

Court File No. **CV-15-5241523 00CP**

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THOMAS HOWARD TAYLOR

Plaintiff

and



TORONTO POLICE SERVICES BOARD

Defendant

Proceeding under the *Class Proceedings Act, 1992*

STATEMENT OF CLAIM

TO THE DEFENDANT:

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.

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: *March 23/2015*

Issued by:


Local Registrar

Address of court office: 393 University Avenue, 10th floor
Toronto, Ontario M5G 1E6

TO: TORONTO POLICE SERVICES BOARD
40 College Street
Toronto, Ontario M5G 2J3

CLAIM

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I. Relief Claimed

1. The Plaintiff claims (on his own behalf and on behalf of the class members for this action):
 - (a) General damages in the amount of \$17,500,000.00, for various torts and breaches of the class members' rights as guaranteed by the *Charter of Rights and Freedoms* (the "*Charter*") as described below;
 - (b) Aggravated and special damages in the amount of \$10,000,000.00, for these same torts and *Charter* violations;
 - (c) Punitive and exemplary damages in the amount of \$10,000,000.00;

- (d) Declarations that the actions and tactics of the Defendant and their agents violated the *Charter of Rights and Freedoms*;
- (e) Declarations and orders requiring that the Defendant expunge records relating to class members' arrests or detentions, including the destruction of related fingerprints and photographs;
- (f) Pre-judgment and post-judgment interest pursuant to the *Courts of Justice Act*;
- (g) Costs of this action on a substantial indemnity basis, together with post-judgment interest thereon, pursuant to s. 129 of the *Courts of Justice Act*; and
- (h) Such further and other relief as this Honourable Court may deem just.

II. Overview

2. This action is brought to preserve and affirm the fundamental civil rights of over 1000 Canadian citizens, residents, and visitors who, in the context of the global G20 Summit meeting in Toronto on June 26 and 27, 2010, were imprisoned by police in deplorable and inhumane conditions in a warehouse on Eastern Avenue that served as a temporary, makeshift jail (the "Detention Centre").
3. Conditions in the Detention Centre were inhumane and punitive. Prisoners were held in overcrowded wire cages and denied access to legal counsel, adequate food and water, bathroom privacy, space to sleep, warm and dry clothing, blankets, and other basic necessities. They were subjected to verbal abuse and threats, creating an environment that was chaotic and desperate. Detainees were held in these deplorable conditions for unjustifiably long periods of time, contrary to law. Police actions were intended to, and did, prevent detainees from participating in political demonstrations relating to the G20 Summit.

III. *The Parties*

4. The Plaintiff Thomas Taylor resides in Toronto, Ontario. He was as independent theatre producer, director and playwright at the time of the events described below. He is currently a charitable fundraiser and theatre artist
5. The Defendant Toronto Police Services Board is the “municipal police services board” for the City of Toronto pursuant to the provincial *Police Services Act*. The Toronto Police Services Board is liable for the wrongful or negligent acts and omissions of the members, employees, and agents of the Board and of the Toronto Police Service, including members of other police forces operating under the jurisdiction, supervision, or command of the Toronto Police Service or its members.
6. For the purposes of this claim, the terms “police” and “police officers” include members, employees, and agents of the Toronto Police Service, and members of other police forces who were under the jurisdiction, command, or supervision of the Toronto Police Service.

IV. *The Class*

A. *The Class Definition*

7. The class members for this action include those individuals who were arrested and imprisoned in the Eastern Avenue Detention Centre beginning on June 26 or 27, 2010.

B. *Relationship and Overlap with the Class in Good v. Toronto Police Services Board*

8. This class action is related to *Good v. Toronto Police Services Board* (the “Good Class Action”), a class action regarding wrongful group detentions and arrests at five locations in Toronto and other tortious conduct and *Charter* infringements. In the Good Class Action there are five subclasses differentiated by the location of group arrest (the “Location-Based Subclasses”).
9. The class in this action includes members of the “Location-Based Subclasses” who were imprisoned in the Detention Centre after their arrest at a certain location. The class in this action also includes individuals who are *not* contained in the Location-Based Subclasses

because, for example, they were arrested at other locations before being imprisoned at the Detention Centre.

V. *The G20 Summit and the Role of the Toronto Police Service*

10. On December 7, 2009, the Government of Canada announced that it would be hosting a summit of the leaders of the Group of Twenty countries (the “G20”) in Toronto (the “G20 Summit”). This summit was held nearly seven months later during the weekend of June 26 and 27, 2010. In anticipation of this summit and a summit of the Group of Eight (the “G8”) immediately before in Huntsville, Ontario, about \$1.2 billion was spent on summit-related expenses, of which about \$930 million was earmarked for security- and police-related expenses.
11. As part of its preparations for the summits, the Royal Canadian Mounted Police (the “RCMP”) set up a G8-G20 Summits Integrated Security Unit (the “ISU”). According to the ISU’s website, “[t]he ISU is a joint forces team comprised of security experts collaborating together to ensure the safety of the Heads of State, the community and minimize to the fullest extent possible, the potential impact of police security operations. [sic]” The website also stated that “[t]he G20 ISU will also uphold the fundamental freedoms of thought, belief, opinion, expression and of peaceful assembly as outlined in the Canadian *Charter of Rights and Freedoms*.” The ISU consisted of representatives from the RCMP, Toronto Police Service, OPP, Peel Police and Canadian Forces (the “ISU Partners”).
12. The Toronto Police Service was responsible for “co-ordination of public order within the City of Toronto”, “crowd management”, and “prisoner processing”. As part of these responsibilities, a temporary detention centre for prisoner processing for G20-related arrests was created at 629 Eastern Avenue, Toronto, Ontario (i.e. the Detention Centre). The Toronto Police Service had jurisdiction over the Detention Centre and was responsible for the decisions made by all police officers in the performance of their duties in the Detention Centre.

13. Given the experience of previous G20 and other summits, it was widely expected that political demonstrations by citizens, residents, and visitors would occur in the period leading up to the summit as well as over the summit weekend. These political demonstrations were expected to express public concern on a variety of topics, given the nature and scale of the G20 Summit, including issues such as climate change, global poverty, indigenous rights, and gender equality. In fact, during the weekend, thousands of people did peacefully participate or attempt to participate in such political demonstrations pursuant to the rights and freedoms guaranteed to everyone in Canada by the *Charter*.
14. However, during the course of the G20 Summit weekend, the largest number of mass arrests in Canadian history occurred. In the end, more than 1,000 people (including demonstrators, journalists, legal observers, tourists, bystanders and citizens conducting their normal business without any connection to the demonstrations) were unlawfully arrested and/or detained by police officers under the command, supervision, and jurisdiction of the Toronto Police Service. Dozens of peaceful protestors were assaulted by police officers under the command of the Toronto Police Service. Over 100 of these individuals were released at the scene of the arrest and/or mass detention with no charges; over 700 more were preemptively arrested and taken into custody, purportedly under the “breach of the peace” power, and eventually were released with no charges. In other words, the vast majority (over 800) of those subjected to mass detention or arrest were released with no charges, and without the police ever having to appear before a court or any authority to justify the detentions or arrests.
15. The remainder, approximately 200 individuals, were charged with alleged criminal offences and sent for bail hearings. Most of those charges have since been withdrawn, stayed or dismissed.
16. For example, those charged with criminal offences included a group of approximately 113 individuals mainly from Quebec sleeping in the University of Toronto Graduate Students’ Union Gymnasium, who were roused from their sleep and arrested *en masse* on June 27, 2010. The members of this group were charged with the offence of “conspiracy to commit mischief” and they were detained and then imprisoned for a total of

approximately 35 to 55 hours before they were eventually brought before a Justice of the Peace and released on bail conditions. All of these charges were subsequently withdrawn by the Crown on October 14, 2010.

17. Over 1000 of the persons arrested during the G20 summit were imprisoned in the makeshift cages of the Detention Centre in deplorable conditions.

VI. *Overview of the Causes of Action*

18. The Plaintiff asserts that the conditions inside the Detention Centre, and the treatment that he and the class members received, was negligent, tortious, and constituted infringements of the *Charter*. The Plaintiff asserts that his continued detention, and the continued detentions of the class members, were unlawful and unjustified, as well as unconstitutional under the *Charter*. He thus brings this action on his own behalf, as well as on behalf of the class members, for monetary damages and for Court declarations for violations of *Charter* rights.
19. Various unlawful acts or torts were committed against the Plaintiff and the class members by police officers under the command, supervision, and jurisdiction of the Toronto Police Service. The Defendant is liable for these torts, as detailed below.
20. The Plaintiff further asserts that unlawful and unjustifiable violations of the Plaintiff's and the class members' constitutional rights and freedoms were committed by police officers under the command, supervision, and jurisdiction of the Toronto Police Service. The Defendant is directly and vicariously liable for these violations. The Plaintiff asserts that he and the other members of the class are entitled to constitutional declarations that the Defendant's actions violated the *Charter*, including sections 2, 8, 9, 10, and 12. The Plaintiff also asserts that the class members are entitled to a remedy of damages pursuant to section 24(1) of the *Charter* with respect to various *Charter* violations.

VII. *The Plaintiff's Activities and Wrongful Detention on June 26 and 27*

21. Mr. Taylor spent the morning of Saturday June 26, 2010, at home. He was aware from numerous media reports which preceded the G20 Summit that very large protests were

expected during the Summit, possibly some of the largest protests Toronto had experienced during his life time.

22. At approximately 1:00 p.m., Mr. Taylor visited the “designated protest zone” or “free speech zone” at Queen’s Park. The crowd was very peaceful but the heavy police presence was visually intimidating. Mr. Taylor listened to a number of speeches before returning back home.
23. At approximately 7:00 p.m. Mr. Taylor decided to again visit the “free speech zone” at Queen’s Park with his girlfriend (now wife, Kate Bullock) and a few friends. On College Street, Mr. Taylor witnessed a number of violent and apparently random arrests.
24. At approximately 9:00 p.m. Mr. Taylor, his girlfriend, and a friend walked to an ice cream truck parked in front of City Hall to purchase some slushies to drink. Suddenly, several vans and buses of riot police and tactical teams arrived all at once. There were no protesters in the area, but the streets were filling with police officers with heavy gear and weapons. The situation was very intimidating and Mr. Taylor and his companions decided to go home. However, rather than walking east, in the direction of much of the intimidating police activity, they walked south along Bay Street and away from the commotion.
25. Soon afterwards, Mr. Taylor and his companions joined a group of approximately one hundred people who were apparently headed toward Allan Gardens, which is very close to Mr. Taylor’s apartment. Mr. Taylor thought it would be safer to travel with a larger group rather than walk home as a small party. The demonstration was very peaceful, and there was lively chanting, singing, and hand clapping. Mr. Taylor was inspired by the enthusiasm and positive tone of the demonstration.
26. The demonstration continued on before stopping in front of the Hotel Novotel. At this point, a group of demonstrators sat down and chanted “peaceful protest.” The atmosphere was calm and Mr. Taylor was impressed with the lively spirit of the demonstrators.
27. Mr. Taylor then noticed that police in riot gear were amassing on both sides of the street. He became concerned that they might be blocking off the street, so he decided that it was

time to go. Mr. Taylor and his girlfriend headed towards the approaching police to leave, and were told by them to get back. They obeyed and turned to leave the other way, but more riot police on the other side similarly told them to get back. They explained that they were not allowed to leave by the police line on the other side and they asked the officers if they could please just leave to go home. The officers gave them no response and would not let them through. The officers had been told not to let anyone out. The atmosphere became very tense.

28. Shortly thereafter, and again without any explanation, police began making forceful and apparently random arrests. Small groups of police would rush into the sitting crowd, violently seize individuals, and drag them away. This violence was completely unnecessary; no one was resisting. It was terrifying; people desperately pleaded to be allowed to go home; onlookers cried.
29. Some time later, police announced to the entire crowd that they were all under arrest for breach of the peace. The scene was frightening and intimidating as police "processed" the entire crowd, one by one, over a matter of hours.
30. Mr. Taylor watched police handcuff and take away his girlfriend (now wife) Kate, forcing her to walk backwards. Mr. Taylor felt humiliated and helpless. Soon after, Mr. Taylor was also handcuffed, arrested, and forced to walk backwards through the police cordon. His arresting officer was not aware of the reason for arrest.
31. Mr. Taylor and those arrested with him were then taken to and held in the Detention Centre, as described in paragraphs 33 to 54 below. They were denied adequate food and water, subject to inhumane and humiliating treatment, and held overnight under bright lights in extremely cold and overcrowded cages without space to lie down or sleep. These conditions caused Mr. Taylor to black out. Due to the lack of space, Mr. Taylor was standing despite feeling thirsty, hungry, dizzy, exhausted, sleep deprived, and unsteady. He then fell over unconscious from his standing position, hitting his head on the hard concrete floor. After Mr. Taylor was resuscitated he has a splitting headache. Despite requests, he was denied medical treatment.

32. Mr. Taylor was released after approximately 23 hours in custody, at around 9:00 p.m. on Sunday, June 27, 2010. He was released only on the condition that he not join any more G20 Summit protests or assemblies. He was explicitly told by police that he could be arrested if he did.

VIII. The Unlawful Conduct of the Defendant With Regard to the Class Members

A. The Unlawful Treatment of the Class Members

33. Most of the class members arrested in relation to the G20 demonstrations on Saturday, June 26, and Sunday, June 27, were imprisoned in the Eastern Avenue Detention Centre.
34. The Detention Centre was a temporary prison constructed inside a large unused film industry building near downtown Toronto, specifically to be used during the G20 Summit. Many hundreds of demonstrators and others, including by-standers and journalists, were held in the Detention Centre in conditions which were deplorable, inhumane, and unnecessary, especially considering the hundreds of millions of dollars spent on G8-G20 policing and security, and the considerable length of time police had been given to plan for the G20 Summit.
35. Police officers owed a duty of care to those who were in their custody or detained and imprisoned under their control, command, or supervision. This duty was owed to all class members imprisoned in the Detention Centre. Police officers breached this duty by maintaining inhumane conditions within the detention centre, causing class members to suffer physical and psychological harms.
36. The class members were locked inside metal wire cages in groups as large as approximately 40 people. By Sunday, some of these cages were so overcrowded that there was not enough room for everyone to sit on the floor. Conditions within the cages, and the Detention Centre generally, were punitive and inhumane and caused the class members considerable humiliation, suffering, and distress.
37. Class members were photographed and subjected to searches of their persons. All personal effects, including medication and cell phones, were seized as a matter of routine

policy. Police even routinely seized such basic personal items as eyeglasses and feminine hygiene products. No individualized assessments were made as to whether class members could retain personal items or have access to them for medical or other purposes during their imprisonment.

38. Class members repeatedly requested to be allowed to speak to a lawyer but were denied the opportunity to do so without delay. Class members who were minors were also denied the opportunity to contact their families. Those who were eventually permitted to use one of the few telephones provided were only allowed to do so after many hours of detention.
39. As a matter of routine policy and practice within the Detention Centre, police questioned and interrogated class members before providing them with an opportunity to speak to a lawyer. Direct requests to consult with counsel before responding to police questions were routinely denied.
40. Numerous lawyers telephoned or attended at the Detention Centre in person to attempt to contact clients who were imprisoned there. Such attempts were generally unsuccessful, as police did not permit lawyers to speak with the class members as a matter of policy.
41. The class members who were told that they were arrested for certain offences, such as possession of a weapon (which included possession of such items as water bottles, placards, and lemon juice) or conspiracy to commit mischief, were subjected to a strip search as a matter of policy. Strip searches were routinely conducted, not upon entry to the Detention Centre, but shortly prior to a class member's release (including release without charge), **after** the class member had already been imprisoned in crowded cells for many hours. There were no reasonable grounds to conduct strip searches of the class members other than to punish these class members for seeking to exercise their constitutional rights, and no individualized assessments were made as to the necessity of conducting strip searches for individual class members.
42. Police used air conditioning units to deliberately maintain abnormally cold temperatures within the Detention Centre. It was apparent to the police officers within the Detention

Centre that the extreme cold was causing the class members, many of whom were dressed for warm summer weather, considerable suffering and discomfort. Despite numerous requests and complaints regarding the excessive cold, police routinely denied class members access to blankets or warm clothing. Many had to resort to huddling together with strangers or on the floor of the portable toilets in an attempt to maintain body temperature.

43. Police intentionally, recklessly, or negligently failed to provide an adequate amount of drinking water to the class members. Requests for water were routinely denied despite the fact that it was apparent to police within the Detention Centre that the lack of drinking water was causing many class members considerable suffering and distress. Police also intentionally, recklessly, or negligently failed to provide the imprisoned class members with sufficient food, further aggravating the effect of the cold temperatures on the class members.
44. Medical attention, though frequently requested, was routinely denied to class members until an individual lost consciousness or a potential emergency situation had developed.
45. The police deliberately denied class members access to the necessities of life for the purpose of “punishing” class members for having been arrested. These punishments compounded previous illegal police conduct.
46. In addition, class members were routinely subjected to sexist, racist, and homophobic remarks and insults by police officers within the Detention Centre. Police removed class members they perceived to be homosexual and isolated them in separate cells against their will. At the same time, minor class members were kept together with adults instead of being separated.
47. Prior to their release, the class members who had been preemptively arrested without charge were video recorded and required to agree, on camera, to a standard prepared statement that they would not unlawfully participate in any protest related to the G20.
48. Class members were held in the Detention Centre for an arbitrary and excessive length of time, and without any necessity or reasonable grounds for their continued detention. The

decision to continue to hold class members in the Detention Centre was made in a generalized way without an assessment of the necessity or grounds for detaining individual class members.

49. The class members who had been preemptively arrested, purportedly under the breach of the peace power, were routinely detained for over 20 hours, some for well over a day, before being released without charge. The vast majority of class members were not released until after the G20 Summit had concluded, and many were detained well beyond the end of the G20 Summit.
50. The class members who had been arrested in the University of Toronto Gymnasium and charged with conspiracy to commit mischief (discussed below) were detained for approximately 35 hours before they were transferred out of the Detention Centre to other detention facilities.
51. These and the other class members who were criminally charged were systemically and arbitrarily detained for an excessive and unjustified period of time before being brought before a Justice of the Peace for a bail hearing, contrary to their rights under the *Charter* and at common law, and contrary to the Defendant's obligations under section 503 of the *Criminal Code of Canada*.
52. None of the class members who were criminally charged were released under section 498 of the *Criminal Code*, for example, on a promise to appear or an undertaking. Instead, these class members were all held for an extended period of time for bail hearings, without regard to whether there were reasonable grounds to do so in each case. This was done pursuant to an unreasonable and unlawful policy, systemic practice, and/or decision that all G20 detainees who were charged with an offence should be held for a bail hearing. The police (including the officer(s) in charge) did not consider on a case-by-case basis whether there were reasonable grounds to believe the continued detention of each class member was necessary, and were not given the discretion to release class members on this basis. Thus, by applying this blanket policy or systemic practice, the police failed to discharge their duties under the *Criminal Code*, including under section 498, and arbitrarily detained these charged class members.

53. The Defendant deliberately or recklessly violated the rights of these class members by carrying out a policy or systemic practice of detaining all charged people for a bail hearing without considering release options, failing to bring them before a Justice of the Peace in a timely manner, and by failing to make prior arrangements for sufficient resources to be available for the timely processing of prisoners. The Defendant systemically delayed the processing of prisoners and routinely held charged individuals for a bail hearing in order to prevent the class members from participating in any further political demonstrations during the G20 Summit.
54. After being released, many class members found that some or all of their personal items that had been seized by police (e.g., cell phones, identification, medication, etc.) were either missing, destroyed or still being detained. While some of these detained items were eventually returned, weeks or months later, many such items were never returned.

B. Specific Treatment of Those Arrested in the University of Toronto Gymnasium

55. As described in the statement of claim for the Good Class Action, on the morning of Sunday, June 27, at approximately 9:00 a.m., police surrounded and entered the University of Toronto Graduate Students' Union Gymnasium at 16 Bancroft Avenue (the "Gymnasium") where approximately 70 individuals were temporarily staying during the G20 Summit. Police arrested every person they found in or around the Gymnasium (collectively, the "Gymnasium Arrestees"), and subsequently charged them with the criminal offence of "conspiracy to commit mischief to property with a value over \$5000", under s. 465(1)(c) of the Criminal Code. These individuals were transported to and imprisoned in the Eastern Avenue Detention Centre.
56. All Gymnasium Arrestees were eventually subjected to a strip-search at the Detention Centre, as a matter of policy. No individualized assessment was made of the individual arrestees, as to whether a strip search was necessary or appropriate in the circumstances. These strip searches were not conducted upon entry to the Detention Centre, but rather **after** they had already been lodged in cages for several hours. There was no justification for this conduct other than to deliberately punish and humiliate them for traveling to

Toronto for the purpose of exercising their *Charter* right to free speech and assembly. These strip searches were degrading and humiliating.

57. After many hours of detention, the Gymnasium Arrestees were all eventually informed that they would be charged with “conspiracy to commit an indictable offence” under section 465(1)(c) of the *Criminal Code*, specifically, “mischief to property with a value over \$5000”.
58. Approximately 35 hours after their initial arrest, Gymnasium Arrestees were transported to the Ontario Court of Justice at 2201 Finch Avenue West.
59. At approximately 9:00 p.m. on Monday, June 28, the first few were brought before a Justice of the Peace. Approximately 10 individuals were ordered released on conditions by the Justice of the Peace at this time. The remaining arrestees were returned to holding cells without a bail hearing. At approximately 4:00 a.m., Tuesday, June 29, police transported these remaining persons to provincial prisons for the remainder of the night.
60. Male Gymnasium Arrestees (excluding the few who had been released) were taken to the Maplehurst Correctional Complex where they were subjected to additional strip searches. These strip searches took place in an open environment in the presence of the other detainees. Gymnasium Arrestees at Maplehurst were also injected with hypodermic needles under the threat of force if they refused. They were informed that this was for medical testing purposes. They were then lodged in cells overnight, before being returned to the holding area of the Finch Avenue courthouse on Tuesday, June 29.
61. Female Gymnasium Arrestees (excluding the few who had been released) were taken to the Vanier Centre for Women where they were subjected to additional strip searches. These searches took place in full view of male staff members. They were then lodged in cells overnight, before being returned to the holding area of the Finch Avenue courthouse on Tuesday, June 29.
62. The Gymnasium Arrestees (excluding the few who had already been released) appeared before a Justice of the Peace over the course of the day and into the evening on Tuesday,

June 29. They were released on strict conditions, which routinely included, among other conditions, a deposit and banishment from Toronto (except to appear in court).

63. While they were detained in these various facilities, including the Detention Centre, Gymnasium Arrestees were routinely and systemically subjected to discriminatory and abusive remarks from the police officers who guarded and escorted them. These remarks were generally directed to the fact that the Gymnasium Arrestees were francophone and/or Quebec residents. The arrestees were informed by police officers at the Detention Centre that persons who spoke fluent English would be processed first. They were also informed that if they requested to appear before the court in French they would be subjected to an additional period of detention.
64. All charges against the Gymnasium Arrestees were withdrawn by the Crown on October 14, 2010.

C. Unlawful Group Arrests

65. Many of the class members are also members of the class in the related Good Class Action (see paragraph 8 and 9 above) because they were arrested at the five locations addressed in the Good Class Action. The Plaintiff pleads and relies on the material facts set out in the statement of claim for the Good Class Action.

IX. Additional Facts Re Intentional, Callous, and High-Handed Nature of Police Conduct

66. The unlawful treatment of class members by police was intentional, callous, and high-handed.
67. For example, police intentionally detained the class members for excessive and unwarranted periods of time so as to prevent them from attending other political demonstrations during the G20 summit weekend. Similarly, the wrongful treatment of detainees was intended to, and did, dissuade persons from risking arrest by attending further demonstrations. Prior to their release from the Detention Centre, detainees were required to promise to not attend further G20-related demonstrations. These actions and strategies were intended to achieve security objectives by reducing the size of

demonstrations and unjustifiably preventing arrestees from attending demonstrations after their release. These actions and strategies foreseeably caused harm to the class members and prevented the class members from undertaking activities protected under s. 2 of the *Charter*.

68. In addition, class members were intentionally treated in a callous and inhumane manner based on unjustified and false beliefs by police that the detainees were troublemakers or wrongdoers and/or that demonstrators were likely to be criminals intent on committing acts of violence.

69. Additional material facts relating to the intentional, callous, and high-handed nature of the wrongful police conduct at issue in this class action are described in the statement of claim for the Good Class Action and are plead and relied upon by the Plaintiff.

X. *Damages*

70. The Plaintiff accordingly seeks, on his own behalf and on behalf of the class members for this action, appropriate remedies and damages against the Defendant for the above torts, legal breaches, and *Charter* violations.

71. The Plaintiff specifically seeks damages under s. 24(1) of the *Charter* for violation of the class members' constitutional rights and freedoms, in order to compensate the class members for their suffering and loss of dignity, to vindicate these fundamental rights, and to deter systemic violations of a similar nature at future political demonstrations.

72. The Plaintiff seeks additional damages on behalf of those class members who were strip-searched by police.

73. The Plaintiff seek further additional damages on behalf of those class members whose property was lost, destroyed, or damaged while in police custody, or whose electronic data (including but not limited to digital photographs) was erased or made inaccessible by police.

74. As a result of the Defendant's wrongdoing, the Ontario Health Insurance Plan has suffered damages related to past and future medical treatment of the class members for

which it is entitled to be compensated by virtue of its subrogated and direct rights of action in respect of all past and future insured services. The Plaintiff plead and rely upon s. 31(1) of the *Health Insurance Act*, R.S.O. 1990, Chap. H.6, and claims for the cost of the insured services as described in s. 31 of that act, in addition to the claims and amounts described in paragraph 1.

75. Given the widespread and systemic nature of the wrongs and constitutional violations committed by police and the gratuitously high-handed and abusive conduct involved, and to ensure that these practices do not become the *de facto* model for policing future political demonstrations in Canada, the Plaintiff also seeks, on their own behalf and on behalf of the class members for this action, appropriate aggravated, special, exemplary, and punitive damages against the Defendant.
76. In addition to the above, the Plaintiff pleads and relies on the all of the material facts set out in the statement of claim for the Good Class Action.

Date:

March 23/2015

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TORONTO POLICE SERVICES BOARD

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Court File No.

C-15-524523 0009

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

STATEMENT OF CLAIM

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