

THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF EDMONTON

AUDREY FAITHFUL, HAROLD MANUEL, CHRIS ROBILLARD,
THOMAS ROBILLARD and DIANE WOOD

Plaintiff

- and -

LAEL SAUTER, GRAHAM BLACKBURN, PATRICK HANNAS
and DARRYL DA COSTA

Defendants

AMENDED STATEMENT OF CLAIM

1. The Plaintiffs Audrey Faithful ("Faithful"), Harold Manuel ("Manuel"), Chris Robillard, Thomas Robillard and Diane Wood are individuals residing in the City of Edmonton, in the Province of Alberta, and at all material times were homeless or otherwise particularly vulnerable to abuse by persons in authority.
2. At all material times Lael Sauter, Graham Blackburn and Patrick Hannas (collectively, the "EPS Members") were members of the Edmonton Police Service (the "EPS") and acting under the direction and control of Darryl da Costa, Chief of Police (the "Chief") and in the purported performance of the duties of the Chief.
3. On or about May 20, 2005, the Plaintiffs were in the area of 82nd Avenue in Edmonton, Alberta, when they were unlawfully taken into custody by the EPS Members and detained by the EPS Members in a police van for several hours (the "Van"). The van was hot, crowded and extremely uncomfortable, and lacked seatbelts.
4. The EPS Members refused to identify themselves to the Plaintiffs, refused to roll down the windows or turn on air conditioning and refused to allow the Plaintiffs access to washroom facilities in spite of their repeated requests. The Van was driven in an erratic manner and took several sharp turns and made several sudden stops, all with the deliberate intention of causing the Plaintiffs to be jostled and thrown around inside the Van and onto each other.
5. The Plaintiffs were transported to the north end of Edmonton, where they were dropped off without any means of transportation back to where they had been initially taken into custody. No charges of any kind were laid against the Plaintiffs.
6. The Plaintiffs were not informed as to the reasons for their detention, nor were they given the opportunity to contact a lawyer.
7. As a result of the actions of the EPS Members, the Plaintiffs suffered extreme discomfort, mental anguish, humiliation and injury to their dignity, all of which were foreseeable

AMENDED THIS 22 DAY OF May A.D. 2008
 PURSUANT TO RULE 21 UNDER ORDER CONSENT DATE
 DAY OF May A.D. 2008
 CLERK OF THE COURT SEAL

consequences of the Defendants' actions.

8. The conduct described above constitute breaches of the Plaintiffs' rights at common law and pursuant to s. 7, 9, 10, 11 and 12 of the *Charter*, and entitles the Plaintiffs to a remedy pursuant to s. 24 of the *Charter* and damages.

9. Further, the conduct of the EPS Members constituted flagrant abuses of their authority, was high-handed and malicious, and warrants an award of aggravated and punitive damages.

10. The Chief is liable for the actions of the EPS members pursuant to s. 39 of the *Police Act*, R.S.A. 2000, c. P-17.

11. The Plaintiffs or any one or more of them intend to apply for an order certifying this proceeding as a class proceeding pursuant to the *Class Proceedings Act*, S.A. 2003, c. C-16.5 and appointing any one of the Plaintiffs as the representative plaintiff for the purpose of the proposed class proceeding.

12. The Plaintiffs propose that the trial of this action be held in Edmonton, in the Province of Alberta.

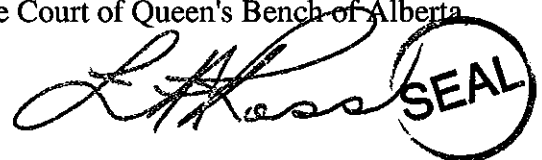
13. The Plaintiffs anticipate that the trial of this matter will not require more than 25 days.

WHEREFORE EACH OF THE PLAINTIFFS CLAIM:

- (a) Damages against the Defendants in the amount of \$5,000.00;
- (b) Aggravated and punitive damages;
- (c) Such further or other relief as this Honourable Court considers appropriate and just to provide a meaningful remedy to the Plaintiff pursuant to s. 24(1) of the *Charter*;
- (d) Costs of this action on a solicitor and her own client basis;
- (e) Interest pursuant to the *Judgment Interest Act*, R.S.A. 2000, c. J-1; and
- (f) Such further or other relief as this Honourable Court deems just.

DATED at the City of Edmonton, in the Province of Alberta, this 22nd day of May, 2007, AND DELIVERED BY ENGEL BRUBAKER, solicitors for the Plaintiffs, whose address for service is in care of their said solicitors at 1780, 10123 - 99th Street, Edmonton, Alberta T5J 3H1.

ISSUED out of the Office of the Clerk of the Court of Queen's Bench of Alberta Judicial District of Edmonton, this 22nd day of May, 2007.



CLERK OF THE COURT

Action No. 0703 06581

TO: The Defendants

You have been sued. You are a Defendant. You have only 15 days to file and serve a Statement of Defence or Demand of Notice. You or your lawyer must file your Statement of Defence or Demand of Notice in the office of the Clerk of the Court of the Queen's Bench in Edmonton, Alberta. You or your lawyer must also leave a copy of your Statement of Defence or Demand of Notice at the address for service for the Plaintiff named in this Statement of Claim.

IN THE COURT OF QUEEN'S BENCH
OF ALBERTA

JUDICIAL DISTRICT OF EDMONTON

BETWEEN:

**AUDREY FAITHFUL, HAROLD MANUEL,
CHRIS ROBILLARD, THOMAS ROBILLARD
and DIANE WOOD**

Plaintiff

- and -

**LAEL SAUTER, GRAHAM BLACKBURN,
PATRICK HANNAS and DARRYL DA COSTA**

Defendants

WARNING: If you do not do both things within 15 days, you may automatically lose the law suit. The Plaintiffs may get a Court judgment against you if you do not file, or do not give a copy to the Plaintiffs, or do either thing late.

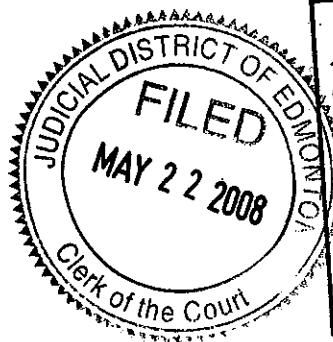
This Statement of Claim is issued by the Solicitors for the Plaintiff, whose name and address for service is:

ENGEL BRUBAKER
Barristers and Solicitors
1780, 10123 – 99th Street
Edmonton, AB T5J 3H1
Phone (780) 448-3639
Fax: (780) 448-4924
Attention: Erika Norheim
File No: 2425 EDN

AMENDED STATEMENT OF CLAIM

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The residence of the Defendants, so far as is known to the Plaintiff, is Edmonton, Alberta.



CIVIL MEDIATION PROGRAM
Court of Queen's Bench of Alberta
This civil, non-family action is eligible to proceed to mediation through the Civil Mediation Program. If all parties agree to mediate, they may choose a Roster Mediator and schedule mediation. Alternatively, any party may file and serve a Request to Mediate if the requirements in Civil Practice Note No. 11 are met.
FOR MORE INFO, CONTACT:
Phone: (780) 427-2721 Fax: (780) 644-7838
www.albertacourts.ab.ca/qb/civilmediation