Court File No. CV-14-5064230000CP

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

SHARON CLEGG AS LITIGATION GUARDIAN OF MARLENE MCINTYRE

Plaintiff

- and -

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO

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.

Date June 16th, 2014

Issued by _____
Local registrar
S. Chandradat
Registrar

Address of court office 393 University Avenue
10th Floor
Toronto, ON

TO: **HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO**
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CLAIM

1. The plaintiff, on behalf of the Class as described herein, claim:

(a) an order certifying this action as a class proceeding and appointing the plaintiff as representative plaintiff for the Class and any appropriate sub-class thereof;

(b) a declaration that the defendant breached its fiduciary, statutory and common law duties to the plaintiff and the class through the establishment, funding, operation, management, administration, supervision and control of the following residential facilities:

(i) Pine Ridge, Aurora;

(ii) St. Lawrence Regional Centre, Brockville;

(iii) D'Arcy Place, Cobourg;

(iv) Adult Occupational Centre, Edgar;

(v) Bluewater Centre, Goderich;

(vi) Muskoka Centre, Gravenhurst;

(vii) CPRI, London;

(viii) Midwestern Regional Centre, Palmerson;

(ix) Prince Edward Heights, Picton;

(x) St. Thomas Adult Rehabilitation and Training Centre;

(xi) Northwestern Regional Centre, Thunder Bay;

(xii) Surry Place Centre, Toronto;

(xiii) Durham Centre for the Developmentally Handicapped, Whitby;

(xiv) Oxford Regional Centre, Woodstock;

(xv) The Nipissing Regional Centre, North Bay; and

(xvi) L.S. Penrose Centre, Kingston.

(the "Facilities")

(c) a declaration that the defendant was negligent in the establishment, funding, operation, management, supervision and control of the Facilities;

(d) a declaration that the defendant is liable to the plaintiff and the Class for the damages caused by its breach of fiduciary, statutory and common law duties and for its negligence in relation to the establishment, funding, operation, management, administration, supervision and control of the Facilities;

(e) damages for negligence and breach of fiduciary duty of $1 billion, or such other sum as this Honourable Court may find appropriate;

(f) punitive damages of $1 billion, or such other sum as this Honourable Court may find appropriate;

(g) an order appointing Sharon Clegg as litigation guardian of the proposed representative plaintiff;

(h) prejudgment and postjudgment interest pursuant to the *Courts of Justice Act*, R.S.O. 1995, c. C. 43, as amended;

(i) costs of the action on a substantial indemnity basis or in an amount that provides full indemnity;

(j) pursuant to section 26 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, the costs of notice and of administering the plan of distribution of the recovery in this action, plus applicable taxes; and

(k) such further and other relief as to this Honourable Court may seem just and appropriate in all the circumstances.

A. THE PARTIES

2. The plaintiff, Marlene McIntyre, is an individual residing in the City of Barrie, in the Province of Ontario. Marlene was born on March 31, 1946. She was admitted to D'Arcy Place ("D'Arcy") in or about 1963 at the age of 13 years old. Marlene continued to reside at D'Arcy, as a ward of the institution, full-time, for about 10 years.

3. Marlene admitted to Adult Occupational Centre, Edgar ("Edgar") in or around 1973. Marlene continued to reside at Edgar, as a ward of the institution, full-time, from 1973 through to approximately 1976.

4. The litigation guardian of Marlene, Sharon Clegg, is an individual residing in the Township of Brock, in the Province of Ontario. Sharon has a degree in Mental Retardation Counselling from Loyalist College. Following the completion of her degree, Sharon worked at Prince Edward Heights, a facility for people with disabilities, and as a manager of ARC Industries, an Adult Rehabilitative Centre. In addition, Sharon has worked as an Adult Protective Service Worker, and as an educational and behavioural

assistant in the York and Durham Catholic School Boards. Sharon has worked alongside persons with disabilities for over 30 years.

5. The defendant, Her Majesty the Queen in right of the Province of Ontario (the "Crown") is named in these proceedings pursuant to the provisions of the *Proceedings Against the Crown Act*, R.S.O. 1990, c. P. 27, and the amendments thereto.

6. At all material times, the Crown, through and with its agents, servants and employees, owned and was responsible for the operation, funding and supervision of the Facilities as residential facilities for the care and control of persons with mental or developmental disabilities and other persons in need of psychiatric care. The Facilities were Schedule I facilities pursuant to the *Developmental Services Act*, R.S.O. 1990, c. D. 11 or predecessor Acts.

7. The Facilities were located across Ontario. They were under the sole jurisdiction and control of, and were operated by, the Crown. The Crown retained and authorized servants, agents, representatives and employees to operate the Facilities and gave instructions to such servants, agents, representatives and employees as to the manner in which the facility was to function and operate.

8. The plaintiff brings this action pursuant to the *Class Proceedings Act, 1992* on her own behalf and on behalf of all other persons who resided at the Facilities.

9. The proposed members of the "Class" are:

   i. all persons who resided at any of the Facilities between September 1, 1963 and the closure of the Facilities who were alive as of June 16, 2012 (the "Resident Class"); and

   ii. all parents, spouses, children and siblings of persons who resided at any of the Facilities between March 31, 1978 and their closure, and who were alive as of June 16, 2012 (the "Family Class").

B. HISTORY OF THE FACILITIES

10. The Facilities operated at various times during the 20th century. Over this time, the Facilities housed thousands of individuals labelled mildly, moderately and severely developmentally challenged and delayed. The Resident Class, as people with disabilities, is a particularly vulnerable population within society.

11. Individuals were placed in the Facilities either by family members or their principal caregivers who voluntarily placed them to receive medical or personal care; or becoming wards of the Crown, having been legally remanded into the care of the Province as wards of the Crown. Individuals were placed in the Facilities as a result of their mental or developmental disabilities.

12. The Facilities were intended to provide residential programs of hospital care, activity, educational programs and training.

13. The Facilities operated under the auspices of the Department of Health and the Ministry of Health until 1974 when the Facilities was transferred to the Ministry of Community and Social Services.

14. In 1974, the *Development Services Act*, 1974, S.C. 1974, c. 2, was enacted, which gave the Ministry of Community and Social Services legislative responsibility for all government and board-operated institutions for people with developmental disabilities – the Facilities. The Facilities ceased operating at various times.

15. Every aspect of the Facilities' residents' lives was dictated, controlled and provided for by the Crown. Individuals at the Facilities had virtually no control over any aspect of their lives. The opportunities to make choices or provide any input into their daily lives were extremely limited if not non-existent. The vulnerability of these individuals as a result of their placement in the institution was further compounded by virtue of their being disabled.

16. Throughout the tenure of the Facilities, numerous specific recommendations had been made directly to the Crown to identify, halt, report and eliminate abuse of residents,

the conditions that led to the abuse of residents and to provide an appropriate level of care to the Facilities' residents.

17. In 1971, the Walter B. Williston report, sponsored by the Ministry of Health, entitled "Present Arrangements of the Care and Supervision of Mentally Retarded Persons in Ontario" (the "Williston Report") was released to the then Minister of Health. The Williston Report was a scathing indictment of large institutions for the mentally handicapped in Ontario. Williston's findings regarding the operation of the Facilities included, but were not limited to:

(a) wards were almost universally large, combining persons of different ages, degree of retardation and varied handicaps;

(b) living conditions tended to be dull, monotonous and impersonal;

(c) the wards were severely overcrowded

(d) the residents had few private possessions, and seldom was there place to store them;

(e) any degree of personal attention or privacy was simply not possible;

(f) lavatories did not have doors or toilet seats;

(g) there was almost complete segregation of sexes beginning in early childhood, and co-educational activities were minimal;

(h) many wards were unnecessarily locked;

(i) the emphasis of institutionalization was custody, and not training or rehabilitation;

(j) institutions were isolated from the rest of the community;

(k) buildings were too large, overcrowded and antiquated, constituting serious fire hazards;

(l) the institutions forced residents to function far below their developmental possibilities, inhibiting rehabilitation; and

(m) residents were paid minimal and completely unrealistic wages for their work, ranging from 4 cents to 8 cents per hour.

18. In 1973, a second government-sponsored report prepared by Robert Welch, Provincial Secretary for Social Development, entitled "Community Living for the Mentally Retarded in Ontario" (the "Welch Report"), was released. The Welch Report focussed on the needs of mentally disabled persons in Ontario at large, warning that such persons require *additional special* treatment. The Welch Report determined that, not only did mentally disabled individuals Ontario not receive the level of appropriate care required, but that since the 1960's, there had been little overall improvement in the actual pattern of care received by the mentally disabled in Ontario.

19. However, notwithstanding these and other recommendations, over a period of some years, no adequate internal safeguards were put into place to adequately prevent or report abuse of the Facilities' residents, improve the conditions that led to abuse of Facilities' residents and no adequate steps were taken to improve the quality of care or living at the Facilities. In the alternative, even if the Crown adopted some of the recommendations, those measures were inadequate and failed to meet the standard of care which was applicable in the circumstances.

20. Most notably, the Crown did not act to prevent or report the known abuse which was occurring and being perpetrated upon the Facilities' residents. As the Crown knew that the residents of the Facilities were not always in a position to complain, report or be listened to, it would have been reasonable for the Crown to establish appropriate institutional means of quality assurance to ensure individuals resided in an inherently safe environment.

C. THE PLAINTIFF'S EXPERIENCES AT THE FACILITIES

21. During the time when the various public recommendations and reports were published regarding the treatment of the Facilities' residents and the very operation of the institution, referred to above, the plaintiff was placed into the Facilities as a full-time resident.

22. During her residence at Edgar and D'Arcy, McIntyre was repeatedly and continuously physically abused and punished. The physical abuse commenced upon

McIntyre admission to Edgar and D'Arcy in and continued during her whole duration of residence at each facility.

23. McIntyre repeatedly witnessed other children residing at Edgar and D'Arcy being physically punished for no reason and experienced staff members instructing minor residents to physically abuse one another at the staff's direction.

24. McIntyre found her life at Edgar and D'arcy terrifying and for many years, watched her fellow residents being physically beaten and humiliated by staff or by one another.

D. KNOWLEDGE OF THE CROWN

25. The Crown failed to reasonably consider or act upon the knowledge or recommendations it had been provided with by its own commissioned reports, residents, family members of residents, and its own professional staff. Further, in addition to failing to provide proper resident care, in all respects, the Crown was also aware of the abuse occurring at the Facilities, and the conditions that led to such abuse, yet failed to take any reasonable action to prevent it from continuing or occurring.

26. The funding provided by the Crown was inadequate to meet the costs of operating and maintaining the Facilities and, in particular, to meet the needs of the individuals who resided there. As a result, the care provided to the Resident Class members and the conditions at the Facilities were poor, the staff hired was unskilled or unsuitable for dealing with mentally challenged persons and the conditions at the Facilities were not suitable or appropriate for residential facilities for people with mental disabilities.

E. MISTREATMENT OF RESIDENTS AND CONDITIONS OF THE FACILITIES

27. The persons who were admitted into the Facilities were typically children or young adults. In many cases, they were forced to reside at the Facilities by representatives of the Crown.

28. In addition to the incidents of abuse and negligent management or operation of the Facilities described *supra*, other examples of improper conduct on behalf of the Crown include, but are not limited to, the following:

(a) residents were left to aimlessly walk or crawl around the Facilities at times, often without any clothing;

(b) residents were often not bathed or cleaned;

(c) there was intermittent or inadequate or no attempt to supervise or program residents' activities;

(d) residents were organized into work gangs to perform the routine and ordinary tasks of running such an institution;

(e) admissions procedures contained no opportunity for pre-admission visits and communications between residents and family members were made difficult if not impossible;

(f) serious shortage of professional staff, falling far behind, appropriate industry and professional standards or ratios;

(g) total lack of personal attention or privacy given the institutional structure, facilities and overcrowding;

(h) wards and rooms were unnecessarily locked, creating a prison-like environment;

(i) lavatories lacked doors and often toilet seats; and

(j) for their physical labour in and around the institution, residents were either paid nothing at all or were paid minimal and completely unrealistic wages.

F. DUTIES OWED BY THE CROWN TO THE CLASS

29. In breach of its duty of care and fiduciary obligations, the Crown operated or caused to be operated the Facilities whose residents, including the plaintiff and proposed members of the Class, were systemically subject to abuse, mistreatment and poor living conditions, amongst other things, caused or permitted by the Crown.

30. As a result of its sole jurisdiction over the operation of the Facilities, at all material times, the Crown owed duties to the plaintiff and to members of the proposed Class which include, but are not limited to:

(a) adequately, properly and effectively supervising the environment of the Facilities and the conduct of its employees to ensure the residents would not suffer harm;

(b) ensuring that physical, emotional and sexual abuse would not occur;

(c) protecting residents of the Facilities from any person or thing which would endanger or be injurious to the health and well-being of any resident;

(d) using reasonable care to ensure the safety, well-being and protection of residents of the Facilities;

(e) providing a safe environment and in particular, one free from physical sexual and psychological assault or harm;

(f) setting or implementing standards of conduct for its employees and residents of the Facilities to ensure that no employee or resident would endanger the health or well-being of any resident or person;

(g) providing residents a program and system through which abuse would be recognized and reported;

(h) educating residents and employees in the use of a system through which abuse would be recognized and reported;

(i) pursuing and investigating complaints of physical, sexual or psychological abuse with due diligence;

(j) taking any and all reasonable steps to prevent and end physical, sexual or psychological abuse upon learning of a complaint;

(k) taking any and all reasonable steps to ensure that individuals coming into direct contact with residents of the Facilities were not in danger of abuse from other residents or employees;

(l) reporting conduct which is allegedly contrary to the *Criminal Code of Canada* to the appropriate law enforcement agency upon learning the particulars of such a complaint; and

(m) providing proper and reasonable treatment for residents upon learning that a resident was abused.

G. FIDUCIARY RELATIONSHIP BETWEEN THE CROWN AND THE CLASS

31. Furthermore, the Crown owed residents of the Facilities, as individuals in its sole care and control, a fiduciary duty which included a duty to care for and protect the residents and act in their best interests at all material times.

32. The Crown had a fiduciary relationship with the residents of the Facilities. The Crown created, planned, established, set up, initiated, operated, financed, supervised, controlled and regulated the Facilities during the Class period.

33. All individuals who resided at the Facilities did so as wards of the Crown, with the Crown as their guardian, and were persons to whom the Crown owed the highest non-delegable, fiduciary, moral, statutory and common law duties, which included, but was not limited to, the duty to ensure that reasonable care was taken of the residents of the Facilities, the duty to protect residents while at the Facilities, the duty to protect the resident Class from intentional torts perpetrated on them while at the Facilities, liability if these non-delegable and fiduciary duties were performed negligently or tortuously; and, the special responsibility to ensure the safety of the Resident Class while at the Facilities.

34. Amongst other things, the Crown was solely responsible:

(a) for the administration of the Ministry of Health, the Ministry of Community and Social Services and the *Development Services Act,* R.S.O. 1990, c. D. 11, as amended, and its predecessor statutes as well as any other statutes relating to disabled persons and all Regulations promulgated under these Acts and their predecessors during the class period;

(b) for the promotion of the health, safety and well-being of Class Members during the class period;

(c) for the management, operation and administration of the Ministry of Health and Ministry of Community and Social Services and

their predecessor Ministries and Departments during the class period;

(d) for decisions, procedures, regulations promulgated, operations and actions taken by the Ministry of Health and Ministry of Community and Social Services, their employees, servants, officers and agents and their predecessors during the class period;

(e) for the construction, operation, maintenance, ownership, financing, administration, supervision, inspection and auditing of the Facilities during the class period;

(f) for the care and supervision of all members of the Resident Class while they resided at the Facilities during the class period and for the supply of all the necessities of life to resident Class Members, *in loco parentis*, during the class period;

(g) for inspection and supervision of the Facilities and all activities that took place therein during the class period and for full and frank reporting to the Family Class Members with respect to conditions at the Facilities and all activities that took place therein during the class period; and

(h) for communication with and reporting to the Family Class with respect to the activities and experiences of Class Members while residing at the Facilities during the Class period.

35. By virtue of its quasi-parental, or in *loco parentis*, responsibility for the safety, care and control of residents, the Crown is vicariously liable for the harms perpetrated upon residents by the Crown's employees, representatives and agents.

36. At all material times, the Resident Class members who resided at the Facilities were entirely and exclusively within the power and control of the Crown and were subject to the unilateral exercise of the Crown's power or discretion. By virtue of the relationship between the mentally challenged residents and the Crown, being one of trust, reliance and dependence, by the residents, the Crown owed a fiduciary obligation to ensure that the residents of the facility were treated respectfully, fairly, safely and in all ways consistent with the obligations of a party standing *in loco parentis* to an individual under his or her care or control.

37. At all material times, the Crown owed a fiduciary duty to the residents at the Facilities to act in the best interests of those individuals and to protect them from any abuse, including but not limited to, mental, emotional, physical, sexual or otherwise.

38. The individuals who resided at the Facilities were entitled to rely and did rely upon the Crown to their detriment to fulfill their fiduciary obligations, the particulars of which include, but are not limited to:

(a) the Crown failed to report injuries sustained by residents of the Facilities;

(b) the Crown failed to provide adequate medical care for residents;

(c) the Crown forced residents to work on the premises without proper, adequate or appropriate compensation to those residents for their labour;

(d) the Crown failed to report allegations of sexual abuse and, moreover, often punished those residents who came forward with such claims;

(e) the Crown failed to properly screen applicants for positions which they were hired for at the Facilities;

(f) the Crown hired caregivers and others to work at the Facilities who were not qualified to reach or to meet the needs of the individuals under their care and supervision;

(g) the Crown failed to properly supervise the administration and activities of the Facilities;

(h) the Crown failed to provide adequate financial resources or support to properly maintain the Facilities or to care and provide for its residents;

(i) the Crown failed to respond adequately, or at all, to complaints or recommendations which were made concerning the Facilities, both with respect to its condition and the treatment of residents;

(j) the Crown created, permitted and fostered an atmosphere of fear and intimidation;

(k) the Crown failed to safeguard the physical and emotional needs of the Resident Class;

(l) the Crown permitted unhealthy and inappropriate punishments to be perpetrated against the Resident Class; and

(m) the Crown permitted an atmosphere that threatened the Resident Class with severe physical punishments, including violence.

39. The residents of the Facilities had a reasonable expectation that the Crown would act in their best interests with respect to their care and the existence and operation of the Facilities by virtue of the following:

(a) the historic duties of the Crown to individuals deemed mentally incompetent or developmentally challenged;

(b) the unilateral assumption of responsibility for the care of the class members and similarly situated persons by the Crown;

(c) the involvement of the Crown in the initial establishment of the Facilities;

(d) the long standing dependence of the Facilities' residents on the Crown;

(e) the nature and severity of the mental and physical disabilities experienced by the Facilities' residents;

(f) the fact that the environment of the Facilities was itself further disabling to these individuals, physically, emotionally and psychologically;

(g) the vulnerability of residents of the Facilities as a result of their range of disabilities; and

(h) the involuntary nature of the relationship between residents of the Facilities and the Crown.

40. The Crown knew, or ought to have known, that as a consequence of its operation, care and control of the Facilities, that residents of the Facilities would suffer both immediate and long-term mental, emotional, psychological and physical harm.

H. DAMAGES SUFFERED BY THE CLASS

41. The Crown knew, or ought to have known, that as a consequence of its negligent operation of the Facilities and mistreatment of the Resident Class, that those individuals would suffer significant mental, emotional, psychological and spiritual harm which would adversely affect their relationships with their families and the community at large.

42. Members of the Resident Class were physically, mentally, emotionally and spiritually traumatized by their experiences arising from their residence at the Facilities. As a result of the negligence and breach of fiduciary duty of the Crown and its failure to provide proper and adequate care or supervision, the Resident Class members suffered and continue to suffer damages which include, but are not limited to the following:

(a) emotional, physical and psychological abuse;

(b) exacerbation of mental disability and deprivation of healing opportunities;

(c) impairment of mental and emotional health and well-being;

(d) an impaired ability to trust other persons;

(e) a further impaired ability to participate in normal family affairs and relationships;

(f) alienation from family members;

(g) depression, anxiety, emotional distress and mental anguish;

(h) pain and suffering;

(i) a loss of self-esteem and feelings of humiliation and degradation;

(j) an impaired ability to obtain and sustain employment, resulting either in lost or reduced income and ongoing loss of income;

(k) an impaired ability to deal with persons in positions of authority;

(l) an impaired ability to trust other individuals or to sustain relationships;

(m) a sense of isolation and separateness from their community;

(n) a requirement for medical or psychological treatment and counselling;

(o) an impaired ability to enjoy and participate in recreational, social and employment activities;

(p) loss of friendship and companionship;

(q) sexual disorientation; and

(r) the loss of general enjoyment of life.

43. At all materials times, the Crown has known, or ought to have known, that ongoing delay in failing to rectify the institutional failures would continue to aggravate and contribute to the Resident Class members' injuries and damages.

44. As a result of the injuries referred to above, the Resident Class members have required and will continue to require further medical treatment, rehabilitation, counselling and other care. The plaintiff and other Resident Class members, or many of them, will require future medical care and rehabilitative treatment, or have already required such services, as a result of the Crown's conduct for which they claim complete indemnity, compensation and payment from the Crown for such services.

45. Members of the Family Class have suffered, and continue to suffer, loss of care, guidance and companionship which arises directly, or indirectly, from the physical, mental and emotional trauma sustained directly, or indirectly, by the Resident Class who resided at the Facilities. The harm suffered by the Family Class was reasonably foreseeable and was caused by the conduct of the Crown and its agents for whom they are in law responsible.

46. The plaintiff pleads that the Crown is strictly liable in tort for the damages set out above as the Crown was aware that residents of the Facilities were being physically, emotionally and psychologically abused but permitted the abuse to occur. Further, the Crown is strictly liable in tort for the damages enumerated herein as the Crown was aware that its operation, management and control of the Facilities was in breach of all

mental health industry standards and in breach of the duties it owed to the Class Members.

I. PUNITIVE DAMAGES

47. The high handed and callous conduct of the Crown warrants the condemnation of this Honourable Court. The Crown conducted its affairs with wanton and callous disregard for the class members' interests, safety and well-being. In all the circumstances, the Crown breached, and continues to breach, its fiduciary duty and duty of good faith owed to the plaintiff and Resident Class members.

48. Over a long period of time, the plaintiff and the Resident Class members were treated in a manner that could only result in aggravated and increased mental stress and anxiety for vulnerable persons already suffering from some degree of mental disability. The anxiety, depression and sub-standard conditions to which the plaintiff and Resident Class members were exposed to has grossly violated their rights and severely altered the paths of their lives.

49. In these circumstances, the plaintiff and the Class request punitive damages to demonstrate to other institutions that such wilfully irresponsible and tortious behaviour will not be tolerated and will act as a deterrent to other institutions in Canada who are in the position of acting as care-givers to likewise vulnerable populations of individuals with disabilities. These individuals, by virtue of both disability and of social and institutional structures, are among the most vulnerable in Canadian Society.

50. Notice of this action was provided to Her Majesty the Queen in Right of the Province of Ontario on April 15, 2014

51. This action is commenced pursuant to the *Class Proceedings Act, 1992*.

52. The trial of the action should take place in the city of Toronto, in the Province of Ontario.

June 16, 2014

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SHARON CLEGG AS LITIGATION GUARDIAN OF MARLENE MCINTYRE	and	**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO**	Court File No. CV-14-506423000CP
Plaintiff		Defendant	

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act*, 1992

STATEMENT OF CLAIM

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