

COURT FILE NUMBER

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

PLAINTIFFS EFFIE SNOWSHOE, on her own behalf and as the Litigation Representative of the ESTATE OF EDWARD CHRISTOPHER SNOWSHOE, HERBIE SNOWSHOE, PETER SNOWSHOE, IAN SNOWSHOE

DEFENDANTS ATTORNEY GENERAL OF CANADA, COMMISSIONER OF THE CORRECTIONAL SERVICE OF CANADA DON HEAD, DEPUTY COMMISSIONER OF THE PRAIRIE REGION JOHN/JANE DOE, WARDEN OF STONY MOUNTAIN INSTITUTION JOHN/JANE DOE, DEPUTY WARDEN OF STONY MOUNTAIN INSTITUTION JOHN/JANE DOE, WARDEN OF EDMONTON INSTITUTION JOHN/JANE DOE, DEPUTY WARDEN OF EDMONTON INSTITUTION DARREN FRICK, ACTING ASSISTANT WARDEN OF EDMONTON INSTITUTION MATTHEW JAMES, PAROLE OFFICER KEVIN KINDRACHUK and CORRECTIONAL SERVICES EMPLOYEES JOHN DOE and JANE DOE

DOCUMENT **STATEMENT OF CLAIM**

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NOTICE TO DEFENDANT(S)

You are being sued. You are a defendant.

Go to the end of this document to see what you can do and when you must do it.

Note: State below only facts and not evidence (Rule 13.6)

I. STATEMENT OF FACTS RELIED ON:

A. INTRODUCTION

1. This claim relates to the wrongful death of Edward Christopher Snowshoe (“**Eddie**”) while in the custody of the Canadian Correctional Service and the losses that have been suffered as a result of his death.

2. In June of 2007, at the age of 21, Eddie began a five-year prison sentence in the federal penitentiary system. Throughout Eddie's incarceration, the Defendants engaged in numerous contraventions of legislation and correctional policies and made numerous oversights and errors in judgment. In particular, the Defendants' use of extended and unlawful segregation as a discipline tool was inhumane, cruel, and unnecessarily restrictive, particularly in light of Eddie's known mental health conditions and vulnerable condition.

3. The Defendants' actions and inactions had a deleterious effect on Eddie's mental health conditions and caused him to experience major depressive episodes and engage in self-harming behaviours. Despite his self-injurious behaviour, Eddie was not provided access to health care or psychiatric services. Instead, he was left in segregation for a period of over 160 consecutive days. The Defendants knew this inhumane treatment would cause Eddie's mental health conditions to worsen.

4. On August 13, 2010, after over 160 consecutive days in segregation, and approximately four months before his statutory release date, Eddie died by suicide in his cell in the segregation unit of Edmonton Institution, a maximum security prison.

B. THE PARTIES

5. Eddie was a twenty-four year old man from Fort McPherson, Northwest Territories and a member of the Teetl'it Gwich'in First Nation. Eddie died on August 13, 2010 while in the custody of the Canadian Correctional Services.

6. Effie Snowshoe ("**Effie**") is Eddie's mother, a resident of Fort McPherson, Northwest Territories, and a member of the Teetl'it Gwich'in First Nation.

7. Herbie Snowshoe ("**Herbie**") is Eddie's younger brother, a resident of Fort McPherson, Northwest Territories, and a member of the Teetl'it Gwich'in First Nation.

8. Ian Snowshoe ("**Ian**") is Eddie's younger brother, a resident of Fort McPherson, Northwest Territories, and a member of the Teetl'it Gwich'in First Nation.

9. Peter Snowshoe ("**Peter**") is Eddie's younger brother, a resident of Fort McPherson, Northwest Territories, and a member of the Teetl'it Gwich'in First Nation.

10. The Defendant, the Attorney General of Canada, is the representative of Her Majesty in Right of Canada and the Minister of Public Safety and Emergency Preparedness, and, by virtue of the *Corrections and Conditional Release Act*, SC 1992, c 20 ("**CCRA**"), is responsible for the maintenance, operation and administration of federal penitentiaries. This responsibility includes supervising the detention of inmates within penitentiaries, training correctional staff, establishing standards of employee conduct and the

provision of health care services within penitentiaries. By virtue of section 3 of the *Crown Liability and Proceedings Act*, RSC 1985, c C-50, the Attorney General of Canada is liable in respect of any act or omission of a servant of the Crown that would have given rise to a cause of action for liability against that servant or the servant's personal representative.

11. The Correctional Service of Canada (the "**CSC**") is the agency of the Government of Canada that is responsible for administering sentences of terms of two years or more, managing federal penitentiaries, and supervising offenders under conditional release in the community.

12. The Defendant, Don Head, was at all material times, the Commissioner of the CSC and was responsible for the control and management of the CSC and all matters connected with the CSC. At all material times, Mr. Head was an agent of the Crown.

13. The Defendant, John/Jane Doe, was the Deputy Commissioner from the Prairie Region, and at all material times was a servant of the Crown responsible for the management of CSC operations within Alberta and Manitoba, and the implementation of correctional policy.

14. The Defendant, John/Jane Doe, was the Warden of Stony Mountain Institution ("**Stony Mountain Institution Warden**") during the period of Eddie's incarceration at that institution, and as such was a servant of the Crown at all material times. The Stony Mountain Institution Warden was responsible for, among other things, the care, custody, and control of all inmates in the penitentiary, the management, organization, and security of the penitentiary, the direction of and work environment of staff members and health professionals as well as ensuring that inmate grievances were processed in compliance with law and policy.

15. The Defendant, John/Jane Doe, was the Deputy Warden of the Stony Mountain Institution ("**Stony Mountain Institution Deputy Warden**") during the period of Eddie's incarceration at that institution, and as such was a servant of the Crown at the material times. The Stony Mountain Institution Deputy Warden was responsible for, among other things, the care, custody, and control of all inmates in the penitentiary, the management, organization, and security of the penitentiary, the direction of and work environment of staff members and health professionals as well as ensuring that inmate grievances were processed in compliance with law and policy.

16. The Defendant, John/Jane Doe, was the Warden of Edmonton Institution ("**Edmonton Institution Warden**") during the period of Eddie's incarceration at that institution, and as such was a servant of the Crown at all material times. The Edmonton Institution Warden was responsible for, among other things, the care, custody, and control of all inmates in the penitentiary, the management, organization, and security of the penitentiary, the direction of and work environment of staff members and health

professionals as well as ensuring that inmate grievances were processed in compliance with law and policy.

17. The Defendant, Darren Frick, was the acting Deputy Warden of Edmonton Institution during the period of Eddie's incarceration at that institution and as such was a servant of the Crown at the material times. Mr. Frick was responsible for, among other things, the care, custody, and control of all inmates in the penitentiary, the management, organization, and security of the penitentiary, the direction of and work environment of staff members and health professionals as well as ensuring that inmate grievances were processed in compliance with law and policy.

18. The Defendant, Matthew James, was the acting Assistant Warden Interventions at Edmonton Institution during the period of Eddie's incarceration at that institution and as such was a servant of the Crown at the material times. Mr. James was responsible for, among other things, managing all professional correctional interventions in the institution, including psychological interventions, and chairing the Segregation Review Board for case reviews at 60 days and beyond.

19. The Defendant, Kevin Kindrachuk, was a parole officer assigned to Eddie at Edmonton Institution and was at all material times an employee of the CSC. Mr. Kindrachuk was responsible for, among other things, conducting an admission interview, meeting with Eddie and liaising and reporting to the CSC, including with respect to Eddie's mental health.

20. The Defendants, John Doe and Jane Doe (hereinafter collectively referred to as the "**correctional staff**") were at all material times employees of the CSC and as such had supervision, care, custody and control of Eddie in their capacity as, *inter alia*, correctional officers, supervisors, and medical staff. The wrongful actions of the correctional staff, individually and/or collectively, in failing to ensure that Eddie's conditions of confinement were lawful and to respond to his worsening medical condition resulted in his suffering and death. The identities of the correctional staff are unknown to the Plaintiffs.

C. BACKGROUND

21. Eddie was born on November 11, 1985 in Fort McPherson, Northwest Territories. Eddie was the eldest son of Edward Blake and Effie Snowshoe.

22. Eddie's three younger brothers were born in 1987, 1995, and 1997.

23. Eddie's father was killed in 1987 while working on an ice road near Tsiigehtchic, Northwest Territories, when the bulldozer he was operating plunged through the ice. His body was never found. Following his father's death, Eddie took it upon himself to serve as a father figure for Herbie, Ian, and Peter. Eddie assumed the role as both the protector and custodian for his three younger brothers.

24. In January of 2007, Effie caught one of her younger boys smoking a cigarette. Effie disciplined her son with a soft swat of her bag. However, a neighbour reported the incident to child and family services in Fort McPherson. The next morning, a child-services worker visited the Snowshoes and the two youngest boys wound up in the care of the Government of the Northwest Territories.

25. Eddie reacted poorly to the apprehension of his brothers. He was angry, humiliated, and despite being just 21 years old, felt that, as the “man of the house”, he had failed them. A month later, in a misdirected attempt to provide for his family, Eddie attempted to rob a taxi-driver.

26. When Eddie surrendered to the Royal Canadian Mounted Police in Inuvik, he was co-operative and admitted to the crime. Eddie later pled guilty to the offence and was sentenced to a five-year custodial jail sentence.

27. Eddie’s sentencing judge noted that Eddie faced the same problem that a number of young people in small communities faced: a difficult family life, alcohol abuse in the home, little education, and lack of a job and other opportunities. The sentencing judge stated, “despite the seriousness of [the] offence, the Court and society should not give up on Mr. Snowshoe.”

28. At the time Eddie’s sentence began, Eddie had no prior history of self-harm.

D. DRUMHELLER INSTITUTION AND STONY MOUNTAIN INSTITUTION

29. In June of 2007, Eddie arrived at Drumheller Institution, a minimum and medium-security penitentiary located in Drumheller, Alberta. Upon his arrival, correctional staff noted that Eddie appeared to be suffering from adjustment disorder, characterized by anxiety, impairment in functioning and reckless decision making when faced with situational stressors. Adjustment disorder is a common diagnosis among Indigenous inmates who have been uprooted from small communities and placed in large penitentiaries.

30. Just four months later, on October 27, 2007, Eddie was transferred to Stony Mountain Institution, a medium-security prison located north of Winnipeg, Manitoba.

31. On November 24, 2007, just twenty-eight days into Eddie’s term at Stony Mountain Institution, Eddie attempted suicide for the first time. Correctional staff discovered Eddie slumped in the corner of his cell with a ligature around his neck. The correctional staff cut the ligature and Eddie was subsequently placed on suicide watch.

32. Nearly a year later, on September 24, 2008, Eddie attempted suicide for a second time, again using a makeshift ligature. Eddie’s attempt was unsuccessful and he reported the incident to correctional staff. Eddie was again placed on suicide watch.

33. On January 16, 2009, Eddie told correctional staff that he had thoughts about self-harm and that he considered cutting himself. Correctional staff placed Eddie on the Supportive Living Range at Stony Mountain Institution.

34. On February 4, 2009, Eddie attempted suicide for a third time, this time by cutting his own arms. When his blood clotted, Eddie attempted to hang himself. When that was unsuccessful and he remained conscious, Eddie abandoned the attempt and hit the call button in his cell to summon correctional staff.

35. On January 21, 2010, correctional staff moved Eddie from the Supportive Living Range to general population for a minor rule infraction. Less than a month later, Eddie cut himself again using a razor. Correctional staff placed Eddie on suicide watch and moved him to a segregation cell for observation.

36. Over the next 11 days, while Eddie was being housed in segregation on suicide watch, correctional staff refused to provide Eddie with basic necessities such as a roll of toilet paper. On March 2, 2010, correctional staff placed Eddie in segregation for refusing to return to his cell following a shower and brandishing a "jail-made stabbing weapon" (the "**juice box incident**"). The "weapon" was nothing more than a juice box turned inside-out. Eddie would remain in segregation for the remainder of his life.

37. The Defendants' decision to place Eddie in segregation was subject to a number of compulsory reviews required by law and correctional policy. This included:

- (a) A five-day review: An internal review conducted by a review board of internal officials including the corrections manager, parole office, and other officials. The report is compiled by the parole officer.
- (b) A thirty-day review: A similar internal segregation review board. Every thirty days thereafter, a subsequent review needed to be completed by an internal segregation review board, chaired by an official with a rank of no less than an assistant warden.
- (c) Thereafter, a further review every 30 days by a Regional Segregation Review Board.

38. The Defendants failed to comply with these requirements. While the initial five-day and thirty-day internal reviews were completed, the Defendants failed to ensure that subsequent thirty-day reviews were chaired by appropriate officials. The Defendants further failed to ensure that Regional Segregation Review Board reviews were completed.

39. Following the juice box incident, the Defendants reassessed Eddie's security classification. CSC's security classification scale was applied and Eddie fell within the medium security range. However, the Defendants exercised discretion to reclassify Eddie as requiring maximum security. No

psychological assessment was conducted on Eddie by the Defendants before this discretion was exercised.

40. While Eddie was incarcerated at Stony Mountain Institution, it was known to the Defendants that Eddie suffered from mental illness and had difficulty adjusting to new situations. It was also known by the Defendants that all three of Eddie's suicide attempts and one incident of self-harm occurred shortly after a move, transfer, or other traumatic event that had the effect of triggering Eddie's mental illness.

41. Despite three suicide attempts, and one further incident of self-harm, Eddie was never assessed by CSC's Mental Health Committee and was offered minimal or no psychological services during his time at Stony Mountain Institution.

E. TRANSFER TO EDMONTON INSTITUTION

42. On July 15, 2010, after 134 consecutive days in segregation, Eddie was involuntarily transferred from Stony Mountain Institution to Edmonton Institution, a maximum security facility located in Edmonton, Alberta.

43. On his arrival at Edmonton Institution, an intake health status assessment was completed, during which Eddie disclosed his previous suicide and self-harm attempts. This information was provided to CSC's psychology department for follow-up. No follow-up occurred as CSC's Mental Health Committee did not accept referrals from the segregation unit. Further, correctional staff at Stony Mountain Institution failed to provide any information at all about Eddie's vulnerable state or past attempts at suicide and self-harm. Correctional staff working in the segregation unit at Edmonton Institution were not made aware of Eddie's past attempts at suicide and self-harm.

44. Upon his arrival at Edmonton Institution, Eddie was immediately placed into segregation on "handcuff status". No individualized risk assessment was completed to determine whether this placement was warranted. Rather, the Defendants made the decision to place Eddie in segregation and in handcuff status solely based upon the juice box incident. Despite his past attempts at suicide and self-harm, Eddie was not placed in a full observation cell, despite such cells being available.

45. The decision to place Eddie on handcuff status was subject to review by the Deputy Warden after seven days and the Warden after twenty-one days. Neither of these reviews were completed by the Defendants and Eddie remained on handcuff status for the remainder of his life.

46. Upon Eddie's arrival at Edmonton Institution, no detailed file review was completed and the parole officer assigned to Eddie, Mr. Kindrachuk, did not conduct an admission interview. In fact, none of the members of Eddie's case management team, including the manager of assessment and intervention and Mr. Kindrachuk, ever met Eddie.

47. The transfer to Edmonton Institution had another harmful consequence. The transfer wrongfully caused Eddie's "segregation clock" to reset to zero in the eyes of the Defendants. From the day Eddie was admitted to Edmonton Institution, the Defendants treated Eddie as if it was his first day in segregation when in reality he had already been in segregation for over 130 consecutive days. Further, as a result of this error, Eddie's placement in segregation was not subject to the required compulsory reviews.

48. On the day he arrived at Edmonton Institution, Eddie made a request in writing to the Warden of Edmonton Institution to be placed in general population. That request was not followed up on nor considered by the Defendants at Eddie's five-day or thirty-day segregation reviews. The request was discovered in early November 2010, two months after Eddie's death, in a pile of documents unrelated to Eddie's file.

49. On July 23, 2010, the Defendants completed a five-day review of Eddie's segregation despite the fact that Eddie had been in segregation for over 130 consecutive days. The report prepared for Eddie's five-day review at Edmonton Institution made no mention of Eddie's previous attempts at suicide and self-harm or the fact that Eddie had been in segregation for approximately 139 consecutive days. In fact the report erroneously stated that "there are no concerns that would preclude [Eddie's] continued placement in administrative segregation at this time." A recommendation was made to maintain Eddie's placement in segregation.

50. On August 13, 2010, a thirty-day review of Eddie's segregation was held by the Defendants. Again, there was no consideration of the fact that Eddie has been in segregation for approximately 150 consecutive days at this point. A recommendation was made to maintain Eddie's placement in segregation.

51. The transfer to Edmonton Institution and continued use of segregation caused Eddie's mental health to rapidly worsen. Eddie displayed a number of concerning behaviours, including refusing to utilize his one hour of exercise time each day, the only time when he would have been permitted to leave his cell. Despite Eddie's mental health conditions and past attempts at suicide and self-harm, these warning signs were not communicated to Eddie's health care providers and at no point did the Defendants intervene to prevent Eddie's suicide or self-harm.

52. On August 13, 2010, less than a month after arriving at Edmonton Institution and only four months prior to his statutory release date, Eddie was found dead in his cell. Eddie had hung himself using a ligature fashioned with braided bedsheets.

F. THE CLAIMS

i) Breaches of Law and Policy

Unlawful detention in administrative segregation

53. The Plaintiffs plead and rely on, *inter alia*, the CCRA, the *Corrections and Conditional Release Regulations*, SOR/92-620 (“**CCRR**”), Commissioner’s Directive 709 (Administrative Segregation), Commissioner’s Directive 708 (Special Handling Unit), Commissioner’s Directive 700 (Correctional Interventions), Commissioner’s Directive 567-3 (Use of Restraint Equipment for Security Purposes), and other applicable Commissioner’s Directives in force from time to time as setting out the law and policy in respect of conditions of confinement and administrative segregation.

54. The Defendants breached the above law and policies by, among other things:

- (a) Failing to confine Eddie in the least restrictive environment that was appropriate;
- (b) Failing to return Eddie to the general inmate population at the earliest appropriate time;
- (c) Failing to develop a reintegration plan for Eddie’s return to the general population;
- (d) Failing to conduct appropriate assessments and investigations before placing Eddie in segregation;
- (e) Failing to conduct appropriate assessments and investigations before placing Eddie on “handcuff status”;
- (f) Failing to review Eddie’s continued confinement in administrative segregation in compliance with the *CCRR*;
- (g) Failing to review the decision to place Eddie in “handcuff status” in compliance with the *CCRR*;
- (h) Failing to ensure that, while in administrative segregation, Eddie enjoyed the same rights, privileges and conditions of confinement as the general inmate population except for those rights, privileges and conditions that can only be enjoyed in association with other inmates or cannot reasonably be given owing to limitations specific to the administrative segregation area or security requirements;
- (i) Failing to ensure that Eddie was not subjected to cruel, inhumane and degrading treatment;

- (j) Failing to ensure that Eddie's living conditions were safe and free of practices that undermined his sense of personal dignity;
- (k) Failing to ensure a safe penitentiary environment; and
- (l) Failing to take all reasonable steps to ensure Eddie's safety.

Unlawful treatment of Eddie's July 16, 2010 Grievance

55. The Plaintiffs plead and rely on, *inter alia*, the CCRA, the CCRR, Commissioner's Directive 81 (Offender Complaints and Grievances), and other applicable Commissioner's Directives in force from time to time as setting out the law and policy in respect of the processing and treatment of inmate grievances.

56. The above law and policies were breached at Edmonton Institution by, among other things:

- (a) Failing to process Eddie's July 16, 2010 grievance, promptly or at all;
- (b) Failing to interview Eddie concerning the grievance; and
- (c) Failing to provide Eddie with a written response to the grievance.

Failure to provide competent and reasonable health care

57. The Plaintiffs plead and rely on, *inter alia*, the CCRA, Commissioner's Directive 840 (Psychological Services), Commissioner's Directive 843 (Prevention, Management and Response to Suicide and Self-Injuries), Commissioner's Directive 850 (Mental Health Services), Commissioner's Directive 800 (Health Services), and other applicable Commissioner's Directives in force from time to time as setting out the law and policy in respect of CSC's obligations to provide reasonable and competent health care.

58. The above law and policies were breached by, among other things:

- (a) Failing to provide Eddie essential health care, including a full range of psychological services;
- (b) Failing to create a plan to address Eddie's deteriorating mental state;
- (c) Failing to complete psychological assessments after Eddie's attempts at suicide and self-harm;
- (d) Failing to complete required mental health assessments;

- (e) Failing to provide reasonable access to mental health care that would have contributed to Eddie's rehabilitation and successful reintegration into the community;
- (f) Failing to provide health care that conformed to professionally accepted standards; and
- (g) Failing to take into consideration Eddie's state of health and health care needs in all decisions affecting him, including decisions relating to placement, transfer, administrative segregation and disciplinary matters.

ii) Negligence

59. The Defendants owed a duty of care to the Plaintiffs to take reasonable care for Eddie's health and safety as a person in the custody of the CSC.

60. The Defendants, individually and/or collectively, breached that duty of care through their actions or inactions in the face Eddie's vulnerable condition. The Plaintiffs state that Eddie's medical crises and subsequent death occurred due to the negligence of the Defendants.

61. The negligent actions and/or inactions of the Defendants caused Eddie's injury and death. Eddie's death, and the fact that the Plaintiffs would suffer harm as a result, was a foreseeable consequence of the Defendants' actions and/or inactions.

62. Without restricting the generality of the foregoing, the following actions and/or inactions constitute negligence on behalf of the Defendants:

- (a) All of the breaches of law and policy, as set out above, by means of which the Defendants failed to meet their respective standards of care;
- (b) Failing to have comprehensive health assessments of Eddie completed when required and/or necessary;
- (c) Failing to consider relevant facts and make proper inquiries before overriding Eddie's security classification from medium to maximum;
- (d) Providing inadequate mental health services;
- (e) Failing to ensure that information about Eddie's health and circumstances were communicated between institutions;
- (f) Failing to ensure that correctional staff were competent and received training necessary to manage inmates with specialized mental health needs;

- (g) Failure to ensure Eddie had appropriate care and assessment by a doctor following each incident of self-harm and self-strangulation;
- (h) Failing to transfer Eddie to an appropriate psychiatric facility;
- (i) Holding Eddie in segregation in circumstances in which the Defendants knew or ought to have known that solitary confinement would have a detrimental effect on Eddie's mental health and well-being;
- (j) Failing to ensure Eddie's cell was designed in a manner to prevent self-harm and/or suicide;
- (k) Failing to exercise the required standard of care necessary to ensure the health and safety of the inmates in the care of the Defendants;
- (l) Failing to ensure that correctional staff were adequately trained and/or complied with their training and the laws, regulations, and rules that pertain to correctional institutions to ensure the health and safety of the inmates and thereby acting with reckless indifference to the welfare of inmates including Eddie, knowing that such failure would result in serious injury to the Plaintiffs; and
- (m) Failing to communicate indicators of concern regarding Eddie's mental health to Eddie's health care providers.

63. The Defendants were aware that Eddie suffered from mental illness, yet he was forced to reside in inhumane and unnecessarily restrictive conditions as a result of his prolonged placement in segregation. Accordingly, the standard of care of the Defendants included a heightened duty to remain vigilant of Eddie's mental health status and provide appropriate care and treatment. The Defendants failed to meet this duty.

64. As a direct result of the above-described negligence, Eddie's mental health status deteriorated over the course of his extended confinement in segregation, and he engaged in increasingly dangerous self-harming behaviours, something the Defendants knew or ought to have known would occur, and which ultimately resulted in Eddie's wrongful death.

iii) Infliction of Mental Suffering

65. The conduct of the Defendants was outrageous, flagrant, and in direct contradiction to the law and policy governing CSC and its employees. The Defendants' conduct caused Eddie to experience severe mental suffering and injury. In addition, attending the preliminary inquiry, learning the conditions

of Eddie's confinement, as well as the circumstances and various failures of the Defendants that led to Eddie's preventable death, caused the Plaintiffs, Effie, Herbie, Peter, and Ian, to suffer psychological injuries. The Defendants were aware that their conduct would cause such injuries to the Plaintiffs.

66. Further, and/or in the alternative, the Plaintiffs, all of whom are Eddie's close family members, have suffered psychological injuries, as described in the above paragraph, as a result of the Defendants' negligent conduct. The Defendants knew or ought to have known that their conduct would cause Eddie's close family members to suffer psychological injury.

iv) False imprisonment

67. The Defendants falsely imprisoned Eddie, in that they, among other things, unlawfully:

- (a) Held him in administrative segregation without appropriate reviews;
- (b) Placed Eddie on "handcuff status" without appropriate reviews;
- (c) Failed to confine Eddie in the least restrictive environment that was appropriate;
- (d) Failed to return Eddie to the general inmate population at the earliest appropriate time;
- (e) Failed to ensure that, while in administrative segregation, Eddie enjoyed the same rights, privileges and conditions of confinement as the general inmate population except for those rights, privileges and conditions that can only be enjoyed in association with other inmates or cannot reasonably be given owing to limitations specific to the administrative segregation area or security requirements;
- (f) Failed to ensure that Eddie was not subjected to cruel, inhumane and degrading treatment;
- (g) Failed to ensure that Eddie's living conditions were safe and free of practices that undermined his sense of personal dignity; and
- (h) Failed to take all reasonable steps to ensure Eddie's safety.

68. As a result of the above-described false imprisonment, the Plaintiffs suffered losses and damages, as described further below.

v) Breach of Fiduciary Duty

69. The Defendants owed a fiduciary duty to Eddie to ensure his health and safety while he was in the custody of CSC.

70. The Plaintiffs state that by virtue of being in the custody of CSC, Eddie was at the mercy of the discretion of the Defendants. All the Defendants were, by virtue of this custodial relationship, in a position to unilaterally exercise power over Eddie so as to affect his legal and/or practical interests. Thus, the Defendants owed a fiduciary duty to attend to Eddie's physical and psychological needs and to ensure his confinement was in compliance with the law.

71. As such, the Plaintiffs state that the Defendants breached the fiduciary duties they owed to Eddie and caused damage to the Plaintiffs.

G. Damages

72. As a result of the negligent and wrongful acts, or failures to act, by the Defendants, Eddie suffered extreme physical, emotional and psychological injury and ultimately a wrongful death.

73. The Plaintiff, Effie, pleads and relies upon the *Fatal Accidents Act*, RSA 2000, c F-8.

74. Further, the Plaintiffs, Effie, Herbie, Peter, and Ian, have suffered and continue to suffer physically, psychologically and emotionally as a direct result of the conduct of the Defendants.

75. The damages suffered by the Plaintiffs are all consequences that were reasonably foreseeable and that the Defendants knew or ought to have known would result from their wrongful conduct.

76. By reason of the facts set out herein, and in particular the highhanded, shocking, contemptuous conduct of the Defendants, the Plaintiffs claim exemplary and/or aggravated and/or punitive damages.

II. REMEDY SOUGHT:

- (a) General Damages in the amount of \$5,000,000;
- (b) Special Damages;
- (c) Aggravated Damages in the amount of \$2,500,000;
- (d) Punitive Damages in the amount of \$5,000,000;
- (e) Solicitor-client costs;
- (f) Interest pursuant to the *Judgment Interest Act*, RSA 2000, c J-1; and
- (g) Such further relief as counsel may advise and this Court may allow.

NOTICE TO THE DEFENDANT(S)

You only have a short time to do something to defend yourself against this claim:

20 days if you are served in Alberta

1 month if you are served outside Alberta but in Canada

2 months if you are served outside Canada.

You can respond by filing a statement of defence or a demand for notice in the office of the clerk of the Court of Queen's Bench at EDMONTON, Alberta, AND serving your statement of defence or a demand for notice on the plaintiff's(s') address for service.

WARNING

If you do not file and serve a statement of defence or a demand for notice within your time period, you risk losing the law suit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the plaintiff(s) against you.