

OCTOBER 14, 2007

11. On October 14, 2007, the plaintiff was dispatched with three other RCMP officers from the sub detachment to the YVR international terminal after the receipt of several 911 calls reporting a male causing a disturbance within the terminal. He was subsequently identified as Robert Dziekanski

12. In the course of attempting to subdue the individual, a conducted energy weapon ("CEW"), also known as a taser, was used on a number of occasions which resulted in the death of the Mr. Dziekanski while in police custody.

13. The incident referred to above occurred in rapid succession immediately upon the arrival of the members at the international terminal. Of the four members in attendance, one was a corporal and three were constables. One of the other constables had possession of the taser. He had been fully trained and authorized to deploy the taser

14. At no time was the plaintiff involved in any manner whatsoever with either the use of the taser, a decision to use the taser, or the direction to deploy the taser.

15. Immediately following the incident, the plaintiff collected evidence at the scene, by taking civilian statements. One of the other officers, Cst. R., seized a private video immediately after the incident.

16. The incident involved the death of an individual while in police custody, and as per RCMP policy, the Integrated Homicide Investigative Team ("IHIT") were immediately engaged to investigate.

17. The three constables involved, including the plaintiff, were ordered back to the detachment by their supervising corporal. The corporal remained at YVR with the IHIT investigators.
18. On return to the detachment, the constables were attended by their staff representative ("SSR"). The SSRs are non-commissioned officers within the ranks of the RCMP who advise and represent members on a variety of internal issues within the RCMP.
19. The three constables were never alone after the incident. The plaintiff subsequently, and within a few hours of the incident, provided a statement to an IHIT investigator in what the plaintiff believed to be a "Duty to Account" statement. He was aware of the seized video prior to providing this statement
20. He subsequently gave further statements on October 18, and November 22, 2007.
21. Cst. R. provided the seized video of the incident to IHIT prior to providing his statement within hours of the incident.
22. During the month of October 2007, the plaintiff received a personal phone call of support from the Commissioner of the RCMP.
23. At the time of the incident at YVR, the plaintiff had been an operational member of the RCMP for approximately one and one half years. He was then 27 years old.
24. All four members that attended the international terminal that evening had been trained in accordance with RCMP policy and standards, in the Incident Management Intervention Model ("IMIM").
25. The plaintiff was not involved in any of the investigation of the incident after the arrival of IHIT, other than as a witness so as to provide the notes from his notebook and to provide the statements when requested.

MEDIA COVERAGE

26. IHIT has their own media representative, however, as a result of the anticipated amount of interest in the event, because it involved an in-custody death of a foreign citizen at YVR involving the use of a Taser, the media representative for IHIT contacted the media relations officer for Headquarters of E Division (British Columbia) of the RCMP.
27. In the circumstances of an ongoing investigation, the officer in charge ("OIC") of the investigation (IHIT) determines what information can be released to the media.
28. The media relations officer for E Division was, at the time, Sergeant L. Sergeant L was briefed on the extent and type of information that had been cleared by IHIT to release to the public.

29. There was immediate intense international media interest in the incident, and in the initial media interview conducted early on the morning of October 14, 2007. Some of the information provided by Sergeant L. to the media was almost immediately thereafter determined to be incorrect.

30. Sergeant L. requested that he be able to immediately correct the information initially provided. He was ordered not to by the OIC of IHIT, Inspector R.

31. By October 16, 2007, Sergeant L. had been removed as media representative for the RCMP on the YVR incident.

32. The international media interest intensified, particularly as it related to the actions of the RCMP and their use of the Taser resulting in a death.

33. In the weeks that followed, the OIC of IHIT instructed that there be no more public communication of any evidence of the incident.

34. The media coverage questioned the conduct of the four members involved and also questioned whether or not the RCMP was not engaged in a cover-up of the member's wrongful conduct.

35. The media coverage intensified even further after the 14th day of November, 2007 when the private video was released, which contradicted the uncorrected misinformation provided on the day of the incident by Sergeant L.

36. The private video was only released after several requests by the individual that had taken the video and following an application made by that individual's legal counsel.

37. Immediately following the release of the private video, the plaintiff was placed on special leave by the Officer in Charge of the Richmond detachment..

38. There was persistent growing public criticism of the RCMP, particularly the conduct of the four members involved in the incident, as well as the perceived cover-up by the RCMP with respect to their conduct.

THE AFTERMATH

39. In February 2008, the plaintiff was transferred to the 2010 Integrated Olympic Security Unit at the order of E Division senior management. Although promised meaningful work, the plaintiff was provided no tasks. He realized that this as a dumping ground for him and as a result his health worsened.

40. At his request the plaintiff was transferred to Newmarket, Ontario in May, 2008, to be closer to home for family support.

41. The IHIT investigation into the incident continued. The results of that investigation could be used to provide to the Crown to seek potential criminal charge approval and/or to initiate an internal disciplinary process pursuant to the Code of Conduct provisions provided for under the legislation and/or administrative manuals of the RCMP.

42. As a result of the RCMP's mismanagement of information to the media and their persistent refusal to set the record straight, there was increased international public perception of a cover-up of wrong doing by the members involved in the incident.

43. As a result, the plaintiff, together with the other members, was personally brought into public contempt and publicly shamed. The plaintiff was coping with the incident and also with the knowledge that he was under charge review and that there would be a public inquiry into the incident.

44. The plaintiff, as a result, sought out medical attention to deal with the psychological impact in dealing with stress, anger, anxiety, and a sleep disorder that had begun to develop and persist.

45. The internal investigation by IHIT concluded that all the members involved in the incident acted in accordance with their training and as such, had acted appropriately.

46. On or about March 13, 2008, the plaintiff met with legal counsel from the Department of Justice, as well as senior officers of the RCMP, including an Inspector from the Richmond detachment and the OIC of Employee and Management Relations for E Division, as well as a SSR. The purpose of the meeting was to discuss and prepare for the upcoming public inquiry. At this meeting, the plaintiff and the other members involved in the incident were informed that there had been no wrongdoing by them in the incident at YVR and that further, there was no conflict between them and the RCMP.

47. At this meeting, the members were advised that the Department of Justice would be jointly representing them in the inquiry and that individual lawyers for the members would not be funded.

48. The plaintiff was informed in the meeting, by the RCMP, that he was required to testify, but that there would be no jeopardy in testifying.

49. At that time, the plaintiff understood that he was still under charge review and as a result had concerns about testifying. He was advised that, regardless, he would be subpoenaed.

50. The plaintiff opposed the insistence of the RCMP that the Department of Justice's legal representative jointly represent all four members involved together with the RCMP.

51. The insistence of the plaintiff to obtain funding for individual legal representation resulted in a protracted difficult and stressful process arguing with the RCMP to obtain funding for legal representation at the inquiry.

52. On or about the month of December 2008, the Criminal Justice Branch released a report indicating that they would not be approving charges against the plaintiff or any of the other members involved. In their statement to the public, the Branch referred that the evidence as "*fell remarkably short*" for meeting charge approval.

53. In order to proceed with an internal Code of Conduct process it must be formally commenced within one year.

54. At no time did the RCMP initiate a Code of Conduct on the plaintiff regarding his conduct on October 14, 2007, nor did they against any of the other members involved in the incident.

55. The decision to not initiate a Code of Conduct proceeding against the plaintiff, or any of the other members involved, was made by the commanding officer ("CO") of E Division after opportunity for input from other senior officers in E Division.

56. The decision to not initiate any Code of Conduct proceeding against any of the members involved was a result, in part, of the results of an investigation or investigations and the belief, generally, that all of the members involved had acted appropriately and in accordance with their training.

57. On or about January 14, 2009, the plaintiff finally received approval for an independent lawyer for the commencement of the upcoming public inquiry (to become known as the "Braidwood Inquiry") which was scheduled to commence its second phase on January 19, 2009.

58. On or about the 12th of February 2009, the RCMP released a public statement stating that Tasers can kill agitated subjects. This public statement was made less than two weeks prior to the members testifying at the Braidwood Inquiry.

59. This statement had the effect of influencing the processes and public perception, that the members' use of the Taser was excessive and inappropriate, despite their findings and belief to the contrary.

60. On or about the 25th and 26th of February, 2009, the plaintiff testified at the Braidwood Inquiry.

61. Cpl. G., a RCMP Use of Force Instructor, testified at the Inquiry. He had trained the members on the use of the taser. He testified that the members had acted in accordance with their training.

62. On or about the month of March 2009, the SSR for the officers met with the CO of E Division, who was urged to publicly support the officers, given his personal knowledge of the circumstances. The response from the CO that he would not come out and publicly support the officers as he did not want to taint the process.

63. As a result of the ongoing stress of the processes, the continued public scrutiny, and the unwillingness of the RCMP to publicly support the plaintiff, or even simply provide correct facts to the public, the plaintiff's medical condition worsened. He became unable to continue working and he went on long term ODS in April, 2009.

64. On or about the month of June 2009, the Braidwood Inquiry was adjourned unexpectedly, as a result of the late disclosure by the Department of Justice, of RCMP documents.

65. Immediately following that adjournment, the plaintiff was instructed by his SSR that the Commissioner of the RCMP had ordered that no members were allowed to make any comments on the Inquiry.

66. By June of 2010, the plaintiff had been diagnosed with chronic post-traumatic stress disorder ("PTSD") and Major Depressive Disorder.

67. On or about the month of January, 2010, the Commissioner of the RCMP, in a television interview, provided inaccurate comments on Taser and Use of Force training and policy within the RCMP. These inaccuracies gave the perception to the public and to the ongoing processes, that the members involved had used inappropriate force and as such, had acted inappropriately during the incident.

68. On or about April 1, 2010, the CO of E Division publically apologized to Mr. Dziekanski's mother.

69. The timing of the apology, coming as it was more than 2 years after the incident, and yet just before the publication of the findings of the Braidwood Inquiry, had the effect of implying publically that all of the members involved in the incident were at fault

70. On or about June 18, 2010, the Braidwood Inquiry publicly released the report. The report was critical of the testimony of the four members.

71. Immediately following the release of the Braidwood Report, an adhoc prosecutor was appointed to review the findings in the Braidwood Report as they related to the testimony of the 4 members. This review resulted in charges being laid against the plaintiff and the other members for perjury in respect of their evidence given at the inquiry.

72. On or about June 19, 2010, Assistant Commissioner (E Division) M. informed the plaintiff that the RCMP had retained a senior criminal barrister to review the evidence from the inquiry and document his findings in a report. On this date, Assistant Commissioner M.

also informed the plaintiff that Assistant Commissioner G. had also conducted a review and found no wrongdoing on the part of the plaintiff.

73. The plaintiff subsequently was advised that the review, conducted by the senior criminal barrister, resulted in an opinion that the testimony of the plaintiff did not amount to perjury nor did it violate the Code of Conduct. The opinion was reviewed and signed for by then Chief Supt. C.

74. The reviews conducted by the senior criminal barrister and Superintendent G. were in addition to the previous investigations conducted by IHIT, the Justice Branch, the Department of Justice and the Ontario Provincial Police. As a result of all of these investigations, no discipline or guidance was noted, suggested or addressed.

RCMP PUBLIC CRITICISM OF THE MEMBERS

75. On or about the 22nd day of July, 2010, then Assistant Commissioner P. issued a document entitled "Organizational Response to Discipline in the YVR Matter". This document noted the findings in the Braidwood Report, stated that the decision makers in the Force were wrong, was critical of the officers responsible in E Division for not bringing a Code of Conduct against the members, and criticized the member's conduct in the incident.

76. What followed was a process to appear to the public to be effectively responding to the "Organizational Response" document referred to above.

77. It was accomplished by the use of a Performance Log, also known by its form number, 1004. The purpose of a 1004 is to note either a positive performance, or to note deficiencies and critique the member so as to provide operational guidance. The document is to be confidential to the members service file and in the case of a negative or critical 1004, the policy of the RCMP is to provide it to the member in a timely fashion after the event for which deficiencies are noted.

78. On or about the month of December 2010, the plaintiff was served with a Performance Log which was critical of the plaintiff's role in the incident of October 14, 2007 and noted a number of deficiencies.

79. The 1004 issued on the 6th day of December 2010, was more than three years after the event.

80. The precise crafted wording chosen for the 1004 involved input and/or review by the Commissioner, the Asst. Commissioner, numerous members in E Division including legal and media representatives.

81. On December 17, 2010, the plaintiff provided a rebuttal letter to the 1004 issued on December 6, 2010.

82. On December 15, 2010, following the issuance of the 1004s to the plaintiff and other members involved in the incident, the Commissioner of the RCMP provided a public statement in response to both a report from the Commission for Public Complaints (CPC) as well as the findings in the Braidwood Report. In that statement, the Commissioner described the plaintiff and the other three members involved as having “*fallen short of their duties*” of having “*acted inappropriately by meeting alone at the YVR sub detachment office*” and made several other criticisms of them.

83. On or about the 10th of February, 2011, the Commissioner released a broadcast in which the Commissioner is quoted:

"Questions have been asked about the discipline of the members involved in the October 14, 2007 incident. It is widely agreed that our members fell short in two key areas. Firstly, they resorted to force too quickly and secondly, they failed to provide a satisfactory level of care to Mr. Dziekanski. Although consideration was given to the initiation of code of conduct investigations, no such investigations were initiated. The RCMP have subsequently taken formal steps to identify areas which each of the four members who interacted directly with Mr. Dziekanski fell short in their performance and outlining requirements for them to address those deficiencies."

84. The effect of the statement of the Commissioner was to indicate to the public that the plaintiff and other members had conducted themselves inappropriately during the incident of October 14, 2007 and had been disciplined.

85. The Plaintiff requested and subsequently had the 1004 removed from his Service file.

86. On or about the 6th day of May 2011, the plaintiff was informed by counsel that he was being charged with perjury in respect of his testimony given at the Braidwood Inquiry. Without any other formal notice, it was a news story later that day.

87. On or about May 28th 2012, the Commissioner of the RCMP wrote an open letter to all Canadians. In that letter he stated:

"the RCMP has a long history of serving Canadians most of it good some of it not desirable... The not desirable is the few rotten apples you hear about on the news – who demonstrate unacceptable behavior. Sometimes this behavior is met with punishment that just does not cut it." "Unfortunately, more historical cases and cases already underway will come out and make the news." "They are the inheritance of past behaviors and attitudes."

88. On the same day the Commissioner distributed an email for national distribution to all individual members. The email was leaked to the media and reported.

89. In that email to the members, the Commissioner urges the members to; "*hang in there*" and to "*weather this storm of criticism*". From the email:

"the media are seeking and have obtained several records of decision in a number of recent and historical cases, as is their right. I expect salacious and troubling details of member misconduct to surface and be the source of much criticism of the force.There are other difficult cases as well that may get a lot of attention: The Vancouver Special O case which was extensively covered; the K Division case that saw a constable be convicted of 14 criminal charges including criminal harassment, extortion and mortgage fraud; and, the persistent matters arising from the tragic death of Mr. Dziekanski at YVR. Sadly there is a lot to choose from if you want to criticize us".

90. The above two documents issued on the same day, had the combined effect of identifying the plaintiff and other members involved in the incident on October 14, 2007, as being "*rotten apples who demonstrate unacceptable behavior*" and unnecessarily tainting the reputation and image of the RCMP.

91. On or about the 20th of August, 2015, an article was posted on the internet entitled "*Hindsight is 20/20 in the YVR case*". In that article the author reports of an interview with the then retired member who was the CO of E Division in 2007 He was quoted as having said "*I continue to be of the belief that the four members acted in accordance with their training and the policy at the time, and I never saw any indication that they committed perjury.*" When asked why he did not comment publicly, the response was that "*it wouldn't have been appropriate.*"

PERJURY CHARGE, HEALTH SERVICES

92. The perjury charges against the Plaintiff proceeded to trial from June 10th to June 27th 2013.

93. The plaintiff was acquitted on July 29, 2013.

94. The Crown appealed the acquittal on August 29, 2013 and the acquittal was upheld on June 5, 2015.

95. From 2009 onward and throughout the trial process, the plaintiff was ODS. From 2010 onward, and more particularly during the actual trial, the Health Services section of the RCMP began harassing the plaintiff about a "Employer Mandated Medical Assessment".

96. Health Services oversees the delivery of health care for members, approves funding and assesses the fitness of members for service. Throughout his ODS the plaintiff was

treated by independent health care professionals who regularly provided reports, as required, to Health Services.

97. The plaintiff complained about Health Services treatment of him and his health file on an number of occasions through his SSR, specifically unprofessional and harassing incidents with Dr. F., a Health Services staff psychologist.

98. Dr. F. had “ordered” an independent medical examination ("IME") of the plaintiff by a psychologist to determine whether the plaintiff “*had in fact the capacity and motivation to exercise the judgement and impulse control required to use the minimum amount of force necessary to stabilize a volatile situation*”

99. Dr. F. prepared a forwarding letter to be delivered to the IME doctor.

100. The letter was prepared without discussion, consultation, or input from the plaintiff. The letter was filled with incorrect, misleading and prejudicial information which would have the effect of seriously prejudicing the plaintiff and could bias the reader of the letter, including:

- (a) That he gathered information about the plaintiff from what he described as “open sources” including Wikipedia;
- (b) That the four members involved had been issued Notices of Misconduct
- (c) That the incident resulted in questions about the inappropriate use of force and or a failure to adequately assess and act upon the situation
- (d) There was no mention of the separate roles of the four members involved, or that the plaintiff was not personally involved in the application of any use of force nor was he a decision maker in the process;
- (e) That the reader of the letter is likely already familiar through media coverage with the background to the plaintiff’s absence from the RCMP.

101. The plaintiff complained to his SSR about the conduct of Dr. F. The SSR attended the IME with the plaintiff to ensure that Dr. F’s factual errors and misrepresentations in the referral letter were corrected.

102. Dr. F. subsequently informed the SSR in a rude and unprofessional manner that he would not move the plaintiff’s medical profile number if the plaintiff did not “own his actions”.

103. The medical profile number can heavily impact the plaintiff's return to work and his future career with the RCMP.

104. The interaction with the Dr. F, both directly and through his representative, (SSR) caused significant stress and anxiety for the plaintiff. As a Health Services psychologist, Dr. F holds significant powers in regards to the plaintiff's career. The letter is retained in his medical file and could create a future bias and compromise the plaintiff's future.

105. The plaintiff has filed a complaint regarding the conduct of Dr. F.

106. Since on or about the month of September 2015, the plaintiff has been yet unsuccessful in attempting to return to active duty via the Graduated Return to Work program ("GRTW"). The delay in contact with the plaintiff by members responsible and the promises broken in the process to date have been inordinate, all of which is further frustration and stress for the plaintiff..

CONDUCT OF THE RCMP AND MEMBERS OF THE RCMP

107. The conduct of those members of the RCMP involved in compiling and approving the information to be released in the initial media conference held by Sgt. L. was in breach of their duty to take all reasonable steps to confirm the accuracy of the information prior to providing it to Sgt. L. and their further duty to immediately correct any inaccuracies and/or misinformation once found.

108. Those members involved and referred to above knew or ought to have known that any uncorrected misinformation or inaccuracies in reporting to the public on the conduct of the plaintiff and three others involved in the incident at YVR would bring the plaintiff and the others into public criticism and contempt.

109. The decision by Insp R. and or/other senior member of the RCMP to refuse to allow the misinformation and/or inaccuracies to be corrected together with the immediate removal of Sgt. L. as media spokesman and the subsequent order to not discuss any of the known evidence with the media, foreseeably, resulted in immediate public criticism of the conduct of the plaintiff and the other three members and further that the RCMP was attempting to cover up their now perceived inappropriate conduct that night.

110. The conduct of those members above referred to is a breach of the provisions of the policies and procedures of the RCMP, the provisions of the Administrative Manuals and/or constitutes the common law tort of negligent or intentional infliction of mental suffering.

111. The conduct of the RCMP and members of the RCMP as stated herein both immediately following the events of October 14, 2007 and in the ensuing years, by:

- (a) not publically supporting the plaintiff when they knew or ought to have known that at all times that he had acted on October 14, 2007 in accordance with his training and then existing RCMP policy;
- (b) not publically distinguishing the respective roles of the plaintiff and three others in the October 14, 2007, when they knew or ought to have known that at all times that plaintiff was not involved in any aspect in the use of the Taser;
- (c) not subsequently correcting the misinformation or inaccuracies reported on October 14, 2007;
- (d) making public statements highly critical of the plaintiff's conduct, when they knew or ought to have known that at all times that he had acted on October 14, 2007 in accordance with his training and then existing RCMP policy; and
- (e) making public statement that the plaintiff had been disciplined for his involvement in the incident of October 14, 2007, when they knew or ought to have known that he had at all times acted on October 14, 2007 in accordance with his training and then existing RCMP policy.

was either intended to, or allowed the plaintiff to become a "scapegoat" for the public criticism of the RCMP with respect to the incident of October 14, 2007.

112. The conduct of the RCMP and members of the RCMP described in the aforementioned paragraph constitutes a breach of the provisions of the Administration Manual and/or constitutes the common law tort of intentional or negligent infliction of mental suffering.

113. Throughout the ordeal from October 14, 2007, the plaintiff has been a loyal member of the RCMP and has been prevented from publically defending himself to the wrongful allegations about him both by the RCMP and the media as a result his oaths and orders received by superior officers.

114. Trust in your fellow officers is a critical component for the safe and effective performance of their duties.

115. The conduct of members of RCMP, as described herein throughout Part 1, has undermined the trust that members of the RCMP had in the Plaintiff and also undermined the trust that the Plaintiff had in other members to back him up when required and also undermined the trust that the Plaintiff had in his supervisors to treat him fairly and protect his safety in the performance of his duties.

116. As a front line member of the RCMP, the trust that the public has in the plaintiff is, as well, a critical component for the safe and effective performance of his duties. The effective of the extremely critical, persistent, national and international reporting of the

plaintiff's involvement in the incident at YVR and subsequent perjury charge has compromised his effective career in the RCMP. His name and image are well known to the public and associated with highly critical comments about him made by the RCMP.

117. The RCMP and each of its members have a duty to provide a safe and suitable work environment for its members free from harassment and other improper allegations.

118. The Administration Manual of the RCMP defines harassment as:

“any improper behavior by a person that is directed at, and is offensive to, another employee and which the person knew or ought to reasonably have known would be unwelcome. It comprises objectionable conduct, comment or display made on either a one time or continuous basis that demeans, belittles or causes humiliation or embarrassment to an employee”.

119. The Administration Manual goes further in defining harassment to include:

“Abuse of authority which is the improper use of power and authority to endanger, undermine, threaten, interfere with, or influence an employee's job, the performance of that job, the economic livelihood of that employee, or the employee's career. It can include intimidation, threats, blackmail, or coercion.”

120. The conduct of members of the RCMP, including Health Services and in particular Dr. F, and as described throughout Part 1, described herein were intimidating and bullying and as such was harassment within the description provided in the Administration Manual

121. The core values of the RCMP are engrained in every member and are; "honesty, integrity, professionalism, compassion, accountability and respect (also known as HIPCAR)".

122. These core values express duties owed by the RCMP and its members to the public and to one another, as employees of the RCMP.

123. The conduct of members of the RCMP, including Health Services and in particular Dr. F., and as described throughout Part 1 described herein, are breaches and/or violations of the core values of the RCMP.

124. As a direct and foreseeable consequence of the negligent conduct of the Defendants, as described herein, the Plaintiff has suffered permanent and irreparable harm including extreme embarrassment, loss of reputation, extreme stress resulting in disabling psychological and physical injury, personal expense and financial loss and he will continue so to suffer.

125. As a result of the negligent conduct of the Defendant, the Plaintiff's career with the RCMP has been effectively destroyed and any other future career path seriously and adversely affected.

PART 2: RELIEF SOUGHT

1. General damages;
2. Special damages;
3. Past loss of income;
4. Future loss of income;
5. Diminished loss of earning capacity;
6. Loss of future pension benefits;
7. Aggravated and/or punitive damages;
8. Interest pursuant to the Court Order Interest Act, R.S.B.C. 1996, c. 79 to the date of Judgment or date of payment, whichever is the sooner;
9. Costs; and
10. Such further and other relief as this Honourable Court may deem meet and just.

PART 3: LEGAL BASIS

1. By virtue of the provisions of the *Police Act* and an agreement between the Federal and Provincial Crowns, the Provincial Crown is vicariously and/or statutorily liable for the negligence of any and all members of the RCMP within British Columbia.
2. The Provincial Crown is otherwise vicariously liable for the negligence of the RCMP, its employees, and/or agents in British Columbia involved in matters described herein.
3. The Plaintiff further claims that the Federal Crown and the Provincial Crown, on behalf of the RCMP, and each of them, or one or the other, or any combination thereof are vicariously liable for the actions of any members of the RCMP involved in matters described herein.
4. The Defendants are under a duty to comply with the terms of the RCMP Act and regulations as well as the stated policies of the RCMP expressed in the Administration Manuals or otherwise.

5. It is a term of the Administration Manual of the RCMP that each member has the right to have any incident of harassment dealt with in a prompt, fair, confidential, impartial and sensitive manner, without fear of retaliation.
6. It is a term of the Administration Manual that Commanders/Supervisors are responsible for the prevention of harassment and are to act promptly to protect all complainants from intimidation or reprisal.
7. The core values express duties owed by the RCMP and its members to the public and to one another as employees of the RCMP.
8. The conduct of the RCMP and members of the RCMP as set out herein, constitutes harassment contrary to the Administration Manual of the RCMP and/or negligent and/or intentional infliction of mental suffering and/or breaches of the duties set out in the core values of the RCMP.
9. It was a direct and foreseeable consequence of the negligent conduct of the RCMP and members of the RCMP, either individually, or in combination, that the plaintiff would sustain severe psychological injury.

Plaintiff's address for service:

Mair Jensen Blair LLP
Barristers & Solicitors
700 – 275 Lansdowne Street
Kamloops, BC V2C 6H6
Fax number address for service (if any): N/A
E-mail address for service (if any): N/A

Place of trial: Vancouver, BC

The address of the registry is:

800 Smithe Street
Vancouver, BC V6Z 2E1
Phone: 604.660.2853
Fax: 604.660.0623

Dated: _____

June 10 / 16



J. BARRY CARTER

Signature of *For:*

plaintiff lawyer for plaintiff

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

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.

APPENDIX

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

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

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

Part 3: THIS CLAIM INVOLVES:

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

Part 4: *Royal Canadian Mounted Police Act*
Crown Liability and Proceedings Act
Police Act