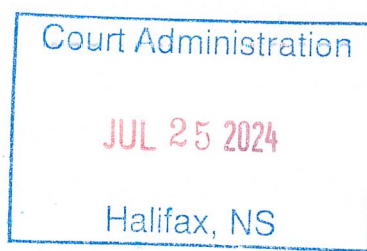


2024



Hfx No.: 535403

SUPREME COURT OF NOVA SCOTIA

Between:

DANA RENNIE, TIMOTHY TONEY, and TEESA SYLIBOY

PLAINTIFFS

-and-

**NOVA SCOTIA HEALTH AUTHORITY, a Body Corporate, Dr. Lydia Mary Melanson,
Dr. Leslie Marie Vieira Ribeiro, Dr. Michel Saccone and Dr. Daniel Chun-Yu Woo**

DEFENDANTS

NOTICE OF ACTION

To: The Defendants.

Action has been started against you.

The plaintiffs take action against you.

The plaintiffs have started the action by filing this notice with the court on the date certified by the prothonotary.

The plaintiffs claim the relief described in the attached statement of claim. The claim is based on the grounds stated in the statement of claim.

Deadline for defending the action

To defend the action, you or your counsel must file a notice of defence with the court no more than the following number of days after this notice of action is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada
- 45 days if delivery is made anywhere else

Judgement against you if you do not defend

The court may grant an order for the relief claims without further notice, unless you file the notice of defence before the deadline.

You may demand notice of steps in the action

If you do not have a defence to the claim or you do not choose to defend it you may, if you wish to have further notice, file a demand for notice.

If you file a demand for notice, the plaintiffs must notify you before obtaining an order for the relief claimed and, unless the court orders otherwise, you will be entitled to notice of each other step in the action.

Rule 57 – Action for Damages Under \$150,000

Civil Procedure Rule 57 limits pretrial and trial procedures in a defended action so it will be more economical. The Rule applies if the plaintiffs state the action is within the Rule. Otherwise, the Rule does not apply, except as a possible basis for costs against the plaintiffs.

This action is not within Rule 57.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Prothonotary located on 1815 Upper Water Street, Halifax, Nova Scotia (telephone * 902-424-4900).

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The plaintiffs designate the following address:

PATH Legal
85 Queen Street
Dartmouth, NS
B2Y 1G7

Documents delivered to this address are considered received by the plaintiffs on delivery.

Further contact information is available from the protonotary.

Proposed place of trial

The plaintiffs propose that, if you defend this action, the trial will be held in Halifax, Nova Scotia.

Signature

Signed this 25th day of July, 2024




Mukisa Kakembo
PATH Legal
85 Queen Street
Dartmouth, NS B2Y 1G7
Tel: 902-707-6460
Fax: (902) 600-9793

Counsel for the Plaintiffs

Prothonotary's certificate

I certify that this Notice of Action, including the attached Statement of Claim, was filed with the court on this 25 day of July, 2024.



~~Prothonotary~~

Morgan Reid
Deputy Prothonotary

STATEMENT OF CLAIM

The Parties:

1. The Plaintiff, Dana Rennie (“Dana”), at all material times was the mother of Destiny Angelina Rennie (“Destiny”), the deceased.
2. The Plaintiff, Timothy Toney (“Tim”), at all material times was the father of Destiny.
3. The Plaintiff, Teesa Syliboy (“Teesa”), at all material times was the wife of Tim and the stepmother of Destiny.
4. The Defendant, the Nova Scotia Health Authority (“NSHA”), is a corporate body whose registered office is located at 1276 South Park Street, Halifax, in the Province of Nova Scotia. The Defendant was and is the operator, occupier and maintainer of the Valley Regional Hospital (“Valley Regional”) in Kentville, Nova Scotia, and the Soldiers Memorial Hospital (“Soldiers Memorial”) in Middleton, Nova Scotia. All the agencies including, but not limited to the hospital services of Nova Scotia will be referred to as “the Defendant” and is deemed to include all its contractors, sub-contractors, agents, servants, employees and appointees.
5. At all material times, the Defendant, Dr. Lydia Mary Melanson (“Dr. Melanson”), was a Medical Resident at Soldier’s Memorial during Destiny’s July 27, 2023 visit.
6. At all material times, the Defendant, Dr. Leslie Marie Vieira Ribeiro (“Dr. Ribero”), was a Supervising Physician of Dr. Lydia Melanson (“Dr. Melanson”).
7. At all material times, the Defendant, Dr. Michel Saccone (“Dr. Saccone”), was a Valley Regional Emergency Room Physician the Emergency Room from July 31-August 1, 2023.
8. At all material times, the Defendant, Dr. Daniel Chun-Yu Woo (“Dr. Woo”), Valley Regional Intensive Care Unit (“ICU”) Physician in the ICU from August 1-3, 2023.

The Facts:

9. On July 26, 2023, Destiny called 811 because she was experiencing multiple symptoms, including head pain, photophobia, and facial oedema. 811 advised her to see a doctor within 12 hours.
10. On July 27, 2023, Destiny visited Soldiers Memorial. She was seen by Dr. Melanson. Dr. Melanson diagnosed Destiny with preseptal cellulitis, prescribed her antibiotics, scheduled a Computed Tomography (“CT”) scan for the next day, then discharged her and sent her home.

11. On July 28, 2023, Destiny received a CT scan of her orbits and nasal area, then returned home.
12. Between July 28 and July 31, 2023, Destiny's symptoms continued to deteriorate, with no observed improvement despite antibiotic treatment.
13. At 15:48 on July 31, 2023, Dana called an ambulance for Destiny because Destiny had been experiencing dizziness, a severe headache, confusion, nausea, slurred speech and vomiting. She was taken to the Valley Regional Hospital by ambulance.
14. At or around 17:20 on July 31, 2023, Destiny arrived at Valley Regional by ambulance, with a Canadian Triage Acuity Score ("CTAS") of 2, indicating rapid medical intervention is needed within 15 minutes of arrival. However, it was an hour later when NSHA took over Destiny's care from the paramedics.
15. At or around 22:30 on July 31, 2023, Destiny was sedated with ketamine and intubated by Dr. Saccone. The stated reason for sedation in the medical notes was due to Destiny being agitated and combative.
16. At or around 23:45 on July 31, 2023, a lumbar puncture was conducted by Dr. Saccone. The information collected from a lumbar puncture can help to diagnose meningitis, brain hemorrhaging, and certain neurological disorders. The initial puncture was unsuccessful as Dr. Saccone incorrectly placed the intraosseous infusion to the left humerus and had to remove it. Dr. Saccone used a manometer during the puncture outside typical practice, did not use the device properly at first, and did not attach the second piece properly when it was determined that it was beneficial. Normal intracranial pressure is between 7-15 mmHg, and Destiny's intracranial pressure was 40mmHg, which is a serious health concern.
17. At or around 00:15 on August 1, 2023, Destiny received another CT scan.
18. At or about 03:00 on August 1, 2023, Destiny experienced a seizure. As a result, at or about 03:15, Destiny was transferred to the ICU of Valley Regional Hospital under the care of Dr. Cornish. Dr. Saccone stated to Dr. Cornish that the value of the pressure from the lumbar puncture was 'high' but did not specify the exact value. Dr. Saccone did not inform Dr. Cornish that degree of pressure was 40mmHg, which is dangerously elevated.
19. Dr. Saccone assessed Destiny as being sufficiently likely to have been using illicit drugs and based her treatment on this assumption, ordering antibiotics piperacillin and tazobactam. When Dr. Saccone ordered blood tests for drugs in her system, the only drug found not prescribed by a doctor was cannabinoids.

20. On or about the morning of August 1, 2023, Dr. Woo took over the care of Destiny. Dr. Woo did not order further medical testing until August 2, 2023. Dr. Woo determined Destiny needed an MRI, but MRI testing was delayed because Destiny was intubated. Dr. Woo did not make any attempts to decrease Destiny's cranial pressure.
21. Between 08:00 and 11:00 on August 2, 2023, Dr. Woo determined that meningitis was the likely cause of Destiny's health issues. He prescribed anti-fungal medication Amphotericin B, which was ordered to be administered at 11:30 on August 2nd. NSHA staff did not administer the medications until 20:00, eight and a half hours later. Flucytosine, the other choice medication used to treat Cryptococcus, was not ordered.
22. On August 2, 2023, between 22:00 and 00:00, Destiny experienced brain death.
23. On August 3, 2023, Destiny's cultures for fungal meningitis returned and she was confirmed to have Meningitis Cryptococcus, or fungal meningitis. She was air lifted to the Queen Elizabeth II Health Sciences Centre ("QEII") for further management and reassessment.
24. From August 3 to 6, 2023, more testing and consultation was conducted. QEII doctors determined nothing could be done. Destiny was declared legally dead at 16:33 on August 6, 2023. Her oxygen was disconnected at 18:50. Her heart stopped at 19:13.

Negligence:

25. The Plaintiffs state that the Defendants NSHA, Dr. Woo, Dr. Saccone, Dr. Melanson, and Dr. Ribeiro owed Destiny Angelina Rennie a duty of care. The Defendants were responsible for the provision, administration, and operation of health services for individuals in their custody. The Plaintiffs state that the Defendants breached the duty of care owed to Destiny Angelina Rennie by failing to deliver health services reasonably, efficiently, and competently.
26. The Plaintiffs repeat the preceding paragraphs hereof and state that the incident aforesaid and the injuries, losses, and damages resulting therefrom were caused by the negligence of the Defendants NSHA, the particulars of which negligence are that they:
 - a. Failed to accept Destiny as a patient and assess her within 15 minutes with a CTAS 2, as per the Nova Scotia Emergency Care Standards and the Canadian Emergency Department Triage and Acuity Scale (CTAS) Guidelines 2016;
 - b. Failed to transport Destiny to Halifax Infirmary in a prompt and timely manner despite knowing the severity of her symptoms;
 - c. Failed to give required medication in a timely manner without adequate reason;

- d. Were generally negligent in their supervision and monitoring of Destiny Angelina Rennie's symptoms while in the Defendant's custody; and
 - e. Such other and further negligence as may appear from the evidence.
27. The Plaintiffs repeat the preceding paragraphs hereof and state that the incident aforesaid and the injuries, losses, and damages resulting therefrom were caused by the negligence of the Defendants Dr. Ribeiro and Dr. Melanson, the particulars of which negligence are that they:
- a. Failed to correctly diagnose, treat, and attend to Destiny's illness on her initial visit to Soldier Memorial Hospital;
 - b. Failed to conduct a CT of all necessary regions of Destiny's head given presentation;
 - c. Did not begin testing and treatment in a timely manner at Valley Regional Hospital considering the severity of symptoms present;
 - d. Such other and further negligence as may appear from the evidence.
28. The Plaintiffs repeat the preceding paragraphs hereof and state that the incident aforesaid and the injuries, losses, and damages resulting therefrom were caused by the negligence of the Defendant Dr. Saccone, the particulars of which negligence are that they:
- a. Failed to be accepted as a patient and assessed within 15 minutes as a CTAS 2 patient, as per the Nova Scotia Emergency Care Standards and the Canadian Emergency Department Triage and Acuity Scale (CTAS) Guidelines 2016;
 - b. Failed to correctly diagnose, treat, and attend to Destiny's illness.
 - c. Did not begin testing and treatment in a timely manner at Valley Regional considering the severity of symptoms present;
 - d. Failed to transport Destiny to Halifax Infirmary in a prompt and timely manner despite knowing the severity of her symptoms;
 - e. Initiated intubation and sedation for Destiny due to agitation, removing her ability to make decisions concerning her own care, and delaying possibility of conducting an MRI;
 - f. Failed to give required medication in a timely manner without adequate reason;
 - g. Failed to perform a lumbar puncture in a manner that would not cause unnecessary harm;

- h. Were generally negligent in their supervision, and monitoring of Destiny Angelina Rennie's symptoms while in the custody of the Defendant; and
 - i. Such other and further negligence as may appear from the evidence.
29. The Plaintiffs repeat the preceding paragraphs hereof and state that the incident aforesaid and the injuries, losses, and damages resulting therefrom were caused by the negligence of the Defendant Dr. Woo, the particulars of which negligence are that they:
- a. Did not begin testing and treatment in a timely manner at Valley Regional considering the severity of symptoms present;
 - b. Failed to transport Destiny to Halifax Infirmary in a prompt and timely manner despite knowing the severity of her symptoms and the lack of relevant medication at Valley Regional;
 - c. Failed to give required medication in a timely manner without adequate reason;
 - d. Were generally negligent in their supervision, and monitoring of Destiny Angelina Rennie's symptoms while in the custody of the Defendant; and
 - e. Such other and further negligence as may appear from the evidence.

Vicarious Liability:

- 30. The Plaintiffs pleads the doctrine of *respondeat superior* and states that the Defendant NSHA is vicariously liable for the actions of its or their agents, employees, servants and contractors.
- 31. The Plaintiffs further plead the *Fatal Injuries Act*, R.S., c.163, particularly sections 4(2) and 5.
- 32. The Plaintiffs further plead the *Survival of Actions Act*. R.S., c. 453, particularly sections 3 and 4.

Remedies Sought:

- 33. The Plaintiffs repeat the foregoing paragraphs and claim that, by virtue of the Defendants' conduct, Destiny Angelina Rennie suffered harms resulting in her death. The Plaintiffs have suffered harms and losses as a result of the negligence of the defendants. They claim damages against the Defendants, jointly and severally, as follows:
 - (a) special damages, the particulars of which will be delivered;
 - (b) non-pecuniary damages for loss of care and companionship;
 - (c) pecuniary damages;
 - (d) pre-judgment interest;

(e) the costs of this action; and

(f) such other and further relief as this Honorable Court deems just.

PLACE OF TRIAL: Halifax, Nova Scotia

DATED at Dartmouth, Province of Nova Scotia this 25th day of July, 2024.



Mukisa Kakembo
PATH Legal
85 Queen Street
Dartmouth, NS B2Y 1G7
Tel: 902-707-6460
Fax: (902) 600-9793

Counsel for the Plaintiffs

To: The Prothonotary

And To: The Nova Scotia Health Authority, A Body Corporate