

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**RAYMOND LAPPLE, JEROME CAMPBELL, SAMIR ABDELGADIR
and GREGORY SMITH**

Plaintiffs

- and -

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO
Defendant

Proceeding under the *Class Proceedings Act, 1992*

**MOTION RECORD
(Certification Motion Returnable December 6, 2017)
Volume 4**

March 10, 2017

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MOTION RECORD

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Court File No.: CV-16-558633-00CP

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AFFIDAVIT OF JOHN OLIVER

I, **John Oliver**, of the City of Kingston, Ontario, **MAKE OATH AND SAY:**

1. I am a former inmate at the Niagara Detention Centre and a putative class member in this action and, as such, I have knowledge of the matters hereinafter deposed to in this my Affidavit. The information contained in this Affidavit is based on my personal knowledge or on information provided to me, in which case I indicate the source and believe it to be true.
2. I was incarcerated at Niagara Detention Centre from on or about September 22, 2014 to on or about January 5, 2017.
3. During my time in the Niagara Detention Centre, I experienced many lockdowns. Sometimes the lockdown would only last for one day (or part of a day) but sometimes they lasted for several days. I can recall on several occasions being locked down for 6 or 7 days at a time. .

4. The ranges at Niagara Detention Centre were originally built to house 12 inmates. Each has been retrofitted to contain 26 beds. The air exchange equipment, plumbing and other aspects of the facility were not upgraded when the extra beds were added. Usually, some inmates had to sleep on the floor because the facility was so overcrowded, there were not enough beds for everyone. Often the range would house as many as 35 inmates, so 9 inmates would be required to sleep on the floor.
5. During a lockdown, inmates are confined to their range. Typically there is no access to fresh air, or visits from family and/or counsel. Programs to help inmates prepare for release into the general public are rarely available but absolutely unavailable during a lockdown. Additionally, visits to outside medical practitioners are not allowed during a lockdown. Inmates who may have waited months for an appointment with a specialist were told at the last minute that their appointment was cancelled. Laundry is not done during a lockdown and the cells accumulate filth. The ranges developed mould issues because of poor ventilation, overcrowding and accumulated filth.
6. The lockdowns typically occurred without warning, explanation or the slightest indication of their probable duration. Similarly, no notice was given to family members who had planned visits and many would attend (some traveling long distances) only to be told on arrival that visitation was cancelled due to a lockdown and the prison would not advise how long it was likely to last and therefore when the visitation could be rescheduled to. I was not aware of any reason other than staffing shortages which could be the cause of most of the lockdowns. Whenever an explanation was provided, I was told that the lockdown was due to staff shortages.

7. This Affidavit is sworn in support of a Motion for Certification of the within proceeding and for no other or improper purpose.

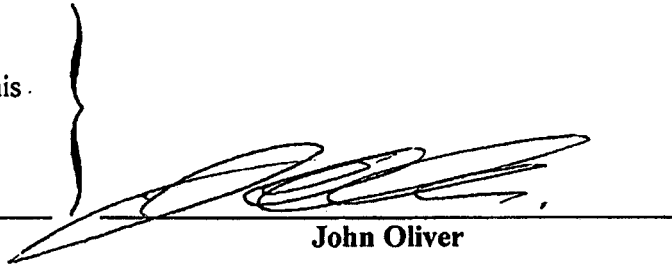
SWORN BEFORE ME at the City of
Kingston, in the Province of Ontario, on this

8th day of ~~February~~ ^{March}, 2017.



Commissioner for Taking Affidavits
(or as may be)

Simon Borys
LSUC #65427R.


John Oliver

Ginelle Powell-Futton
a Commissioner, etc.,
Province of Ontario,
for Borys Law.
Expires: August 23, 2019

SB

RAYMOND LAPPLE ET AL.

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Court File No.: CV-16-558633-00CP

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Proceeding commenced at Toronto
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