

S-186976

**SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY**

NO.  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

JUN 20 2018  
BETWEEN:



**TANYA HAYES, ELLA SOPHIA HAYES, an infant by her  
Litigation Guardian TANYA HAYES, JACK ALEXANDER  
HAYES an infant by her Litigation Guardian TANYA HAYES,  
and SOPHIE ELIZABETH HAYES an infant by her Litigation  
Guardian TANYA HAYES AS PERSONS ENTITLED TO  
ADVANCE A CLAIM ARISING FROM THE DEATH OF JASON  
JEROME GREENWOOD, Deceased.**

PLAINTIFFS

AND:

**EXTREME AIR PARK INC.,  
EXTREME AIR PARK 2 LTD., EXTREME AIR PARK 3 LTD.,  
EXTREME AIR PARK 4 LTD., JOHN DOE and 14380  
TRIANGLE ROAD INVESTMENTS LTD.**

DEFENDANTS

**NOTICE OF CIVIL CLAIM**

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

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

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the Plaintiff.

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

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the Plaintiff and on any new parties named in the counterclaim.

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

**TIME FOR RESPONSE TO CIVIL CLAIM**

20JUN18 1313377 R195  
21422 5186976

200.00

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

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

- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

## CLAIM OF THE PLAINTIFFS

### Part 1: STATEMENT OF FACTS

#### The Parties

1. The Plaintiff Tanya Hayes has an address for delivery of 1010 - 570 Granville Street in the City of Vancouver, in the Province of British Columbia.
2. The Plaintiff Ella Sophia Hayes, an infant, has an address for delivery of 1010 - 570 Granville Street in the City of Vancouver, in the Province of British Columbia.
3. The Plaintiff Jack Alexander Hayes, an infant, has an address for delivery of 1010 - 570 Granville Street in the City of Vancouver, in the Province of British Columbia.
4. The Plaintiff Sophie Elizabeth Hayes, an infant, has an address for delivery of 1010 - 570 Granville Street in the City of Vancouver, in the Province of British Columbia.
5. The Plaintiffs Tanya Hayes, Ella Sophia Hayes, Jack Alexander Hayes, and Sophie Elizabeth Hayes are collectively the Plaintiffs (the "Plaintiffs").
6. The Defendant, EXTREME AIR PARK INC., (the "Defendant Extreme Park 1") is a company incorporated under the law of British Columbia, with a registered office at 14380 Triangle Road, Richmond, British Columbia.
7. The Defendant, EXTREME AIR PARK 2 INC., (the "Defendant Extreme Park 2") is a company incorporated under the law of British Columbia, with a registered office at 14380 Triangle Road, Richmond, British Columbia.
8. The Defendant, EXTREME AIR PARK 3 INC., (the "Defendant Extreme Park 3") is a company incorporated under the law of British Columbia, with a registered office at 14380 Triangle Road, Richmond, British Columbia.

9. The Defendant, EXTREME AIR PARK 4 INC., (the "Defendant Extreme Park 4") is a company incorporated under the law of British Columbia, with a registered office at 14380 Triangle Road, Richmond, British Columbia.
10. At all material times, the Defendant Extreme Park 1, the Defendant Extreme Park 2, the Defendant Extreme Park 3 and/or the Defendant Extreme Park 4 was a commercial host selling access to a gym and gymnastic equipment for the public to use.
11. The Defendant, John Doe, is an unidentified person who was at all material times an employee of the Defendant Extreme Park 1, the Defendant Extreme Park 2, the Defendant Extreme Park 3 and/or the Defendant Extreme Park 4.
12. The Defendant, 14380 TRIANGLE ROAD INVESTMENTS LTD. (the "Defendant Triangle Investments") is a company incorporated under the laws of Ontario, with a registered office at 14380 Triangle Road, Richmond, British Columbia.
13. At all material times, the Defendant Triangle Investments was the registered owner of commercial lands and property with a civic address of:

14380 Triangle Road, Richmond, British Columbia

And legally described as:

Parcel Identified: 027-554-805  
Strata Lot 2, Block 4N, Plan BCS2968, Section 33, Range 5W,  
New Westminster Land District

(the "Premises").

14. At all material times the Defendant Extreme Park, the Defendant Extreme Park 2, the Defendant Extreme Park 3 and/or the Defendant Extreme Park 4 was a lessee of the Premises.
15. At all material times the Defendant Extreme Park, the Defendant Extreme Park 2, the Defendant Extreme Park 3 and/or the Defendant Extreme Park 4 was a commercial host providing entertainment and activities in an indoor space with tram via a trampoline park
16. The Defendant Extreme Park 1, Defendant Extreme Park 2, Defendant Extreme Park 3, Defendant Extreme Park 4, John Doe and Defendant Triangle Investments are collectively the Defendants (the "Defendants").

## The Incident

17. On or about January 20, 2018, Mr. Jason Jerome Greenwood attended the Premises. While there, Mr. Greenwood jumped into the foam pit (the "Foam Pit") in a summersault like motion. Tragically, Mr. Greenwood died (the "Incident").
18. As a result of the death of Mr. Jason Jerome Greenwood, the Plaintiffs have suffered loss and will continue to suffer loss, the particulars of which are not limited to but include:
- a) Loss of love, guidance and companionship of their spouse, father, step-father, son, and step-son;
  - b) Loss of support;
  - c) Loss of maintenance and financial support;
  - d) Loss of childcare services;
  - e) Loss of household assistance; and
  - f) Loss of inheritance.
19. In further consequence of the death of Mr. Jason Jerome Greenwood, the Plaintiffs have sustained certain special damages, losses and expenses, full particulars of which are not in the Plaintiff's possession, but will be delivered upon receipt thereof.

## Part 2: RELIEF SOUGHT

20. The Plaintiff claims against the Defendants and each of them for:
- a) General damages;
  - b) Special damages;
  - c) Interest pursuant to the *Court Order Interest Act*, RSBC 1996 c. 79;
  - d) Costs of this action; and
  - e) Such further and other relief as this Honourable Court may deem just.
21. As a further result of her injuries, the Plaintiff claims general and special damages as a Trustee for and on behalf of her family members in relation to services which were rendered and will be rendered in the future for and on behalf of the Plaintiff following the Incident, which services resulted in wage loss and other losses suffered by her family members.

### Part 3: LEGAL BASIS

#### Negligence

22. The Plaintiffs bring this action against the Defendants pursuant to the *Family Compensation Act*, R.S.B.C. 1996, c. 126, for the benefit of:
- a) The Plaintiff, Tanya Hayes, of Victoria, British Columbia, spouse of the Deceased Mr. Greenwood;
  - b) The Plaintiff, Ella Sophia Hayes, an infant, of Victoria, British Columbia, step-daughter of the Deceased Mr. Greenwood;
  - c) The Plaintiff, Jack Alexander Hayes, an infant, of Victoria, British Columbia, step-son of the Deceased Mr. Greenwood;
  - d) The Plaintiff, Sophie Elizabeth Hayes, an infant, of Victoria, British Columbia, step-daughter of the Deceased Mr. Greenwood;
23. The Incident and the resulting loss of the Plaintiffs was caused solely by the negligence, jointly and severally, of the Defendants. The Plaintiffs plead and rely on the *Negligence Act*, R.S.B.C. 1996, c.333 and amendments thereto.
24. The Incident and death of Mr. Greenwood was caused or contributed to by the negligence of the Defendant Extreme Park 1, the particulars of which are as follows:
- a) The Plaintiff pleads and will rely on the *Negligence Act*, R.S.B.C. 1996, c. 333 and amendments thereto;
  - b) The Plaintiff pleads and will rely on the *Occupiers Liability Act*, R.S.B.C. 1996, c. 337 and amendments thereto;
  - c) Failing to supervise and protect or adequately supervise and protect Mr. Greenwood from harm;
  - d) Failing to provide any or any adequate instruction with regard to safety in the pursuit of gymnastic activity;
  - e) Failing to provide any or any adequate spotting around the foam pit in consideration of the Plaintiff's safety;
  - f) Failing to prevent Mr. Greenwood from participating in activities that were outside his physical or mental abilities;
  - g) Failing to ensure that Mr. Greenwood was progressively trained and coached to engage in the activities;

- h) Failing to ensure that the equipment used by Mr. Greenwood was adequate and suitably arranged;
- i) Failing to ensure that, given the inherently dangers nature of the activities is being properly supervised;
- j) Failing to ensure that Mr. Greenwood was participating in the gymnastic activities in a safe manner;
- k) Failing to warn of the dangers of diving into the Foam Pit head first;
- l) Failing to ensure that the foam in the Foam Pit was adequate for its purpose;
- m) Failing to ensure that there was a sufficient amount of Foam in the Foam Pit;
- n) Failing to ensure that the Foam Pit was sufficiently wide and deep enough;
- o) Failure to properly maintain the Foam in the Foam Pit;
- p) Failing to ensure that the net located at the bottom of the Foam Pit was suitable for the purpose it was used;
- q) Failing to ensure that the net located at the boom of the Foam Pit could support the weight of gymnasts;
- r) Failing to ensure that the net installed at the bottom of the Foam Pit was correctly installed;
- s) Failing to properly maintain the net located at the bottom of the Foam Pit;
- t) Failing to inspect the Foam Pit;
- u) Failing to have adequate policies or procedures in place about the use and monitoring of use of the Foam Pit;
- v) Failing to ensure that employees were properly trained on the use and instruction of the use of the Foam Pit;
- w) Failing to have its employees, servants or agents direct that customers, including Mr. Greenwood not to dive into the Foam Pit head first; and
- x) Further particulars of negligence to be determined.

25. The Incident and death of Mr. Greenwood was caused or contributed to by the negligence of the Defendant Extreme Park 2, the particulars of which are as follows:

- a) The Plaintiff pleads and will rely on the *Negligence Act*, R.S.B.C. 1996, c. 333 and amendments thereto;
- b) The Plaintiff pleads and will rely on the *Occupiers Liability Act*, R.S.B.C. 1996, c. 337 and amendments thereto;

- c) Failing to supervise and protect or adequately supervise and protect Mr. Greenwood from harm;
- d) Failing to provide any or any adequate instruction with regard to safety in the pursuit of gymnastic activity;
- e) Failing to provide any or any adequate spotting around the foam pit in consideration of the Plaintiff's safety;
- f) Failing to prevent Mr. Greenwood from participating in activities that were outside his physical or mental abilities;
- g) Failing to ensure that Mr. Greenwood was progressively trained and coached to engage in the activities;
- h) Failing to ensure that the equipment used by Mr. Greenwood was adequate and suitably arranged;
- i) Failing to ensure that, given the inherently dangers nature of the activities is being properly supervised;
- j) Failing to ensure that Mr. Greenwood was participating in the gymnastic activities in a safe manner;
- k) Failing to warn of the dangers of diving into the Foam Pit head first;
- l) Failing to ensure that the foam in the Foam Pit was adequate for its purpose;
- m) Failing to ensure that there was a sufficient amount of Foam in the Foam Pit;
- n) Failing to ensure that the Foam Pit was sufficiently wide and deep enough;
- o) Failure to properly maintain the Foam in the Foam Pit;
- p) Failing to ensure that the net located at the bottom of the Foam Pit was suitable for the purpose it was used;
- q) Failing to ensure that the net located at the boom of the Foam Pit could support the weight of gymnasts;
- r) Failing to ensure that the net installed at the bottom of the Foam Pit was correctly installed;
- s) Failing to properly maintain the net located at the bottom of the Foam Pit;
- t) Failing to inspect the Foam Pit;
- u) Failing to have adequate policies or procedures in place about the use and monitoring of use of the Foam Pit;
- v) Failing to ensure that employees were properly trained on the use and instruction of the use of the Foam Pit;

- w) Failing to have its employees, servants or agents direct that customers, including Mr. Greenwood not to dive into the Foam Pit head first; and
- x) Further particulars of negligence to be determined.

26. The Incident and death of Mr. Greenwood was caused or contributed to by the negligence of the Defendant Extreme Park 3, the particulars of which are as follows:

- a) The Plaintiff pleads and will rely on the *Negligence Act*, R.S.B.C. 1996, c. 333 and amendments thereto;
- b) The Plaintiff pleads and will rely on the *Occupiers Liability Act*, R.S.B.C. 1996, c. 337 and amendments thereto;
- c) Failing to supervise and protect or adequately supervise and protect Mr. Greenwood from harm;
- d) Failing to provide any or any adequate instruction with regard to safety in the pursuit of gymnastic activity;
- e) Failing to provide any or any adequate spotting around the foam pit in consideration of the Plaintiff's safety;
- f) Failing to prevent Mr. Greenwood from participating in activities that were outside his physical or mental abilities;
- g) Failing to ensure that Mr. Greenwood was progressively trained and coached to engage in the activities;
- h) Failing to ensure that the equipment used by Mr. Greenwood was adequate and suitably arranged;
- i) Failing to ensure that, given the inherently dangers nature of the activities is being properly supervised;
- j) Failing to ensure that Mr. Greenwood was participating in the gymnastic activities in a safe manner;
- k) Failing to warn of the dangers of diving into the Foam Pit head first;
- l) Failing to ensure that the foam in the Foam Pit was adequate for its purpose;
- m) Failing to ensure that there was a sufficient amount of Foam in the Foam Pit;
- n) Failing to ensure that the Foam Pit was sufficiently wide and deep enough;
- o) Failure to properly maintain the Foam in the Foam Pit;
- p) Failing to ensure that the net located at the bottom of the Foam Pit was suitable for the purpose it was used;



- q) Failing to ensure that the net located at the boom of the Foam Pit could support the weight of gymnasts;
- r) Failing to ensure that the net installed at the bottom of the Foam Pit was correctly installed;
- s) Failing to properly maintain the net located at the bottom of the Foam Pit;
- t) Failing to inspect the Foam Pit;
- u) Failing to have adequate policies or procedures in place about the use and monitoring of use of the Foam Pit;
- v) Failing to ensure that employees were properly trained on the use and instruction of the use of the Foam Pit;
- w) Failing to have its employees, servants or agents direct that customers, including Mr. Greenwood not to dive into the Foam Pit head first; and
- x) Further particulars of negligence to be determined.

27. The Incident and death of Mr. Greenwood was caused or contributed to by the negligence of the Defendant Extreme Park 4, the particulars of which are as follows:

- a) The Plaintiff pleads and will rely on the *Negligence Act*, R.S.B.C. 1996, c. 333 and amendments thereto;
- b) The Plaintiff pleads and will rely on the *Occupiers Liability Act*, R.S.B.C. 1996, c. 337 and amendments thereto;
- c) Failing to supervise and protect or adequately supervise and protect Mr. Greenwood from harm;
- d) Failing to provide any or any adequate instruction with regard to safety in the pursuit of gymnastic activity;
- e) Failing to provide any or any adequate spotting around the foam pit in consideration of the Plaintiff's safety;
- f) Failing to prevent Mr. Greenwood from participating in activities that were outside his physical or mental abilities;
- g) Failing to ensure that Mr. Greenwood was progressively trained and coached to engage in the activities;
- h) Failing to ensure that the equipment used by Mr. Greenwood was adequate and suitably arranged;
- i) Failing to ensure that, given the inherently dangers nature of the activities is being properly supervised;

- j) Failing to ensure that Mr. Greenwood was participating in the gymnastic activities in a safe manner;
  - k) Failing to warn of the dangers of diving into the Foam Pit head first;
  - l) Failing to ensure that the foam in the Foam Pit was adequate for its purpose;
  - m) Failing to ensure that there was a sufficient amount of Foam in the Foam Pit;
  - n) Failing to ensure that the Foam Pit was sufficiently wide and deep enough;
  - o) Failure to properly maintain the Foam in the Foam Pit;
  - p) Failing to ensure that the net located at the bottom of the Foam Pit was suitable for the purpose it was used;
  - q) Failing to ensure that the net located at the boom of the Foam Pit could support the weight of gymnasts;
  - r) Failing to ensure that the net installed at the bottom of the Foam Pit was correctly installed;
  - s) Failing to properly maintain the net located at the bottom of the Foam Pit;
  - t) Failing to inspect the Foam Pit;
  - u) Failing to have adequate policies or procedures in place about the use and monitoring of use of the Foam Pit;
  - v) Failing to ensure that employees were properly trained on the use and instruction of the use of the Foam Pit;
  - w) Failing to have its employees, servants or agents direct that customers, including Mr. Greenwood not to dive into the Foam Pit head first; and
  - x) Further particulars of negligence to be determined.
28. The Incident was caused or contributed to by the negligence of John Doe, the particulars of which are as follows:
- a) The Plaintiffs plead and will rely on the *Negligence Act*, R.S.B.C. 1996, c. 333 and amendments thereto;
  - b) Failing to supervise and protect or adequately supervise and protect Mr. Greenwood from harm;
  - c) Failing to provide any or any adequate instruction with regard to safety in the pursuit of gymnastic activity;
  - d) Failing to provide any or any adequate spotting around the Foam Pit in consideration of Mr. Greenwood's safety;

- e) Failing to ensure that Mr. Greenwood understood any waivers or the contents of such waivers;
- f) Failing to prevent Mr. Greenwood from participating in activities that were outside his physical abilities;
- g) Failing to ensure that Mr. Greenwood was progressively trained and coached to engage in the activities;
- h) Failing to ensure that the equipment used by Mr. Greenwood was adequate and suitably arranged;
- i) Failing to ensure that, given the inherently dangerous nature of the activities is being properly supervised;
- j) Failing to ensure that Mr. Greenwood was participating in the gymnastic activities in a safe manner;
- k) Failing to verbally advise Mr. Greenwood of the dangers and risks of jumping into the Foam Pit head first or in a summersault;
- l) Failing to warn of the dangers of diving into the Foam Pit head first;
- m) Failing to ensure that the foam in the Foam Pit was adequate for its purpose;
- n) Failing to ensure that there was a sufficient amount of Foam in the Foam Pit;
- o) Failing to ensure that the netting below the foam in the Foam Pit was sufficient and/or suitable for its intended purpose;
- p) Failing to inspect the Foam Pit;
- q) Failing to follow and/or enforce policies or procedures in place about the use and monitoring of the use of the Foam Pit;
- r) Failing to intervene when another employee, permitted Mr. Greenwood Plaintiff to dive into the Foam Pit head first; and
- s) Further particulars of negligence to be determined.

29. The Incident was caused or contributed to by the negligence of the Defendant Triangle Investments, the particulars of which are as follows:

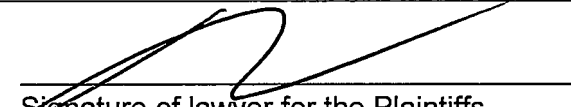
- a) The Plaintiff pleads and will rely on the *Negligence Act*, R.S.B.C. 1996, c. 333 and amendments thereto;
- b) The Plaintiff pleads and will rely on the *Occupiers Liability Act*, R.S.B.C. 1996, c. 337 and amendments thereto;
- c) Failing to warn patrons or ensuring that the Defendant Extreme Park 1, Defendant Extreme Park 2, Defendant Extreme Park 3 and/or Defendant Extreme Park 4 would warn patrons of the inherent dangers of the Foam Pit;

- d) Failing to ensure that the Foam Pit was safe; and
- e) Further particulars of negligence to be determined.

30. As a result of the breach of the Defendants' duty to the Plaintiff, the Plaintiff suffered loss and damage as described in Part 1 of the Notice of Civil Claim above.

Plaintiffs' address for service:	c/o Wishart Brain & Spine Law Attn: Robyn Wishart 1010 - 570 Granville Street Vancouver, BC V6C 3P1
Fax number address for service (if any):	n/a
E-mail address for service (if any):	n/a
Place of trial:	Vancouver
The address of the registry is:	800 Smithe Street, Vancouver, BC V6Z 2E1

Date: 11/Apr/2018

  
\_\_\_\_\_  
Signature of lawyer for the Plaintiffs  
Robyn Wishart

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:**

The Plaintiff claims against the Defendants for pain and suffering, general damages, special damages, costs and interest arising out of a motor vehicle accident which occurred on or about January 20, 2018. The Plaintiff has suffered and continues to suffer damage, loss and expense due to the Defendants' negligence.

**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: ENACTMENTS RELIED ON**

1. *Motor Vehicle Act*, RSBC 1996 c.318;
2. *Negligence Act*, RSBC 1996 c. 333; and
3. *Court Order Interest Act*. RSBC 1996 c.79