

Court File No. CU-10-408131

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

SHERRY GOOD

Plaintiff

and

**TORONTO POLICE SERVICES BOARD and
ATTORNEY GENERAL OF CANADA**

Defendants

Proceeding under the Class Proceedings Act, 1992

NOTICE OF ACTION

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the statement of claim served with this notice of action.

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 notice of action 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.

Date: August 5, 2010

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

AND TO: ATTORNEY GENERAL OF CANADA
c/o Deputy Attorney General of Canada
Exchange Tower
130 King Street West, Suite 3400
PO Box 36
Toronto, Ontario M5X 1K6

CLAIM**I. Relief Claimed**

1. The Plaintiff's claim, on her own behalf and on behalf of the class members for this action, is for:
 - (a) General damages in the amount of \$15,000,000.00;
 - (b) Aggravated and special damages in the amount of \$15,000,000.00;
 - (c) Punitive and exemplary damages in the amount of \$15,000,000.00;
 - (d) Declarations of their rights;
 - (e) Pre-judgment and post-judgment interest pursuant to the *Courts of Justice Act*;
 - (f) 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
 - (g) 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 800 Canadian citizens, residents, and visitors who, in the context of the global G20 Summit meeting in Toronto on June 26-27, 2010, publicly and lawfully demonstrated to express their concerns on issues of public importance, or who were observing and reporting on those demonstrations, or who were present simply by chance, and who were wrongfully and without good cause arrested, detained, imprisoned, and/or held by police.

III. The Parties

3. The Plaintiff Sherry Good is an office administrator residing in Toronto, Ontario.
4. 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 those from other police forces operating under their jurisdiction or command.
5. The Royal Canadian Mounted Police (the “RCMP”) is the police force for Canada pursuant to the federal *Royal Canadian Mounted Police Act*. The federal Crown is liable, pursuant to the federal *Crown Liability and Proceedings Act*, for the wrongful or negligent acts and omissions of the RCMP’s members, employees, and agents, including those from other police forces operating under its jurisdiction or command. According to the *Act*, the Defendant Attorney General of Canada is also the person in whose name proceedings are taken against the federal Crown.

III. Claim Background

The G20 Summit

6. 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. This summit was held nearly seven months later during 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 spent on security and police related expenses.
7. As part of its preparations for the summits, the RCMP set up a G8-G20 Summits Integrated Security Unit (“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.” 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 *Charter*].”

8. The ISU was under the direction of a Chief Superintendent of the RCMP, and the RCMP was the leading partner in the ISU. The RCMP was also responsible for the “general co-ordination of security”.
9. The Toronto Police Service was also a key partner in the ISU, and it 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 (the “Eastern Detention Centre”).
10. The RCMP and Toronto Police Service operated under a “unified command” for G20 purposes.
11. Given the experience of previous G20 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, including issues such as climate change, global poverty, indigenous rights, and gender equality. In fact, during the weekend, thousands of people did peacefully participate in such political demonstrations pursuant to the rights and freedoms guaranteed to everyone in Canada by the *Charter*.
12. However, during the course of the G20 weekend, the largest number of mass arrests in Canadian history occurred. In the end, over 1,000 demonstrators and others (including journalists, legal observers, tourists, bystanders and citizens conducting their normal business without any connection to the demonstrations) were arrested and/or detained by

police officers responsible to the Toronto Police Service and the RCMP. Over 100 of these individuals were released at the scene of the arrest and/or detention with no charges; over 700 more were arrested for “breaching the peace” and taken into custody but eventually were released with no charges; and the remainder were charged with alleged criminal offences and sent for bail hearings. In other words, the vast majority (over 800) of those arrested and/or detained 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.

The Plaintiff's Activities and Wrongful Arrest on June 26 and 27

13. The Plaintiff was one of those who participated in demonstrations over the course of the G20 Summit weekend. The Plaintiff had no involvement in organizing any of the demonstrations, and participated purely as an ordinary citizen expressing concerns on public issues, as she believed was her right in Canada. The Plaintiff at no time participated in any vandalism or property damage during the June 26 and 27 weekend.
14. On Saturday, June 26, the Plaintiff and a friend joined in the organized public demonstration which began at Queen's Park and traveled south along University Avenue.
15. At Queen Street West, the demonstration turned west, and the Plaintiff and her friend began walking westward along Queen Street West with other demonstrators. After the demonstration arrived at Spadina Avenue some of the demonstrators, including the Plaintiff and her friend, returned eastward along Queen Street West. As the Plaintiff and her friend were walking eastward, still within a block of Spadina Avenue, she saw two police cars seemingly abandoned on the street.
16. Later that afternoon, the Plaintiff joined in a peaceful demonstration that occurred near the security fence that had been erected to surround the Metro Toronto Convention Centre where G20 leaders were meeting.

17. Eventually, the Plaintiff and her friend left the demonstrations and went home and watched the news on TV. On the news they saw video images of the apparently abandoned police cars that they had walked past on Queen Street West, which were now shown to be in flames.
18. The next day, on the afternoon of Sunday, June 27, the Plaintiff and her friend decided to return to the demonstration area from their home nearby and potentially observe or participate in further demonstrations. They walked west along Queen Street West, not as part of any demonstration. Near the corner of Queen Street West and Bay Street, they were stopped by police, questioned, and searched, despite the fact that the Plaintiff is in her fifties and did not appear threatening or disorderly in any way. The Plaintiff asserts that there was nothing about them or their activities that justified the questioning and the search.
19. Shortly thereafter, as the Plaintiff and her friend were continuing their walk westward, and as they approached the corner of Queen Street West and York Street, a police SUV suddenly pulled in front of them and blocked their path. Police officers from the SUV, and other officers who were nearby, surrounded both the Plaintiff and her friend. The police officers proceeded to question both the Plaintiff and her friend, and to search and very aggressively interrogate her friend. The officers made several threatening and profanity-laced comments to her friend (such as “just give me a f**king reason to shoot you”, “give me that backpack before I cut it off” and “get out of our city”), and made derogatory comments about the fact that the Plaintiff and her friend had been present at the security fence the previous day. The Plaintiff was surprised and frightened that the officers would be aware of that fact, and by the way that her peaceful demonstration the day before was suggested by the officers as a justification for the search and detention.
20. Both the Plaintiff and her friend were eventually allowed to continue. The Plaintiff and her friend were both shocked and frightened by these infringements of what they had thought were their rights and freedoms. They continued walking along Queen Street West, stopping at points to try to calm down. They eventually decided to walk back eastward along Queen Street towards home.

21. While walking eastward on their way home, at approximately Queen Street West and York Street, they encountered a group of peaceful demonstrators (and non-demonstrators) who were being “herded” westward along Queen Street by a group of police. As the Plaintiff and her friend could no longer continue eastward, and had few options, they began walking westward with the demonstrators who were being moved westward by the police.

22. At about the corner of Queen Street West and Spadina Avenue, the peaceful group of demonstrators and others was suddenly surrounded by hundreds of police officers in riot gear, without any warning, and without any opportunity to disperse. The group of demonstrators and others now consisted of several hundred individuals, of a variety of ages and backgrounds. There appeared to be no reason or rationale for the detainment. Over a period of time, the ranks of the police officers who were surrounding them gradually closed in on the group in an intimidating fashion using a technique commonly known as “kettling”. The group was squeezed into a smaller and smaller area on the street at the intersection of Queen Street West and Spadina Avenue. People were not allowed to leave. No information was provided to them. No reason was given as to why the group was being detained.

23. The Plaintiff and others were detained for over four hours in a small area at this location, on the street, in the open, without access to washrooms or other basic facilities, and without the ability to leave. During this time a severe rainstorm began and the group was forced to stand in the intersection in a sustained and heavy downpour of rain which drenched them. They had no shelter or protection, and as time passed, many became severely chilled. During this detention, the police began to arrest some individuals in the group by suddenly rushing forward and seizing them and dragging them from inside the surrounded area. There appeared to be no logic or justification for these forceful and apparently random arrests, which created considerable fear among the group. Finally, after approximately four hours in these conditions, the police released the remaining detainees by allowing them to leave to the north.

24. The Plaintiff left the site of her detention soaked to the skin, cold, miserable, angry, and not quite able to believe what had just happened to her. She was unable to sleep that night. Although the Plaintiff had never before been afraid to travel on the streets of Toronto, after her treatment by the police on the Summit weekend she found that she was very nervous to be out on the streets, because her sense of safety in public places had been destroyed. Anyone in a uniform now caused her to instinctively react with wariness. Her wrongful arrest and the actions of the police on that weekend have shaken the belief she once had that her rights and freedoms were secure under the laws of Canada.

IV. The Claims of the Plaintiff and Class Members

25. The Plaintiff asserts that her arrest and detention, and the vast majority of the arrests and detentions over the course of the G20 weekend, were unlawful and unjustified, as well as unconstitutional under the *Charter*, and she thus brings this action on her own behalf, as well as on behalf of the class members for this action, for monetary damages and for Court declarations of rights.
26. The primary class for this action is all those individuals in the City of Toronto who were arrested and/or detained by police during June 26 and 27, 2010, but who were then later released without charge. For the purposes of this action, “detention” includes those individuals subject to the policing technique known as “kettling”, as occurred at the corner of Queen Street West and Spadina Avenue.
27. This action seeks particular relief on behalf of the following sub-classes:
- (a) Those individuals at or in the vicinity of Queen’s Park on June 26, 2010 who were arrested and/or detained, but who were later released without being charged;

- (b) Those individuals at or in the vicinity of the Hotel Novotel Toronto Centre on the Esplanade on June 26, 2010 who were surrounded by police, arrested, and/or detained, but who were later released without being charged;
 - (c) Those individuals outside and in the vicinity of the Eastern Detention Centre who were surrounded by police, arrested, and/or detained between June 26, 2010 at about 10:00 pm and June 27, 2010 at about 4:00 am, but who were later released without being charged;
 - (d) Those individuals at or in the vicinity of the intersection of Queen Street West and Spadina Avenue on June 27, 2010 who were surrounded by police, arrested, and/or detained, but who were later released without being charged; and
 - (e) Those individuals at or in the vicinity of the intersection of Queen Street West and Noble Street on June 27, 2010 who were surrounded by police, arrested, and/or detained, but who were later released without being charged.
 - (f) Those individuals at locations in Toronto other than the above who on June 26 or 27, 2010 were arrested and/or detained by police, in relation to the G20 Summit, but who were later released without being charged.
28. This action also seeks findings and damages on behalf of those whose detention in the Eastern Detention Centre commenced on either June 26 or 27, 2010. The Eastern 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.
29. Many hundreds of demonstrators and others, who had done nothing wrong, were held in the Eastern Detention Centre in conditions which were deplorable, considering the hundreds of millions of dollars being spent on G8-G20 policing and security, and the considerable length of time police had been given to plan for the Summit.

30. Individuals who were imprisoned at the Eastern Detention Centre were jammed into overcrowded cells for twenty hours or more, handcuffed the entire time, without food or water for ten hours or longer, sometimes without toilets, without proper clothes or blankets to protect against the cold conditions, without medical care or medication for those who were sick or injured, and without any way to inform their families or friends of where they were. Detainees were not informed of their right to retain legal counsel, and were denied the opportunity to call legal counsel despite their clear legal right to do so, and despite their requests to do so. During their imprisonment, detainees were sometimes ridiculed and harassed by police officers with racist, sexist, lurid and homophobic insults and provocations.
31. The Plaintiff asserts that various unlawful acts or torts were committed by police officers against the Plaintiff and members of the class as a result of the police methods, actions, arrests, and detentions associated with the G20. The Defendants are directly and vicariously liable for these torts. These torts include false imprisonment, assault and battery, and abuse of process, as well as negligence in the management and direction of officers.
32. The Plaintiff further asserts that illegal and fundamentally unacceptable violations of the Plaintiff's and class members' constitutional rights and fundamental freedoms were committed by police officers, contrary to rights guaranteed by the *Charter* to all Canadian citizens, residents, and visitors. These violations occurred as a result of the police methods, actions, arrests, and detentions associated with the G20. The Defendants are directly and vicariously liable for these violations, and the Plaintiff asserts that she and class members are also entitled to other constitutional declarations and remedies. The violated rights and freedoms include:
- (a) "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communications" (section 2(b));
 - (b) "freedom of peaceful assembly" (section 2(c));

- (c) “freedom of association” (section 2(d));
- (d) “the right to be secure against unreasonable search or seizure” (section 8);
- (e) “the right not to be arbitrarily detained or imprisoned” (section 9);
- (f) “the right on arrest or detention to be informed promptly of the reasons therefore” (section 10(a)); and
- (g) “the right on arrest or detention to retain and instruct counsel without delay and to be informed of that right” (section 10(b)).

33. The Plaintiff accordingly seeks, on her own behalf and on behalf of the class members for this action, appropriate remedies and damages against the Defendants for the above acts and *Charter* violations.

Date: August 5, 2010

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SHERRY GOOD

Plaintiff v. **TORONTO POLICE SERVICES BOARD et al**
Defendants

Court File No. **CV-10-408131**

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

NOTICE OF ACTION

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