

COURT FILE NUMBER 1203 18668
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON
PLAINTIFF(S) LEAH BULL
DEFENDANT(S) THE ATTORNEY GENERAL OF CANADA, NATASHA KALASHNIKOFF, MELISSA (M.J.) DELA CRUZ, KRYSTAL MOREN, SCOTT HEARN, AND RAYMOND STARZYNSKI
DOCUMENT STATEMENT OF CLAIM



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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 Leah Bull (hereinafter "Ms. Bull") currently resides in Hobbema, Alberta.
2. The Royal Canadian Mounted Police, named herein as the Attorney General of Canada pursuant to the provisions of the *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C-50, as amended, is a police force operating in the Province of Alberta.

3. The Defendants, Natasha Kalashnikoff, Melissa (M.J.) Dela Cruz, Krystal Moren, Scott Hearn, and Raymond Starzynski (hereinafter "the Defendant Police Officers") are individual police officers employed by the Royal Canadian Mounted Police.
4. On or about the 2nd day of January, 2011, Ms. Bull was arrested by the Defendant Police Officers in Hobbema, Alberta.
5. The Defendant Police Officers assaulted Ms. Bull on the street, took her to the police station, and further assaulted her on the way to the police station and in the police station (hereinafter "the Assault").
6. The Defendant, Attorney General of Canada, is vicariously liable for the acts and omissions of its employees.
7. The Assault was caused by the negligence of the Defendant Police Officers, some particulars of which negligence include the following:
 - a. Arresting Ms. Bull without justification;
 - b. Failing to inform Ms. Bull of the reason for her arrest;
 - c. Using excessive force;
 - d. Failing to use appropriate restraint and arrest control techniques;
 - e. Such further and other particulars of negligence as may be proven at the trial of this action.
8. In the alternative, the Defendant Attorney General of Canada was negligent and in breach of statutory duty in failing to protect Ms. Bull from the Assault in:
 - a. failing to develop and provide safety measures;
 - b. failing to provide any or adequate supervision;
 - c. failing to ensure appropriate restraint and arrest control techniques;
 - d. failing to hire appropriate or sufficient staff;
 - e. such further and other particulars of negligence or breach of statutory duty as may be proven at the trial of this action.

9. As a result of the Assault, negligence, and breach of statutory duty of the Defendants or one or more of them, Ms. Bull sustained significant bruising and abrasions on her face, legs and abdomen, pain, an orbital fracture, tinnitus, psychological injuries, and memory problems. Ms. Bull has ongoing pain, suffering and loss of amenities of life as a result of the injuries.
10. As a further result of the Assault, negligence and breach of statutory duty of the Defendants, or one or more of them, and the injuries sustained by Ms. Bull, Ms. Bull has been unable to perform the usual household duties and personal care she was able to do prior to the Assault. She claims damages for the past cost of care and housekeeping in the sum of \$10,000.00. Ms. Bull continues to be unable to perform her usual household duties and personal care. She claims damages for the future cost of care and housekeeping in the sum of \$150,000.00.
11. As a further result of the Assault, negligence and breach of statutory duty of the Defendants, or one or more of them, and the injuries sustained by Ms. Bull, Ms. Bull has been unable to perform the usual requirements of her employment that she was able to do prior to the Assault. She claims damages for the past loss of income in the sum of \$25,000.00. Ms. Bull continues to be limited in what job duties she can perform. She claims damages for the future loss of earning capacity in the sum of \$100,000.00.
12. Ms. Bull has required medical treatment including hospitalization and medication for the injuries suffered in the incident. She has incurred special damages in the sum of \$1,000.00 for the cost of treatment to date.
13. The behaviour of one or more of the Defendants was reckless, callous, high-handed, oppressive, and reprehensible. Ms. Bull claims punitive and aggravated damages in the amount of \$50,000.00.
14. At all material times one or more of the Defendants was an occupier within the meaning of the *Occupiers' Liability Act*, R.S.A. 2000, c. 0-4, (hereinafter the "Act") and Ms. Bull was a visitor within the meaning of the Act.

15. The Plaintiff claims interest provided by the *Judgment Interest Act*, RSA 2000, c.J-1 and amendments thereto.
16. The Plaintiff proposes that the trial of this action be held at the Law Courts Building, in the City of Edmonton, in the Province of Alberta, and does not expect such trial to exceed 25 days.

Remedy sought:

WHEREFORE THE PLAINTIFF LEAH BULL CLAIMS AGAINST THE DEFENDANTS, JOINTLY AND SEVERALLY:

- A. General damages for pain, suffering and the loss of enjoyment of life in the amount of \$150,000.00;
- B. Cost of care and treatment incurred, in the amount of \$10,000.00 and future care and treatment and loss of housekeeping capacity in the amount of \$150,000.00;
- C. Past loss of income in the amount of \$25,000.00 and future loss of earning capacity, in the amount of \$100,000.00.
- D. Special damages accumulated to date in the amount of \$1,000.00, and such further amount as may be proven at trial;
- E. Punitive and aggravated damages in the amount of \$50,000.00;
- F. Interest pursuant to the *Judgment Interest Act*, R.S.A. 2000, C.J-1, as amended;
- G. Costs of this action; and
- H. Such further and other relief as this Honourable Court deems fit to grant.

NOTICE TO THE DEFENDANTS

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 Edmonton, Alberta, AND serving your statement of defence or a demand for notice on the plaintiff'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.