



Electronically issued
Délivré par voie électronique : 10-Mar-2022
Toronto

**ONTARIO
SUPERIOR COURT OF JUSTICE**

ALEXANDRA LAVOIE

Plaintiff

-and-

**ROYAL CANADIAN MOUNTED POLICE, ATTORNEY GENERAL OF CANADA,
OTTAWA POLICE SERVICE, and JOHN DOE OFFICER**

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service, in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$5,000.00 for costs, within the time for serving and filing your statement of defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiff's claim and \$400 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: _____

Issued by: _____

Address of court office: Local registrar
330 University Avenue, 8th Floor
Toronto, ON M5G 1R7

TO: ROYAL CANADIAN MOUNTED POLICE
73 Leikin Drive
Ottawa, ON K1A 0R2

AND TO: ATTORNEY GENERAL OF CANADA
Department of Justice Canada
120 Adelaide Street West, Suite 400
Toronto, ON M5H 1T1

AND TO: OTTAWA POLICE SERVICE
474 Elgin Street
Ottawa, ON K2P 2E6

AND TO: JOHN DOE OFFICER #1
73 Leikin Drive
Ottawa, ON K1A 0R2

**THIS ACTION IS BROUGHT AGAINST YOU UNDER THE SIMPLIFIED
PROCEDURE PROVIDED IN RULE 76 OF THE *RULES OF CIVIL PROCEDURE***

CLAIM

1. The Plaintiff, Alexandra Lavoie (“**Ms. Lavoie**”) claims against the Defendants, jointly and severally, for the following:

- (a) damages in the amount of \$100,000 comprised of general damages, special damages, aggravated and/or punitive damages, and damages pursuant to section 24(1) of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982 (“**Charter**”);
- (b) pre-judgment and post-judgment interest in accordance with sections 128 and 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (c) costs of this action on a substantial indemnity basis; and
- (d) such further and other relief as this Honourable Court may deem just.

THE PARTIES

Alexandra Lavoie and Rebel News

2. Ms. Lavoie is an individual residing in the Province of Quebec. She is a broadcaster, journalist, correspondent, and political commentator with Rebel News Network Ltd. (“**Rebel News**”) — a federal company carrying on business as a popular, independent online news and media company operating across Canada. At the material time, Ms. Lavoie was acting in her capacity as a Canadian citizen and member of the public, as well as in her capacity as a broadcaster, journalist, correspondent, and commentator with Rebel News. Ms. Lavoie is a member of the Independent Press Gallery of Canada.

3. Rebel News is a prominent, tireless advocate for press freedom in Canada. Rebel News

journalists and commentators often take strong editorial positions on important public issues affecting Canadians, and convey those positions through different media, including on websites (<http://www.RebelNews.com>), podcasts, YouTube videos and ads, print media, paperback books, e-books, radio ads, and billboards.

4. Rebel News' YouTube channel has over 1.5 million subscribers, making it one of the most-watched Canadian news channels on YouTube. Rebel News' website has nearly 11.5 million yearly users, 27 million yearly sessions, and 45 million yearly pageviews.

5. Rebel News has been granted media accreditation by governments in Canada and around the world, including Alberta, the United States (both the White House and Congress), the United Kingdom, the European Union, Sweden, the Netherlands, Israel, Poland, and India. Rebel News has also been granted accreditation in partly-free countries such as Iraq and Morocco.

The Defendants

6. The Defendant, the Royal Canadian Mounted Police ("**RCMP**") is a federal law enforcement agency constituted pursuant to the *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10.

7. The Plaintiff pleads that the RCMP is obliged (by statute and otherwise by common law) to provide police services in a manner that safeguards the fundamental rights guaranteed by the *Charter*, and in a fashion that ensures that its members conduct themselves lawfully in the execution or purported execution of their duties.

8. The RCMP employed various officers at the material time, including the unidentified individual defendant, and is therefore vicariously liable for the acts, omissions, and unlawful

conduct of the officer and other RCMP personnel referenced herein.

9. The Defendant, Ottawa Police Service (“OPS”) is constituted pursuant to the *Police Services Act*, R.S.O. 1990, and is statutorily charged with and responsible in law for, *inter alia*, appointing members of the OPS, establishing objectives and priorities with respect to police services in the City of Ottawa, establishing policies for the effective management of the OPS, and ensuring that its members are properly trained. At all material times, OPS oversaw, supervised, directed, and coordinated with, the RCMP and its officers.

10. The Defendant, John Doe Officer is an RCMP officer that was at the material time employed by the RCMP, directed by the OPS, and was working on active duty, on or about February 19, 2022, at or near the intersections of Metcalfe Street and Wellington Street in Ottawa, Ontario, at approximately 10:30 a.m.

11. The Defendant, Attorney General of Canada is directly and/or vicariously liable for the conduct of the RCMP and/or the individual John Doe Officer pursuant to, *inter alia*, section 23(1) of the *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C-50.

THE ‘FREEDOM CONVOY’ AND THE LAW ENFORCEMENT RESPONSE

The ‘Freedom Convoy’

12. In January 2022, a Canadian protest movement was sparked by the federal government’s institution of a vaccine mandate for commercial truckers entering Canada — these essential service providers had previously been exempt from entry restrictions, including vaccines or mandatory fourteen-day quarantine. The removal of this exemption had the effect of requiring unvaccinated Canadian truckers crossing into Canada to quarantine for fourteen days.

13. A coalition of truckers organized a cross-country convoy to coalesce in a protest in Ottawa, Ontario. The cross-country convoy gathered popular support as it travelled to the Nation's Capital, and increasingly became a matter of significant national and international interest as support for public health measures and mask/vaccine mandates waned.

14. In late January 2022, the protests, dubbed the 'Freedom Convoy', arrived in Ottawa, Ontario and began a weeks' long protest in and around Downtown Ottawa.

The Law Enforcement Response

15. As the 'Freedom Convoy' protests endured in Ottawa, Ontario in early February 2022, the rhetoric, tactics, and enforcement of the Defendants, the RCMP and OPS, gradually escalated. As part of this law enforcement escalation, the OPS sought, and the RCMP delivered, additional resources, including additional law enforcement personnel.

16. On February 14, 2022, the federal government invoked the *Emergencies Act*, R.S.C., 1985, c. 22 (4th Supp.) for the first time, imbuing itself with sweeping powers with the stated purpose of restoring order and bringing the ongoing convoy protests to an end.

17. On February 19, 2022, the Defendants, the RCMP and OPS, moved in on protestors, taking aggressive action, including using pepper spray, deploying an anti-riot weapon (Anti-Riot Weapon ENfield or ARWEN), carrying batons, and wearing riot equipment.

THE UNLAWFUL CONDUCT

18. It is within this context that, on or about February 19, 2022, Ms. Lavoie attended the Ottawa protests to report and inform on matters of significant public interest.

19. At approximately 10:30 am on February 19, 2022, Ms. Lavoie was filming and reporting in and around the protests when she received several blows from a police baton. In addition, the Defendant, John Doe Officer, discharged the Anti-Riot Weapon ENfield directly at her from very close range, striking her on her left thigh, all without provocation, warning, or reasonable grounds (the “**Unlawful Conduct**”).

20. A yellow-orange chemical product emanated around Ms. Lavoie, exploding in her face, eyes, mouth and body. Ms. Lavoie pulled away moments before she collapsed on the ground from the pain.

21. Ms. Lavoie could not breathe, her face was burning, her leg was injured, and she was in shock. She screamed in agony as certain protestors carried her into a nearby tent, located between O’Connor Street and Metcalfe Street, where her wounds were treated by a former nurse, and her eyes and mouth were rinsed from chemical exposure.

22. Ms. Lavoie states, and the fact is, that the Defendants had no reasonable grounds or lawful justification for the Unlawful Conduct.

23. Ms. Lavoie states, and the fact is, that the Unlawful Conduct was deliberate and/or malicious and/or an abuse of authority.

24. Ms. Lavoie further pleads that the Defendants used excessive, disproportionate and unauthorized force, and that the Unlawful Conduct was completely unnecessary in all the circumstances of the case.

25. Ms. Lavoie pleads that in all the circumstances, the Unlawful Conduct constitutes the torts of assault and battery, of an aggravated nature. Further, Ms. Lavoie pleads that the Unlawful

Conduct constitutes violations of Ms. Lavoie's sections 7, 9, and 10 *Charter* rights.

26. Ms. Lavoie pleads that the John Doe Officer was negligent in discharging his weapon, and the OPS and/or RCMP and/or the Attorney General of Canada are vicariously liable for his negligence, particulars of which include, but are not limited to, the following:

- (a) He knew, or ought to have known, that discharging his weapon directly into the body of the Plaintiff would cause damage;
- (b) He discharged his firearm while aiming same at Ms. Lavoie when he could have, and should have, discharged the firearm into the ground by her feet;
- (c) He was careless and/or reckless in aiming his firearm at Ms. Lavoie and discharging same in her direction;
- (d) He failed to take reasonable precautions to protect Ms. Lavoie and the protestors;
- (e) He had an unobstructed view of Ms. Lavoie and through the exercise of reasonable diligence, could have and should have, avoided discharging his firearm into the body of Ms. Lavoie;
- (f) He discharged his firearm when it was not reasonable nor necessary to do so;
- (g) He failed to warn, or properly warn, Ms. Lavoie that he was about to discharge his firearm at her;
- (h) He proceeded to discharge his firearm at very close range, contrary to the manufacturer's guidelines, and contrary to his training and experience;
- (i) He was an incompetent officer in the circumstances;
- (j) He failed to follow orders, and failed to exercise his discretion in a reasonable and prudent manner;
- (k) He knew, or ought to have known, and with the exercise of due diligence should have known, that discharging his firearm at Ms. Lavoie in the circumstances was not appropriate nor warranted; and,
- (l) Such further and other particulars which are within the exclusive knowledge and

possession of the Defendants, and which will be provided subsequent to the Discovery process.

27. Ms. Lavoie further pleads that the Unlawful Conduct, and damages that flow from same, were caused, or materially contributed to, by the negligence and breach of duty of the RCMP and OPS in failing to properly recruit, employ, supervise, and train competent staff, including the John Doe Officer. Further particulars of the RCMP and OPS' negligence will be provided prior to Trial.

DAMAGES

28. Ms. Lavoie pleads that she has sustained injury and damage to her person and dignity as a result of the tortious conduct of the Defendants, particulars of which will be provided prior to Trial. Ms. Lavoie pleads in the alternative that damages are "at-large".

29. Ms. Lavoie pleads that given the role and strength of the Defendants vis-à-vis citizens and members of the public, members of the RCMP and OPS engaging acts in the nature of the Unlawful Conduct are particularly blameworthy such that aggravated and/or punitive damages are warranted.

30. Ms. Lavoie pleads that the Defendants' conduct should be denounced and deterred.

RELIANCE ON STATUTES

31. The Plaintiff pleads and relies on, *inter alia*, the following statutes and regulations:

- (a) *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982;
- (b) *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10;
- (c) *Crown Liability and Proceedings Act*, R.S.C., 1985, c. C-50; and
- (d) *Negligence Act*, R.S.O. 1990, c. N. 1.

32. Ms. Lavoie proposes that this action be tried in Toronto, Ontario.

March 10, 2022

RE-LAW LLP

Barristers and Solicitors
1118 Centre St. Suite 207
Vaughan, ON L4J 7R9

David Elmaleh

LSO #62171I
Tel: 416-398-9839
delmaleh@relawllp.ca

Aaron Rosenberg

LSO #71043B
Tel: 416-789-4984
Fax: 416-429-2016
arosenberg@relawllp.ca

Lawyers for the Plaintiff

LAVOIE

- and-

**ROYAL CANADIAN MOUNTED
POLICE ET AL**

Plaintiff

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

STATEMENT OF CLAIM

RE-LAW LLP

Barristers and Solicitors
1118 Centre St. Suite 207
Vaughan, ON L4J 7R9

David Elmaleh LSO #62171I

Tel: 416-398-9839

delmaleh@relawllp.ca

Aaron Rosenberg LSO #71043B

Tel: 416-789-4984

Fax: 416-429-2016

arosenberg@relawllp.ca

Lawyers for the Plaintiff