

Form 10

[Rule 3.25]

COURT FILE NUMBER **1401 0767**

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

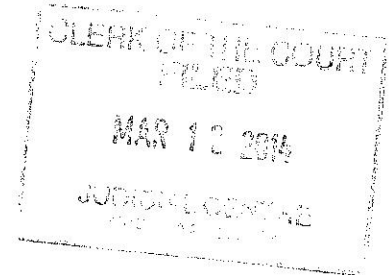
PLAINTIFF NICHOLAS MCLEOD

DEFENDANT MOUNT ROYAL UNIVERSITY,
JEFF BEDDOME, BILL BORDEN,
SHANNON COURTORIELLE, JOHN
DOE #1, JOHN DOE #2, JANE DOE
#1, JOHN DOE LTD.

DOCUMENT **STATEMENT OF CLAIM**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT Carol Crosson
Barrister and Solicitor
#253, 7620 Elbow Drive SW
Calgary, Alberta T2V 1K2
Phone: (403) 796-8110
Email: ccrosson@jccf.ca

Clerk's Stamp



NOTICE TO DEFENDANT(S)

You are being sued. You are a defendant.

Go to the end of this document to see what you can do and when you must do it.

Statement of facts relied on:

1. The Plaintiff, Nicholas McLeod ("McLeod") is the President of the Canadian Centre for Bio-Ethical Reform, whose office is at 5-8720 Macleod Trail SE, Calgary, Alberta.

2. The Defendant Mount Royal University (“MRU”) provides post-secondary education under the authority of the *Post-Secondary Learning Act* of Alberta. MRU was named a university by an Order in Council on September 2, 2009.
3. The Defendants Jeff Beddome (“Beddome”), Bill Borden (“Borden”), Shannon Courtorielle (“Courtorielle”), John Does #1, #2 and Jane Doe were security guards working at MRU on Tuesday, February 19, 2013. All of these individuals were at all material times acting in the scope of their office or employment as officers or employees of the Defendant MRU. These Defendants are referred to individually or collectively as the “Security Guards”.
4. John Doe Ltd. is a corporation carrying on business in Calgary, Alberta, as a security company that may have also employed one or more of the Security Guards at MRU on Tuesday, February 19, 2013.
5. On Tuesday, February 19, 2013, at about 7:30 PM, McLeod entered a building on the MRU campus in order to peacefully distribute literature.
6. While McLeod was distributing literature, one or more of the Security Guards tried to take his property from him and told him to stop distributing the literature. The Security Guards then attacked McLeod, dragging him to the ground, pinning him down and committed harmful and offensive conduct upon him. McLeod audio-recorded and videotaped this incident using his cell phone, which contained an SD Memory Card. The Security Guards totally deprived McLeod of his liberty, against his will, and arrested him. He was also handcuffed for several hours. His property was searched and seized, including his cell phone.
7. The Defendant Courtorielle removed the SD memory card from McLeod’s cell phone, thereby taking from McLeod the video-recording of the Security Guards’ behaviour when arresting and attacking McLeod.
8. As a result of the incident described above, McLeod suffered personal injuries.

9. The injuries described were caused by the intentional acts of the Security Guards, for which conduct MRU and John Doe Ltd. are directly or vicariously liable at law. Some particulars include:
 - a. committing a battery on the person of McLeod;
 - b. detaining and arresting McLeod;
 - c. searching the person of McLeod;
 - d. conversion and trespass to chattels;
 - e. using wilful or reckless force in excess of what was reasonably necessary;
 - f. infringements of the following freedoms under the *Charter*, including sections 2(b), 7, 8, 9, 10, 11(a) and 12;
 - g. such further and other particulars as may be proven at the trial of this action.
10. The injuries suffered by McLeod were contributed to by the negligence of MRU or John Doe Ltd. or both, which authorized or instructed the Security Guards. Some particulars include:
 - a. failure to take reasonable care in all the circumstances of the case to see that McLeod was reasonably safe in using the premises for the purposes for which the Plaintiff was invited or permitted by the occupier to be there, or was permitted by law to be there;
 - b. failing to properly screen potential employees to ensure that individuals prone to acts of violence or who possessed a criminal record would not be hired as Security Guards;
 - c. hiring employees who had aggressive temperaments, or who used drugs, alcohol, or steroids which increased their aggressive tendencies;
 - d. failing to properly train or supervise their employees;
 - e. failing to communicate to the Security Guards the importance of using non-violent or non-aggressive means in their capacity as Security Guards;

- f. failing to adequately train the Security Guards regarding safe removal of patrons;
 - g. failing to adequately train the Security Guards regarding the application of the *Canadian Charter of Rights and Freedoms*;
 - h. such further and other particulars of negligence as may be proven at the trial of this action.
11. The conduct of the Defendants or any of them was high-handed, harsh, vindictive, malicious, arbitrary or highly reprehensible, and departs to a marked degree from ordinary standards of decent behaviour.
12. As a result of the incident described, McLeod has experienced physical, mental and physiological distress, including:
- a. injury to his head;
 - b. injury to his spine;
 - c. injury to his left hand, left arm and both shoulders;
 - d. inability to sleep because of pain;
 - e. shock, nervous upset, emotional and psychological injury;
 - f. serious impairment of physical and cognitive functions resulting in an inability to perform essential tasks of employment, education, or normal activities of daily living;
 - g. humiliation and indignity;
 - h. loss of an ability to trust others.

Remedy Sought:

13. The Plaintiff claims damages of \$120,000 in total, under the following:
- a. General damages for false arrest and imprisonment, battery, negligence, and for breaches of sections 2(b), 7, 8, 9, 10, 11(a) and 12 of the *Charter*;

- b. Punitive or exemplary damages;
- c. Damages under section 24 of the *Charter*;
- d. Special damages in an amount to be determined, with particulars to be provided prior to trial;
- e. Such further damages as may be proven at the trial of this action;
- f. An award sufficient to satisfy any obligation to pay *Goods and Services Tax (GST)* on any amounts awarded;
- g. Interest pursuant to the *Judgment Interest Act*, R.S.A. 2000, c. J-1;

The Plaintiff further claims:

- h. A declaration that the actions of the Defendants violated the *Charter*;
- i. A declaration that the policies and decisions of MRU restricting or regulating the use of its common areas for expressive purposes must be consistent with the *Charter of Rights and Freedoms*.
- j. Costs of these proceedings;
- k. Such further and other relief as this Honourable Court may deem just.

NOTICE TO THE DEFENDANT(S)

You only have a short time to do something to defend yourself against this claim:

20 days if you are served in Alberta

1 month if you are served outside Alberta but in Canada

2 months if you are served outside Canada.

You can respond by filing a statement of defence or a demand for notice in the office of the clerk of the Court of Queen's Bench at Calgary, Alberta, AND serving your statement of defence or a demand for notice on the plaintiff's(s') address for service.

WARNING

If you do not file and serve a statement of defence or a demand for notice within your time period, you risk losing the law suit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the plaintiff(s) against you.