



Court File No. **VLC-S-S-2110410**

NO.
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JANE DOE

Plaintiff

and

VICTORIA POLICE DEPARTMENT, SCOTT MALCOLM CONNORS,
ROBERT BRUCE COWICK, SAMUEL DONALD DEVANA and
KENNETH BARRIE COCKLE

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

A response to civil claim must be served on the plaintiff:

- a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

PART 1: STATEMENT OF FACTS

1. The Plaintiff, Jane Doe, was born on July 3, 1972. She was raised in the Municipality of Saanich in the Province of British Columbia. She currently resides in the Province of Quebec.
2. The Defendant, Victoria Police Department, is a police department created under the *Police Act*, R.S.B.C. 1996, c. 367 and charged with policing for the City of Victoria and the Municipality of Esquimalt. During the material time, the Municipality of Esquimalt established its own police force under the *Police Act* operating as the Esquimalt Police Department. In 2003, the Esquimalt Police Department and the Victoria Police Department were formally amalgamated by the Minister of Justice and Attorney-General of British Columbia.
3. The Defendants, Scott Malcolm Connors (“**Connors**”), Robert Bruce Cowick (“**Cowick**”), Samuel Donald Devana (“**Devana**”) and Kenneth Barrie Cockle (“**Cockle**”) (together, the “**Individual Defendants**”), are individuals believed to be residing in the Province of British Columbia. At the material time, the Individual Defendants were employed as constables of the Esquimalt Police Department.

Background

4. In September 1988, Jane Doe enrolled in Grade 9 at Esquimalt High School. At the time, Jane Doe was experiencing various teenage difficulties. She was

attending a new school and had an unsettled home life, with both of her parents suffering from alcohol abuse issues. Around this time, Jane Doe began to display symptoms characteristic of a behavioural disorder, including a general feeling of unhappiness and depression, a persistent sense of fear and anxiety, and a pattern of disruptive behavior. Jane Doe's dealings with the Esquimalt Police Department began when she was arrested during the summer of 1989 for six counts of theft.

5. Sometime between August and September of 1989, Jane Doe was loitering with a friend, S.J., near the Esquimalt Police Department when she was approached by Connors. Connors asked Jane Doe and S.J. whether they would provide information about a specific individual possessing drugs. When Jane Doe and S.J. declined his request, Connors provided them with his name and telephone number and invited them to get in touch if they ever wanted to provide information to the Esquimalt Police Department. Later that day, Jane Doe and S.J. called Connors to provide the information that he was seeking. At the time, Connors was in his early 30s and Jane Doe was seventeen years old. She looked up to Connors, as she had her own ambitions of becoming a police officer one day.
6. During the fall of 1989, Jane Doe began interacting with Connors on a regular basis after school hours. He encouraged her to confide in him and to provide information that would assist his investigations as a constable of the Esquimalt Police Department. Connors' attention made Jane Doe feel special and valued, and she began to consider him as a father figure. She trusted Connors, in his capacity as a police constable, to protect her and safeguard both her physical and emotional

needs. As the school year went on and he gradually won her trust, Jane Doe found herself meeting with Connors on a regular basis to provide information.

7. In or around October of 1989, after Connors realized that the information being provided by Jane Doe could be used to advance his career, he took steps to formalize Jane Doe's employment as a police informant for the Esquimalt Police Department. The Esquimalt Police Department established a Street Crew Unit and hired Jane Doe as a registered paid informant for the Department. The Esquimalt Police Department assigned Connors as Jane Doe's designated handler. He assisted Jane Doe in obtaining a Crime Stoppers informant number. Although Connors was the designated handler for Jane Doe, other constables in the Esquimalt Police Department, including Devana and Cockle, had access to her services as an informant.
8. Over the course of her employment, the information provided by Jane Doe resulted in over 100 arrests and over 150 charges for the Esquimalt Police Department.
9. At all material times, the Esquimalt Police Department did not have a formal or informal policy relating to its informants. At no point in time did the Esquimalt Police Department ever communicate to Jane Doe her rights and responsibilities as a police informant, nor did they advise her that she could stop providing information to the Esquimalt Police Department. The Esquimalt Police Department provided no information to Jane Doe about the recourse available to her should she feel she

was being mishandled or abused by her designated handler or any other member of the Esquimalt Police Department.

10. Over the course of her multiyear employment as a police informant for the Esquimalt Police Department, Jane Doe was subjected to an escalating pattern of sexual harassment and abuse by the Individual Defendants.

Scott Malcolm Connors' Sexual Harassment and Abuse of Jane Doe

11. Beginning in December of 1989, Connors frequently made inappropriate and unwelcome sexual comments to Jane Doe in person and over the telephone, while he was both on duty and off duty. These comments began approximately three months after Jane Doe began providing information to Connors and continued throughout her involvement with him. At the time, Jane Doe was only seventeen years old. While the comments left her confused, she was initially flattered by Connors' attention.
12. Gradually, Connors began touching Jane Doe in increasingly invasive ways, when he was both on duty and off duty.
13. In May 1990, Connors attended a course on behalf of the Esquimalt Police Department where he volunteered to be the test subject by consuming various quantities of liquor for the purpose of measuring his blood alcohol content. After the course, Connors ran into Jane Doe and her thirteen-year-old friend S.J. in the parking lot of the Tudor House Pub. Connors walked up to Jane Doe, pulled open

her shirt and looked down the front of it before turning around and walking away. Thereafter, Connors told Jane Doe and S.J. that he loved and cared about them, before giving them each a hug and a kiss on the cheek. In an effort to strengthen their relationship, Connors told Jane Doe words to the effect of “look up trust in the dictionary and my name will be right beside it.”

14. In July 1991, Jane Doe attended the Laurel Point Inn with a number of members of the Esquimalt Police Department, including Connors, in celebration of her nineteenth birthday. While they were walking towards Laurel Point Inn, Connors felt Jane Doe’s back, asked if she was wearing a bra, and then pulled on the back strap of her bra. Jane Doe objected verbally before pulling away from Connors.
15. Throughout the course of their involvement, Connors subjected Jane Doe to a bevy of other abuses and misconduct, including but not limited to:
 - a. pressuring Jane Doe to provide information to the Esquimalt Police Department;
 - b. counselling Jane Doe and another woman to burn down a house located at 1207 Lyall Street;
 - c. in the presence of Jane Doe and S.J., wilfully destroying property by cutting the wires to the headlights on a car;
 - d. soliciting Jane Doe to break into a shed located on Admirals Road to see whether marijuana was being grown; and

- e. directing Jane Doe to provide information to Crime Stoppers that she believed was false.

Robert Bruce Cowick's Sexual Harassment and Abuse of Jane Doe

16. On more than four separate occasions between 1992 and 1993, Constable Cowick solicited Jane Doe for oral sex while on duty.
17. Prior to the first assault, Cowick revealed to Jane Doe that his wife was dying from cancer. Cowick advised Jane Doe that his sexual needs were not being met at home and suggested that she help him out. At the time, Jane Doe felt obligated to perform oral sex on Cowick and considered whether it was part of her responsibility to Cowick as a police informant for the Esquimalt Police Department.
18. Many of the subsequent assaults took place after Jane Doe finished her shifts at the Carlton Club, a local nightclub. Cowick often paged Jane Doe and made arrangements to meet her in the parking lot after the club had closed. Cowick often picked Jane Doe up in his police vehicle and drove her to an isolated area where he required Jane Doe to perform oral sex on him. After Jane Doe refused to let Cowick ejaculate in her mouth, he began bringing a towel with him.
19. When Jane Doe was not working at the Carlton Club, Cowick pulled into the parking lot of Jane Doe's apartment building and flashed the headlights of his police vehicle to get her attention. Cowick drove Jane Doe to the same isolated area and required her to perform oral sex on him.

20. On at least one occasion, Cowick drove Jane Doe to her apartment where she performed oral sex on him.

Kenneth Barrie Cockle's Sexual Harassment and Abuse of Jane Doe

21. In 1992, Constable Cockle assisted Connors by handling Jane Doe when Connors was unavailable. Around this time, Cockle began making inappropriate and distinctly unwelcome sexual remarks to Jane Doe over the telephone.
22. While on duty at the Esquimalt police station in the summer of 1993, Cockle asked Jane Doe to strip and expose her breasts to a sergeant of the Esquimalt Police Department, Sgt. Jim Askew, as a retirement gift to him. When Jane Doe refused the request, Cockle solicited Jane Doe to have oral sex with Sgt. Askew, offering to get her drunk if she complied with his request.
23. Following the conversation with Cockle, Jane Doe understood that she was required to perform oral sex on Sgt. Askew. Jane Doe feared that her identity as a police informant would be revealed and her safety would be in danger if she refused to comply with this demand.
24. Prior to the retirement party, Cockle orchestrated a meeting between Jane Doe and Sgt. Askew while both officers were on duty, wherein Cockle ordered Jane Doe to expose her breasts to Sgt. Askew. This event took place while Jane Doe was seated in the passenger seat of Cst. Cockle's police vehicle.

25. In the fall of 1993, Jane Doe attended Sgt. Askew's retirement party at the Tudor House Pub with a number of officers of the Esquimalt Police Department. Following her arrival, Cockle began supplying Jane Doe with numerous shots of brandy in an attempt to get her intoxicated. Shortly thereafter, Jane Doe approached the table of police officers and informed them that she was there to perform oral sex on Sgt. Askew. When Sgt. Askew declined, Cockle attempted to solicit Jane Doe to return to the Esquimalt police station to perform a strip show for the officers. Cockle's statements angered one of the attending officers, who responded by ordering Jane Doe to leave the pub.
26. During March of 1993, Cockle raped Jane Doe in a parking lot. Prior to this incident, Cockle invited Jane Doe to a restaurant for drinks with a dispatcher for the Esquimalt Police Department, Steve Hussey. After Hussey left the restaurant, Cockle offered to drive Jane Doe home. He instead drove Jane Doe to a parking lot and demanded that she show him her breasts. Although she refused multiple times, Cockle was unrelenting. Cockle ordered Jane Doe to remove her shirt and bra. When she eventually complied, Cockle began sucking on her breasts. When Cockle attempted to remove her skirt and rub her genitals, Jane Doe pushed his hand away and told him to stop. Cockle then removed his pants and exposed his penis. He referred to the end of his penis being "the same as a mushroom" and told Jane Doe "it's all yours" before raping her on the ground outside of his vehicle.
27. Jane Doe did not consent to Cockle's sexual advances, which constituted a stark breach of his power, trust, and authority. Any failure by Jane Doe to actively resist

Cockle's advances was due to fear of reprisal, force, and physical harm. Further, in these circumstances, Jane Doe could not have legally consented to sexual touching by Cockle given the power imbalance, economic dependency, and age disparity between them.

Samuel Donald Devana's Sexual Harassment and Assault of Jane Doe

28. Sometime in 1989 or 1990, Jane Doe attended the Esquimalt Police Station with S.J., who at the time was only fourteen years old. While Devana was on duty at the station's front counter, he asked Jane Doe and her friend whether they became sexually aroused when going over speed bumps on their bicycles.
29. In October of 1992, Jane Doe attended the Carlton Club with a number of members of the Esquimalt Police Department, including Constable Devana. At the time, Devana was severely intoxicated. Over the course of the evening, Devana subjected Jane Doe to an escalating pattern of sexualized behaviour. While they were dancing, Devana unfastened Jane Doe's bra, causing her to retreat to the bathroom to refasten it. When she returned, Devana attempted to force Jane Doe to perform oral sex on him in a secluded area of the Carlton Club. Jane Doe resisted his attempts by saying "no" and by pulling her head back with all of her strength. A bouncer observed Jane Doe and Devana in the secluded area and asked them to leave the club.
30. As they were leaving, Jane Doe expressed her anger to Devana in relation to his assault. While she was arguing with Devana inside another officer's vehicle,

Devana attempted to put his hands in her pants and under her bra while asking for a “quickie”. Jane Doe was removed from the vehicle by members of the Esquimalt Police Department before Devana, who was still severely intoxicated, drove away.

Esquimalt Police Department Knew or Should Have Known About the Abuse

31. It was, or ought to have been, obvious to the Esquimalt Police Department that the Individual Defendants’ conduct towards and behaviour around Jane Doe was unusual, inappropriate, and invited question. The Esquimalt Police Department knew or should have known that the Individual Defendants were abusing Jane Doe and, as such, should have taken steps to investigate, intervene and/or ensure Jane Doe’s safety.
32. In or around October 1990, Jane Doe disclosed to her counsellor at Esquimalt High School that she felt that she was being pressured to provide information to Connors, who in turn reported the information to the Chief Constable of the Esquimalt Police Department, Peter Marriott. After receiving this information, the Esquimalt Police Department took no substantial steps to investigate, intervene and/or ensure Jane Doe’s safety. The assaults on Jane Doe by the Individual Defendants continued thereafter.
33. Over time, rumours of an inappropriate relationship between Jane Doe and the Individual Defendants began to circulate, and the Individual Defendants became increasingly paranoid about their culpability in the harassment and assaults. These rumours also left Jane Doe increasingly paranoid, as she felt her safety would be

compromised and she would be in danger if her identity was made public and she no longer had the protection of the Esquimalt Police Department.

34. In May 1992, Jane Doe disclosed to her probation officer that she was working as an informant for the Esquimalt Police Department and that she had been sexually harassed and assaulted by a number of its officers. When her probation officer approached Esquimalt Police Department's Deputy Chief Constable Graham Brown about the allegations, Brown suggested that in order to investigate, Jane Doe needed to file a formal complaint with either himself or the Police Commission. Jane Doe feared that her identity as a police informant would be revealed if she commenced a complaint and ceased providing information to members of the Esquimalt Police Department. Feeling acutely trapped, Jane Doe decided against filing a formal complaint.
35. During the Fall of 1992, rumours about Jane Doe's status as an informant for the Esquimalt Police Department began to circulate. With the assistance of the Esquimalt Police Department, Jane Doe was relocated to the City of Nanaimo in the Province of British Columbia.
36. Over time, the shame and guilt resulting from the abuse became unbearable to Jane Doe. Following an emotional breakdown in June of 1995, Jane Doe disclosed the full extent of the Individual Defendants' misconduct to her therapist and psychiatrist, who subsequently contacted the Victoria Police Department to express their concerns about the disclosure.

Investigation by the Victoria Police Department

37. In or around July 1995, Jane Doe laid a separate complaint to the Victoria Police Department regarding the four Individual Defendants. Initially, Jane Doe was very concerned that the investigation would become public and that her identity would be revealed if she pursued the matter. The investigators assured Jane Doe that she would not be forced to participate in any proceedings that were open to the public and advised her the matter could be pursued through the *Police Act*.
38. The Victoria Police Department conducted an extensive investigation into Jane Doe's allegations over the succeeding months, re-interviewing Jane Doe and all other persons connected with the case. The investigators submitted their Executive Summary to Esquimalt Police Department's Chief Peter Marriott on September 28, 1995. In its Executive Summary, the investigators opined that Jane Doe was an honest and reliable individual, and that many of her allegations were corroborated by other witnesses and/or supporting records.
39. Shortly thereafter, Esquimalt Police Department's Chief Peter Marriott informed Jane Doe that, against the recommendations made to him by the investigators of the Victoria Police Department, he had decided not to proceed with formal disciplinary action. Marriott advised Jane Doe that the Individual Defendants would instead be "advised as to their future conduct" under Section 15 of the Police (Discipline) Regulations.

40. Following receipt of Chief Marriott's decision, Jane Doe alerted the B.C. Police Commission to her complaint, who subsequently launched its own investigation into the Individual Defendants' misconduct. Throughout this period, the Individual Defendants remained on duty as constables of the Esquimalt Police Department.

Public Inquiry by the Esquimalt Municipal Police Board into Jane Doe's Allegations

41. In September 1995, Jane Doe requested that the Esquimalt Municipal Police Board conduct an inquiry into the allegations of misconduct against the Individual Defendants pursuant to Section 60 of the *Police Act*, S.B.C., Chap. 53.
42. Although Jane Doe sought to have the inquiry conducted *in camera* to protect her identity as a police informant, the Esquimalt Municipal Police Board ruled in April 1996 that Jane Doe would be required to testify at an open hearing to best serve the interests of the public. During the hearing, the Board offered limited measures to protect Jane Doe's identity, including the option of testifying behind a screen and having her voice altered. This did little in the way of making her feel protected. Around this time, Jane Doe began receiving reports from people within the community that members of the Esquimalt Police Department, including Connors, were openly discussing her identity and role as both an informant and complainant in the public inquiry.
43. Jane Doe, through her legal counsel, arranged an informal resolution of her complaints against Cockle and Cowick. The resolutions entered into by Jane Doe

required the Esquimalt Police Department to introduce a comprehensive policy for better protecting its police informants from sexual violence and harassment.

44. Following a lengthy hearing, the Esquimalt Municipal Police Board could not find beyond a reasonable doubt that Devana was guilty of sexual misconduct against Jane Doe due to lack of evidence, though the Board concluded that it was not satisfied Devana and other officers were being completely truthful about the allegations made against him.
45. The charges against Connors were scheduled to be heard last. By this point, the inquiry became too much for Jane Doe to bear. As she began to detail the allegations of misconduct against him, Connors – who was observable by Jane Doe, despite the screen of protection – began to taunt Jane Doe by smiling and laughing at her. In this moment, Jane Doe experienced feelings of overwhelming emotional and psychological terror. Jane Doe abruptly halted her testimony and ended her participation in the inquiry. In the absence of Jane Doe’s testimony, the charges against Connors were dismissed.

PART 2: RELIEF SOUGHT

46. The Plaintiff claims as follows:
 - (a) As against the defendant, the Victoria Police Department:

- (i) general damages and/or equitable compensation in the sum of \$750,000 for breach of fiduciary duty, negligence, vicarious liability and/or occupier's liability;
 - (ii) aggravated damages in the sum of \$200,000;
 - (iii) past and future economic loss in the sum of \$1,500,000;
 - (iv) punitive damages in the sum of \$200,000; and
 - (v) special damages, in amounts to be specified prior to trial.
- (b) As against the defendants, Scott Malcolm Connors, Robert Bruce Cowick, Samuel Donald Devana, and Kenneth Barrie Cockle:
- (i) general damages and/or equitable compensation in the sum of \$750,000 for sexual assault and battery, breach of fiduciary duty, false imprisonment, and the intentional and/or negligent infliction of mental suffering;
 - (ii) aggravated damages in the sum of \$200,000;
 - (iii) past and future economic loss in the sum of \$1,500,000;
 - (iv) punitive damages in the sum of \$200,000; and
 - (v) special damages, in amounts to be specified prior to trial.
- (c) As against each of the defendants on a joint and several basis:

- (i) pre- and post-judgment interest in accordance with the *Court Order Interest Act*, R.S.B.C. 1996, c. 79;
- (ii) the costs of this proceeding on a substantial indemnity basis, plus all applicable taxes; and
- (iii) such further and other relief as to this Honourable Court may seem just.

PART 3: LEGAL BASIS

The Defendants' Liability

a. Liability of the Individual Defendants

47. As adults and police constables charged with her care, the Individual Defendants were in a position of trust, power, and authority over Jane Doe. Jane Doe was acutely vulnerable to their betrayal of her trust. As a result, the Individual Defendants owed Jane Doe not only a duty of care to protect her from harm, but also a fiduciary duty to act in her best interest and never betray her trust, confidence, youth, or vulnerabilities for their own selfish means or personal sexual gratification.
48. As a minor, Jane Doe did not and could not consent to the sexual acts perpetrated by the Individual Defendants. Their sexual misconduct towards Jane Doe

constituted not only the intentional torts of assault and battery, but also a flagrant breach of the fiduciary duty owed to Jane Doe.

49. The Individual Defendants' sexually abusive and harassing conduct towards Jane Doe was willful and reckless. The Individual Defendants knew or ought to have known that their conduct would cause Jane Doe serious and long-lasting psychological damage which would manifest itself in various harmful ways throughout her life. As such, the Individual Defendants' conduct constituted the intentional and/or negligent infliction of mental suffering.

Liability of the Victoria Police Department

50. At all material times, the Esquimalt Police Department was the principal employer of the Individual Defendants. The Esquimalt Police Department invested the Individual Defendants with power and authority over, and responsibilities and duties towards, the police informants it employed including Jane Doe.
51. The relationships that existed between Jane Doe and the Individual Defendants were a direct result of their positions as police officers for the Esquimalt Police Department. The Victoria Police Department is vicariously liable for the damages suffered by Jane Doe as a result of the Individual Defendants' wrongful conduct.
52. The Victoria Police Department is also directly liable to Jane Doe for breach of fiduciary duty and negligence. As a juvenile police informant, Jane Doe was vulnerable to abuse and misuse of power by members of the Esquimalt Police

Department, such as the Individual Defendants, to whom it had delegated power and authority.

53. The Victoria Police Department owed Jane Doe a fiduciary duty and a duty of care to protect her from reasonably foreseeable harm and injury caused by the Individual Defendants, and to act loyally and not put its own selfish interests ahead of Jane Doe's in a way that betrayed her trust and reliance.
54. The fiduciary duty the Victoria Police Department owed to Jane Doe included supervising her contact and interactions with its police officers, including the Individual Defendants, and making inquiries about any unusual, concerning, or suspicious behaviour. The Victoria Police Department's duties further included holding the Individual Defendants to account for their egregious conduct and repeated sexual assaults of Jane Doe and taking appropriate steps to prevent their sexual assaults of Jane Doe from reoccurring.
55. Jane Doe pleads that the Victoria Police Department knew or ought to have known or suspected that the Individual Defendants were sexually assaulting Jane Doe or, at least, engaging in inappropriate conduct that warranted investigation. Jane Doe pleads that the Victoria Police Department knew or ought to have known or suspected that the Individual Defendants had sexual preferences, proclivities, and/or sexual histories, including prior physical and sexual assault, that rendered Jane Doe more vulnerable and susceptible to being sexually assaulted by them.

56. The Victoria Police Department knew or ought to have known that Jane Doe was demonstrably scared, distressed, confused, and anxious in the presence of the Individual Defendants, which behaviour necessitated inquiry and investigation. The Victoria Police Department knew or ought to have known that the Individual Defendants were routinely consuming alcohol to excess while they were with Jane Doe, both in the presence of other members of the Victoria Police Department and when the Individual Defendants were alone with Jane Doe.
57. Jane Doe further pleads that the abuse would not have occurred if the Victoria Police Department implemented a departmental policy relating to the use of informant management or advised Jane Doe of her rights and responsibilities as a police informant, in writing or otherwise. The Victoria Police Department took no formal or informal steps to monitor the relationships between handlers and their informants to prevent harassment and abuse.
58. The Victoria Police Department failed to take any, or appropriate, steps to investigate the situation and protect Jane Doe despite all it knew or ought to have known about the relationships between Jane Doe and the Individual Defendants and the Individual Defendants' sexual proclivities, histories and alcohol dependencies. In failing to ask appropriate questions, exercise adequate supervision, confront the Individual Defendants, or take any other appropriate, proper and necessary steps to protect Jane Doe from harm, the Victoria Police Department acted negligently and breached the fiduciary duty that it owed to Jane Doe.

59. As a direct result of the Victoria Police Department's negligence, breach of fiduciary duty, and occupiers' liability, Jane Doe was exposed to approximately five years of sexual harassment and abuse at the hands of the Individual Defendants, commencing when Jane Doe was seventeen years old.

Damages

60. As a result of the Defendants' wrongful and abusive conduct towards Jane Doe described herein, Jane Doe has suffered and continues to suffer from the following harms and injuries that have caused her pain, suffering and loss of enjoyment of life:

- a. emotional, physical and psychological terror, distress and confusion during and following the Individual Defendants' sexual abuse;
- b. impaired mental and emotional health and well-being, which have had severe implications on and have exacerbated Jane Doe's diagnosis of borderline personality disorder;
- c. periods of profound sadness and depression, post-traumatic stress disorder and chronic anxiety, including panic attacks;
- d. impaired relationships with her family and friends;
- e. profound issues with trust and intimacy, especially with men, which have impaired Jane Doe's ability to form and maintain platonic and romantic relationships throughout the course of her life;

- f. suicidal ideation and self-harm;
 - g. diminished self-confidence and self-esteem, and increased sense of personal shame, which resulted in a decline in Jane Doe's academic and personal performance;
 - h. a tendency to isolate herself from others, further damaging any existing relationships and reducing her enjoyment of life;
 - i. substance abuse;
 - j. difficulties with emotional regulation;
 - k. difficulties with memory, concentration, and clear thinking;
 - l. recurrent nightmares, night terrors, and sleep disturbances;
 - m. vivid flashbacks of the abuse, which are impossible for Jane Doe to avoid;
 - n. a general loss of enjoyment of life; and
 - o. such further and other physical and psychological injuries and harms it shall hereinafter be discovered and determined, particulars of which will be provided prior to trial.
61. As a result of the foregoing harms and injuries, Jane Doe will require ongoing therapy, counselling, and medical treatment. She claims the cost of past and future

therapy, counselling, and medical treatment, including the cost of prescription medications, particulars of which will be provided prior to trial.

62. In addition, in consequence of the Defendants' misconduct towards her, Jane Doe has suffered and will continue to suffer economic loss resulting from diminished academic performance, delayed entry into the workforce, loss of income, loss of economic opportunities, and loss of competitive advantage. This economic loss, both past and future, will be particularized prior to trial.

Aggravated and Punitive Damages

63. The calculated, highly intrusive and exploitative nature of the sexual, psychological and emotional abuse perpetrated by the Individual Defendants, which involved a fundamental betrayal of trust and an exploitation of Jane Doe's dependency and vulnerability, entitles Jane Doe to a substantial award of both aggravated and punitive damages against the Defendants.

PLAINTIFF'S ADDRESS FOR SERVICE:	GILLIAN HNATIW & CO. 67 Yonge Street, Second Floor Toronto, Ontario M5E 1J8
FAX NUMBER ADDRESS FOR SERVICE:	416.352.1526
EMAIL ADDRESS FOR SERVICE:	Anna Matas (55305R) anna@gillianandco.ca Maria Naimark (83470H) maria@gillianandco.ca
PLACE OF TRIAL:	Victoria, British Columbia

THE ADDRESS OF THE REGISTRY IS:

850 Burdett Avenue
Victoria, British Columbia V8W 9J2

DATE: November 12, 2021



Signature of Lawyer for the Plaintiff
Anna Matas, Gillian Hnatiw & Co.

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

(b) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

APPENDIX

PART 1: CONCISE SUMMARY 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:

- a. *Negligence Act*, R.S.B.C. 1996, c. 333;
- b. *Occupiers Liability Act*, R.S.B.C. 1996, c. 337;
- c. *Limitation Act*, 2002, S.B.C. 2012, c. 13; and
- d. *Crime Victim Assistance Act*, S.B.C. 2001, c. 38.