

Court File No. 13-57685

ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

CAROLINE MARY SARAH O'FARRELL, RICHARD JOHN CAMERON,
CONOR JOHN O'FARRELL CAMERON and
KELLY PATRICIA O'FARRELL CAMERON

Plaintiffs

-and-



ATTORNEY GENERAL OF CANADA, KEVIN BAILLIE,
GARY BEAM, SYLVAIN BERTHIAUME, LUC BOIVIN, GREG CHIAROT,
FRANCOIS DUGUAY, MARC GODUE, MIKE HERCHUK, CORY HOEHN,
DAVID KOPP, CHRISTINE MACKIE WINDOVER,
GERRY OGILVIE and MICHAEL ROBLEE

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. 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 Plaintiffs' lawyer or, where the Plaintiffs do not have a lawyer, serve it on the Plaintiffs, 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.

O'FARRELL ET AL
Plaintiffs

-and-

ATTORNEY GENERAL OF CANADA ET AL
Defendants

Court file no. 13- 57685

ONTARIO SUPERIOR COURT OF JUSTICE
Proceeding commenced at Ottawa

STATEMENT OF CLAIM

NELLIGAN O'BRIEN PAYNE LLP
Barristers & Solicitors
1500-50 O'Connor Street
Ottawa, ON K1P 6L2

Peter J.E. Cronyn
LSUC #19086L
Tel: (613) 231-8213
Fax: (613) 788-3659

Christopher Rootham
LSUC #46225T
Tel: (613) 231-8311
Fax: (613) 788-3667

Solicitors for the Plaintiff

Our File No. 32379-I

Box #285

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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: May 21, 2013


Local Registrar

Address of Court Office:
161 Elgin Street
Ottawa, ON K2P 2K1

TO: The Attorney General of Canada
Office of the Deputy Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

AND TO: Kevin Baillie
RCMP "L" Division HQ
Professional Standards Unit
450 University Avenue
Charlottetown, PEI C1A
7N1
Tel: 902-566-7112

AND TO: Gary Beam
42 Spinks Drive
Saskatoon, SK S7H 4B8
Tel: 306-374-8000

AND TO: Supt. Sylvain Berthiaume
RCMP National HQ
73 Leikin Drive
Ottawa, ON K1A 0R2
Tel: 613-990-0690

AND TO: Luc Boivin

AND TO: Greg Chiarot
c/o Victoria Police
850 Caledonia Avenue
Victoria, BC

AND TO: Francois Duguay
c/o Twin Pines Stables
4148 Larry Robinson Road
Russell, ON K4R 1E5
Tel: 613-821-0234

AND TO: Sgt. Marc Godue
RCMP Equitation Branch
Musical Ride Stables
1 Sandridge Road
Ottawa, ON K1K 2X5
Tel: 613-741-4285

AND TO: Mike Herchuk
3647 Selinger Cres.
Regina, SK S4V 2H3
Tel: 306-789-9168

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AND TO: Cory Hoehn
RCMP Equitation Branch
Musical Ride Stables
1 Sandridge Road
Ottawa, ON K1K 2X5
Tel: 613-741-4285

AND TO: Dr. David Kopp
c/o Lindsey Veterinary Hospital
2503 Skaha Lake Road
Penticton, BC V2A 6E8
Tel: 250-492-8113

AND TO: Christine Mackie Windover
c/o Twin Pines Stables
4148 Larry Robinson Road
Russell, ON K4R 1E5
Tel: 613-821-0234

AND TO: Gerry Ogilvie
c/o Two Track Stables
RR 4
Merrickville, ON K0G 1N0
Tel: 613-269-4484

AND TO: Michael Roblee
7921 Hurd Street
Mission, BC V2V 3J7
Tel: 604-826-8339

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1. The Plaintiff Caroline Mary Sarah O'Farrell claims:
 - a. Damages against all Defendants:
 - i. for battery, sexual assault, and assault in the amount of \$1,000,000;
 - ii. for intentional infliction of mental suffering in the amount of \$1,000,000;
 - iii. for loss of income calculated on the reasonable expectations of promotions that she would have received over the course of her career until the date of her retirement, in the amount of \$1,000,000;
 - iv. for diminution of her pension entitlement under the Royal Canadian Mounted Police Superannuation Plan in an amount to be provided prior to trial;
 - v. aggravated damages in the amount of \$1,000,000;
 - vi. punitive damages in the amount of \$1,000,000;
 - b. Damages against the Defendant Attorney General of Canada:
 - i. for breach of contract in the amount of \$1,000,000;
 - ii. for breach of s. 15 of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act, 1982* (U.K.), 1982, c. 11 in the amount of \$1,000,000;
 - c. Damages against the Defendants Luc Boivin, Francois Duguay, Christine Mackie Windover, Gerry Ogilvie, Michael Roblee for misfeasance of public office in the amount of \$1,000,000;
 - d. Pre-judgment interest and post-judgment interest in accordance with the *Courts of Justice Act*, R.S.O. 1990, c. C-43;
 - e. Costs of this matter on a substantial indemnity basis, including H.S.T; and
 - f. Such further and other relief as this Honourable Court deems just.

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2. The Plaintiffs Richard John Cameron, Conor John O'Farrell Cameron and Kelly Patricia O'Farrell Cameron claim against the Defendants pursuant to the provisions of the *Family Law Act*, R.S.O. 1990, c. F-3:
 - a. damages in the amount of \$100,000 each for loss of care, guidance and companionship they reasonably expected to receive from the Plaintiff Caroline O'Farrell but for the tortious behaviour of the Defendants;
 - b. Costs of this matter on a substantial indemnity basis, including H.S.T;
 - c. Pre-judgment interest and post-judgment interest in accordance with the *Courts of Justice Act*, R.S.O. 1990, c. C-43; and
 - d. Such further and other relief as this Honourable Court deems just.
3. The Plaintiff, Caroline Mary Sarah O'Farrell (hereinafter "Caroline"), is a resident of the City of Ottawa and is currently 52 years of age. Caroline joined the Royal Canadian Mounted Police ("RCMP") on August 20, 1982, and she has been continuously employed with the RCMP since that time. She completed her basic training in August 1983, and joined the Force with the rank of Constable. She was promoted to the rank of Corporal in April 1996, promoted to the rank of Sergeant in 2002, and was finally promoted to her current rank of Staff Sergeant in 2006.
4. The Plaintiff, Richard (Rick) Cameron (hereinafter "Rick"), is the ex-husband of Caroline, is a resident of the City of Ottawa, and is currently 58 years of age.

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5. The Plaintiff, Conor John O'Farrell Cameron (hereinafter "Conor"), is the son of Caroline and Rick, is a resident of the City of Ottawa, and is currently 23 years of age.
6. The Plaintiff, Kelly Patricia O'Farrell Cameron (hereinafter "Kelly"), is the daughter of Caroline and Rick, is a resident of the City of Ottawa, and is currently 20 years of age.
7. The Defendant, the Attorney General for Canada (hereinafter "AG Canada"), is the representative of the RCMP. The RCMP is the Canadian national police service and an agency of the Ministry of Public Safety Canada. The RCMP provides a federal police force for all Canadians. It also provides contract policing services to eight provinces, three territories, more than 190 municipalities, 184 Aboriginal communities, and three international airports. The RCMP's headquarters are located in the City of Ottawa.
8. The Defendant, Kevin Baillie, was a constable employed by the RCMP at the time of the events of this claim; he is now a sergeant.
9. The Defendant, Gary Beam, was a constable employed by the RCMP at the time of the events of this claim.
10. The Defendant, Sylvain Berthiaume, was a constable employed by the RCMP at the time of the events of this claim; he is now a superintendent.

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11. The Defendant, Luc Boivin, was an inspector employed by the RCMP at the time of the events of this claim.
12. The Defendant, Greg Chiarot, was a constable employed by the RCMP at the time of the events of this claim.
13. The Defendant, Francois Duguay, was a corporal employed by the RCMP at the time of the events of this claim.
14. The Defendant, Marc Godue, was a constable employed by the RCMP at the time of the events of this claim; he is now a sergeant.
15. The Defendant, Mike Herchuk, was a constable employed by the RCMP at the time of the events of this claim.
16. The Defendant, Cory Hoehn, was a constable employed by the RCMP at the time of the events of this claim; he is now a corporal.
17. The Defendant, David Kopp, was a constable employed by the RCMP at the time of the events of this claim.
18. The Defendant, Christine Mackie Windover was a corporal employed by the RCMP at the time of the events of this claim.

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19. The Defendant, Gerry Ogilvie, was a staff sergeant and a Riding Master employed by the RCMP at the time of the events of this claim.
20. The Defendant Michael Roblee was a sergeant employed by the RCMP at the time of the events of this claim.

Personal Background of Caroline

21. Caroline was born on November 14, 1960 in Montreal, Quebec, where she was also raised. She grew up in a Roman Catholic family, with a strict upbringing. She is the youngest of five girls, and her parents were very protective of their daughters.
22. In 1974 – when Caroline was 13 years old – women first gained admittance into the RCMP. Since that time, Caroline had wanted to be in the RCMP. She met with an RCMP recruiter during a career day when she was in grade nine; the recruiter advised her that the more education she obtained, the better her chances were of being engaged into the RCMP and then earn promotions and other opportunities once in the RCMP.
23. Caroline took that advice to heart: she graduated from high school at age 16 (writing in her high school year book that her ambition was to be a member of the RCMP); obtained a college diploma in commerce at 18; and obtained a Bachelor of Commerce at age 21.
24. Caroline successfully applied to become a member of the RCMP and was accepted shortly after she completed university. She had two ambitions: to tour with the Musical Ride, and to become a commissioned officer. Caroline attended language training, and then basic

training in French at Depot in Regina. She was the top recruit in her troop at Depot (a predominantly male troop with only 3 females in it). Her first positions within the RCMP were with Protective Control/Personal Security Sections: she was a bodyguard and also worked in the Traffic Section on patrol. At the same time, she completed a second undergraduate university degree in Law.

The Musical Ride

25. The RCMP Musical Ride is comprised of 36 riders and their horses – 32 of whom perform at any given time. The Musical Ride consists of the execution of a variety of intricate figures and cavalry drill choreographed to music. The Musical Ride appears in parades, at special events, and performs on both national and international tours, covering between forty and fifty locations each year.
26. At the time of the events of this claim, the Musical Ride was part of “N” Division, a separate division of the RCMP organization. It was, and continues to be, the crown jewel of the national and international public relations aspect of the entire organization. The Musical Ride set a high qualification bar for entrance. In a sense it was an elite group within an elite organization.
27. After indicating her interest in a position on the Musical Ride, Caroline was selected to attend a Basic Equitation Course in 1986. She began her Basic Equitation Course on April 1, 1986 (and was rated highest in the peer assessment on the Basic Course), and then her Intermediate Equitation Course on June 15, 1986 as the only female member on the course. She formally joined the Musical Ride in January 1987. At the time, the rotation

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for members, after training, was to remain for two tours or possibly three; however, as described below, Caroline only remained on the Musical Ride for half of one tour, until August 1987.

Sexual assault, assault and harassment suffered by Caroline while on the Musical Ride

28. During her period of training and performance on the Musical Ride, Caroline was the victim of a number of incidents of assault, sexual assault, and other forms of harassment. These incidents were perpetrated by her colleagues on the Musical Ride. When Caroline and members of her family complained to management of the RCMP, management did not take appropriate action and ultimately condoned the behaviour of other members of the Musical Ride. Some of these incidents of assault, sexual assault and other forms of harassment are set out below, in chronological order.

a) On or about April 23rd, 1986

29. On April 23, 1986 Caroline was a member of the Basic Equitation Course, and she was “Shit-troughed” by other members of the course because she was a “girl on the course”.
30. By way of background, a “shit-troughing” or “horse-troughing” is when a person is swarmed by several members of the Musical Ride, grabbed by their arms and legs, and then suspended in air in a straddled-like position over the concrete floor in the stables. The members then hose the victim down in cold water, and drag the victim through the riding school shavings (mixed with manure and urine) while running. The victim is face down, being pulled and dragged around by their arms. After this stage is complete, the rest of the group swarms the victim as they lay in the manure and shavings. The group

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kicks shavings (wood chips, dirt, manure, urine and other feces) onto the victim's head and body. Ultimately, the shavings and manure end up covering and caked to the victim's body, face and hair and usually gets into the victim's skin, eyes, ears, mouth and clothing.

31. While shit-troughings had happened in the Musical Ride in the past, the practice had been discontinued many years before.

b) On or about July 15th, 1986

32. Caroline was scheduled to marry Rick in July 1986 and planned a large red serge wedding. On the last day of work before her wedding, she received her only shower or wedding gift from her colleagues: a "shit troughing". Caroline pleaded with them not to do it because she was leaving directly from the stables to her Bachelorette party. They chose to do it anyway. Her coveralls were forcibly unzipped and her white RCMP Tee-shirt was doused in cold water. As this was happening, Caroline heard one of them say "Let's see the high beams come out!" She was shit-troughed again. This particular incident was instigated by the Defendant Gary Beam, along with several other members of the Intermediate Equitation Course.

c) On or about October, 1986

33. Caroline had developed a cordial relationship with a co-worker (Cst. Denis Loignon). A standing joke developed as she would frequently see him in his underpants because he would change into his breeches (uniform riding pants) in front of the doorway of the men's locker room without closing the door. Although she said it was inappropriate, it

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became a standing joke between them that he should close the door or change in private. On one particular occasion, Caroline told him that he did it again and she saw his underwear again. Later in the day, they were wondering what the Friday afternoon activity would be, and they both guessed different things. Denis said Caroline was wrong and she said in jest, "I bet I am right," and added that she was so sure that she was right that she would bet his underwear on it.

34. The Defendant Gary Beam had stopped what he was doing and was watching them and was listening to their conversation. Afterwards, Denis spoke with Gary and he (Denis) came up to Caroline's stall and shook her hand for no apparent reason. Unaware of why Denis was holding out his hand to her, Caroline shook it while Gary Beam watched.
35. This ultimately led to Cst. Beam telling the other members of the Musical Ride that Caroline had bet Denis that she would give him her underwear if she lost the bet. Caroline knew nothing of this at the time. Subsequently, the afternoon activities turned out not to be what she thought they would be. The group then forcefully locked her in the tack-room and proceeded to hold a mock trial in costumes with a judge, Crown prosecutor, jury and defence counsel.
36. Caroline was panic-stricken and didn't know where to turn or what to do about this situation. Caroline was "convicted" and sentenced to give the 16 male coworkers her underwear or face another shit-troughing. As a way of escaping this, she told them she would give Denis her underwear privately but they refused, so she was shit-troughed

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again. This was carried out by several members of the Musical Ride intermediate equitation course, including the Defendants Gary Beam, Kevin Baillie and Sylvain Berthiaume.

d) On or about October, 1986

37. Caroline received her annual assessment from Cpl. Frank Duguay. It was a good assessment, however, Cpl. Duguay mentioned that she should talk less to two of her friends and rather talk more in the lunch room or while working in the tack-room where the members cleaned the bridles and saddles. Caroline explained to him how she did not feel comfortable in those places and environments and could not talk to her friends there because she would be chastised and made fun of if she spoke. She told him she was uncomfortable speaking with other members because, while at work and on a daily basis, she would hear women regularly referred to as “bimbos”, “pig-faces”, “bitches”, “sleaze-buckets” and “sluts”, as well as being referred to by their body parts: “tits”, “asses”, “if they are on the rag”, amongst other things. The Ride members also openly discussed who they had “fucked” last night. Corporal Duguay did nothing to prevent or correct these inappropriate and offensive comments.

e) On or about November, 1986

38. While at the Sound and Saddles Show at the Ottawa Civic Center, Caroline was working late each night with her male colleagues as the backstage crew putting up and taking down the stage for the public relations show, which showcased the Musical Ride and the RCMP Band. While she was unrolling a roll of vinyl flooring, two members pulled the flooring

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out from under her. Without having time to catch her fall, she fell hard onto her face and wrist. She hurt her nose and wrist but managed to get up and shake it off. Although tears of pain and humiliation were swelling up in her eyes, she tried her best to compose herself. Everyone started to point and laugh at her. A member immediately came over and told her that the Defendant Gary Beam had asked him to help him pull on the other end of the vinyl roll of flooring with him.

f) Between September and December 1986

39. Caroline was asked by the Defendant Gary Beam “who she had suck-holed to be chosen for the Musical Ride Basic Course.” She replied calmly that she had applied the usual way and, after a few years, inquired if there was anything more she should be doing to be selected for the course. He then said to her that she should not be on the Ride because she had not done contract policing (provincial or detachment) as opposed to the federal policing she had done working in Ontario. He also made sure that he asked her, in front of her coworkers, who she had “suck holed” to have her picture on the RCMP public relations posters, the RCMP police week calendar for 1985-1986, and the front cover of the RCMP Gazette magazine. These calendars and magazine posters were distributed across the country and the poster was up at “N” Division.
40. During this same period, Caroline observed the Defendant Kevin Baillie pick up a broom and repeatedly thrust the wooden handle deeply into a mare’s vagina while laughing. The mare was tied in its stall and was obviously in heat at the time. Caroline was offended, sickened, and intimidated by this gross indecency to the mare.

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g) On or about December 23rd, 1986

41. The Intermediate Equitation Course members decided to participate in a secret Christmas gift exchange. During work hours the members of the Musical Ride opened their gifts together one by one on Santa Claus's lap, (who was one of the members). As the gift exchange was being videotaped, Caroline opened her wrapped gift in front of all her coworkers with a supervisor present. Her "gift" was a pair of red kneepads - the kind you would use to play volleyball. Everyone laughed at her. The gift tag said, *"For your Way to the Top" From?"*.

h) On March 5th, 1987

42. Cst. Mike Herchuk (one of the 1986 Ride members whom Caroline had been warned about) told her that they were planning to shit-trough her. After a Musical Ride rehearsal while half the members of the Ride walk two horses at a time to cool them down, the other members change into their coveralls. Cst. Herchuk rationalized planning another shit-roughing for Caroline as punishment for Caroline who, while hurrying to change into her coveralls (to relieve Herchuk who was walking her horse), did not notice that the four extra members who had sat out the rehearsal practice had not pulled back the shavings in the vacant horse stalls (as was the common practice) and that some of the members who had gone to change into coveralls had started pulling back the shavings in the stalls on the other side of the stables. Later, Caroline noticed that on the chalkboard in the Ride lounge someone had written, "Shake and Bake today at 3:30. It's going to be a good one. Everyone Welcome. Be there." She knew that they were referring to her.

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43. In the meantime, Rick, her new husband, was becoming more and more agitated with hearing about what was happening to Caroline at work. She called him from the stables and he said he would be late picking her up because he had to work some overtime. She told him that they were planning another shit-trough and he told her to report it to the NCO of the 1987 Musical Ride, Sgt. Mike Roblee (Rick's former colleague) and advised her not to submit to the shit-troughing again. Rick warned her that if she came home one more time in tears after being assaulted by these guys, and having been used for their pleasure for "wet Tee-shirt contests", that he would get some of his buddies, wear balaclavas and confront the harassers after work.
44. Caroline already knew at this time that the male members of the Musical Ride were talking about the three women on the Ride in the male locker room. Cst. Bob Jacobson had told them that they had to accept women on the Ride and women in general and that they had to have some respect for women. Around this period of time Cst. Sylvain Berthiaume asked Caroline what she had been up to sexually with Cst. Bob Jacobson because he (Jacobson) had been sticking up for her and trying to protect her in the men's locker room.
45. On that day, Caroline asked Cst. Bob Jacobson for advice as to what she should do. He advised Caroline to go along with it and when she told him that she was sick of going along with it and not physically fighting back, he said, "We can't change it. There is nothing we can do. You have to go along with it." He asked her if she was pregnant and

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that if she was he thought that maybe they wouldn't do it to her again. She said that she wasn't pregnant and that should not be the reason why they shouldn't be shit-troughing her.

46. Her attempts to stop them from shit-troughing her again did not work. They came at her forming a human wall and blocked her from escaping. Caroline decided that she would defend herself with as much force as she could to save herself from another assault. She swung a long leather stirrup strap (with an iron stirrup attached to the end of it) at them. They backed off at first and then someone said, "Come on guys, we may need more manpower – she's going to fight!" and "Let's get that out of her hand, she could hurt somebody!"
47. Some of the male members swarmed her from behind and yanked the stirrup from her hand. Caroline punched some of them in the arms and body with a penknife folded in her fist. She also punched Cst. Cory Hoehn in the mouth. They formed a circle around her and closed in further. Cst. Mike Herchuk filled a wheelbarrow full of cold water and, while Caroline was carried forcibly into the riding school and being restrained, they lifted the wheelbarrow over her head drenching her head and body (right down to her bra and underpants) in cold water. Then they dragged her along by her arms through the mixture of dirt, shavings, manure, and urine. Once they had finished with her, she sat there with her head down feeling alone and very humiliated; all the while they were laughing and videotaping the incident. Afterwards, they all ran off. The incident was videotaped by Cst. Kevin Baillie and witnessed by 18 Basic Equitation Course members, who were walking their horses in the Riding School at the time.

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48. This incident occurred within a few feet of the supervisors who had gone into the Farrier's shop after learning that a shit-troughing was about to occur.
49. After attempting to gain some composure, being soaking wet with wood shavings and manure and dirt stuck to her and throughout her face and hair, Caroline approached the Musical Ride supervisors. She walked up to them, (Sgt. Mike Roblee, Cpl. Christine Mackie, the Riding Master S/Sgt. Gerry Ogilvie and the Farrier Duane McRae), and asked them, "Is this what I have to take to be on the Musical Ride?" Is this normal?" They asked her why she got it (clearly showing that as supervisors, they were not only aware of this but that this was going to become a regular occurrence and accepted practice). Caroline told them why and Cpl. Mackie suggested that the best advice would be for her to modify her behaviour when she went to change into her coveralls to avoid further "shit-troughings", effectively making her the culprit instead of the victim.
50. The supervisors asked Caroline how many troughings she had already been given. Sgt. Mike Roblee said that something had to be done about this and called it "an assault." Sgt. Roblee also admitted that he knew that the other members were planning a shit-troughing; he asked them if it was justified, and they said that it was.
51. That night her husband Rick called Sgt. Roblee at his home. Rick asked Sgt. Roblee: "What the hell was going on down there?" and stated that he considered what the Ride

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was doing to his wife was assault. Sgt. Roblee reassured Rick that Caroline was not the problem, that she was a good worker, and that the problem would be taken care of.

52. This pattern is consistent with the RCMP's supervision of the Musical Ride: the supervisors recognized that what was happening to Caroline was legally and morally wrong, yet they attempted to blame her for these events and did nothing to prevent them.

i) **On March 6th, 1987**

53. The morning after that shit-troughing, Caroline asked another female member to walk into the stables with her as she was intimidated and afraid of what would happen to her. While Caroline was picking up a pitchfork to begin cleaning the horse stalls, she heard crying sounds, jeering and catcalls from co-workers all around her. The heckling got louder and louder throughout the stables with more and more people joining in. The Ride members were saying in crying-like tones, "I'm going to tell. I'm going to go talk to the Sgt." She heard this everywhere she went. Later that morning, after the Musical Ride rehearsal, Sgt. Roblee called the riders with their horses into a circle with him in the middle. He told all 36 RCMP Ride members, (including Caroline), that some people here don't take to these shit-troughs the way you do, and that maybe we shouldn't be doing this - that some people see this as degrading. He added that, in the past, a member of the Ride had actually been hazed and tied up with leather straps and that the next day he had jumped in front of a Mack gravel truck. A few stepped forward and said Caroline was lazy because she was not pulling back the shavings and that it was up to the Ride to discipline its own and this was her discipline for it. Sgt. Roblee said that there would be no more shit-troughings

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from now on. He said that some people see it as a form of assault and mentioned the Charter of Rights and Freedoms.

54. That same day while she was working in the stables, Caroline heard comments said out loud like, “I know who I would like to jump in front of a Mack truck.” or “We all know who we would like to jump in front of a truck.”
55. Cst. Greg Chiarot said out loud that he had seen Caroline giving a “blow job” to the OIC Insp. Boivin while kneeling in a horse stall. This was a complete fabrication on the part of Cst. Chiarot but only served to further demean Caroline.

j) Days after March 6, 1987

56. Only three of Caroline’s 35 co-workers were now speaking to her. There was an announcement marked on the chalkboard in the lunchroom/ lounge that read, “One Mack Truck Needed” and “One Loaded Revolver Needed.” The chalkboard was easily viewable by the busloads of tourists going on public tours through the stables. Caroline’s supervisors did nothing to stop this.
57. The other members of the Musical Ride set up a suicide pool and they had started taking bets on when Caroline would kill herself.
58. Caroline’s co-workers berated and talked negatively about her openly and wrote further derogatory remarks about her on the chalkboard. To avoid seeing the signs on the chalkboard and hearing the harassing comments, Caroline stopped going into the lunchroom/lounge for breaks or for lunch and, for the most part, stopped eating while at

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work. When she did eat, she would go outside in the cold weather and eat alone on a box behind the stables.

59. During this time, many members would walk up and stop in front of Caroline's stall as she was grooming her horse to sneer at her and/or openly say insulting things about her or to her. When she attempted to help others doing communal chores, she was pushed aside and sneered at. Some members even refused to touch tools or equipment which Caroline had handled or used.
60. While walking along the alleyway in the stables, Caroline's peers, walking the other way, went shoulder to shoulder blocking her way staring her down while pounding their fists into their open hands in unison in a very intimidating fashion. Caroline thought this meant that they wanted to assault her. She later learned that this gesture signified her hitting a Mack truck (referring to Sgt. Roblee's story about a member who had killed himself after being hazed).
61. One morning, when Caroline arrived for work and entered the women's locker room, she found her high brown boots filled with manure and so jam packed with manure that when she tried to shake the manure out of them, nothing would budge. She had to continually stick her bare hands down into the boots, right down to the toe, to scrape it all out. This was while she was trying to get into uniform to be ready for work on time.
62. Caroline was now a target for bullying and sabotage. One morning while she was preparing her horse for turnout she noticed that the straps on her horse's bridle were

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threaded through but not buckled. The sabotage could have resulted in serious injury or death.

63. On the weekend following these events, Caroline visited her parents and they noticed that she was not acting like herself and that she looked stressed and very unhappy. They asked her what was troubling her. She reluctantly spoke to them about some of the things the Ride members were doing to her. They asked where the supervisors were. She explained that they often weren't around. Her parents suggested that she just try harder to ignore them and advised her to go to the Musical Ride boss and not just to her direct supervisors to complain about it.

k) On or about March 10th, 1987

64. Caroline was told to report to Insp. Luc Boivin's office. Insp. Boivin advised Caroline that her father had made a formal complaint against the Force which he must act on. She was shocked. Insp. Boivin said he had talked to her mother on the telephone too. He asked Caroline for the whole story and she was hesitant to tell him for fear of more reprisals from the group. She told him that she did not want to squeal, she just wanted to get along with them. She also said that she felt that anything Insp. Boivin did was going to come back at her.
65. Despite her misgivings, Caroline explained everything to him and gave him her notebook with notations of the above harassment in it.

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66. Insp. Boivin advised Caroline that her mother had asked him if her coworkers could possibly rape her and he had told her mother “that he wouldn’t put it past them.” He audio-recorded the meeting and they were later joined by her husband who had come to pick her up from work. In all, Insp. Boivin spoke to Caroline for about 6 hours, (three hours with her alone and three hours with Rick and her together).
67. Insp. Boivin advised Caroline to ignore her harassers and to go sit with them and he said that they were just being immature and that she was part of the Musical Ride like they were. Caroline told him that was easy for him to say but hard to do especially when there were over 30 of them and that her own friends had stopped talking to her as well for fear of being the next one to be bullied and harassed. He added that they would not be going on tour with him if they continued this behaviour. He reassured Rick and Caroline that he would take action and get back to them about his decision. He also advised that he had to get back to Caroline’s father by Friday, which was in a few days.

1) On or about March 11th and 12th, 1987

68. During this time, Ride members were approaching Sgt. Mike Roblee to regain the right to shit-trough whomever they wanted and whenever they wanted. In particular, Cst. Cory Hoehn and Cst. Mike Chauvin questioned why Caroline should be the one to make the decision that there should be no shit-troughing. Cst. Chauvin said that if you couldn’t take a shit-troughing you shouldn’t be on the Ride.
69. Sgt. Mike Roblee instructed them to take a referendum on it and to get back to him with the results, but in the meantime shit-troughing was banned. While taking the survey that

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was chiefly administered by Cst. Cory Hoehn with Cst. Scott Williamson and Cst. Gary Beam in attendance, Cst. Scott Williamson asked Caroline if she was sure she didn't want to change her answer warning her that if she didn't it was going to be a long two years for her. After the formal survey was completed, the results were entered on the chalkboard in the RCMP lunchroom/lounge as: "The Musical Ride - 35 votes, Wimp - 1 vote."

70. Caroline was also approached by her friend Cst. Terry Johnson. Cst. Johnson had been told that he had to offer Caroline their terms to stop harassing her and for her to be accepted by the Musical Ride. Caroline would have to take another shit- troughing but this time it would be a "good one." They said it would be a mixture of a gallon of mare's piss mixed with a few shovels full of gelding's shit mixed together and poured and smeared all over her as she sat in the manure pile outside behind the stables. If she agreed to this and to sit in it for several minutes, then they would accept her back into the fold.
71. Caroline was so distraught at this time that she actually considered this proposal. However, as she pictured herself, the vision of her with wet manure and urine smeared all over her face and body, them all laughing and pointing at her while being video-taped, she realized she could never live with herself later and she still had too much pride to agree to this even if it meant the possibility of the abuse and persecution finally stopping.
72. Caroline spoke with her NCO about this. She discreetly went over to the Log Cabin (the supervisors' offices) at lunchtime to speak to Sgt. Mike Roblee who was in charge of the 1987 Musical Ride.

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73. Sgt. Roblee said that Caroline was a person of conviction and that she would have to live with herself later if she submitted to their conditions on something that she did not believe in. He also said that Caroline should approach the male chauvinists of the group and ask them their opinion of this situation she was in and to use her “appeals as a woman” to try to get on their good side. Sgt. Mike Roblee also told her that the problem was not with her or her work, but that maybe they were intimidated by her. He said that they felt that Caroline was “going somewhere” and that they didn’t like her for some reason.

m) Friday, March 13th, 1987

74. Caroline was ordered to attend a meeting on this day with all members of the Musical Ride. At the meeting in the basement classroom of the Admin. Building at “N” Division, two senior NCOs were there and were going to chair the meeting because they were not directly involved in the 1987 Ride. Caroline brought a paper and a pencil with her. She was very apprehensive and nervous going into this meeting. However, knowing that her father had made a public complaint against the Force, that Insp. Boivin had till that Friday to get back to her father, and that he had privately met with her and her husband, she felt that finally maybe her harassers were going to be disciplined and told to cease any more harassment of her.
75. Cst. Sylvain Berthiaume immediately stood up and stated that Caroline should not be permitted to take any notes. S/Sgt. Ogilvie said that she did have the right to take notes in case she wanted to say something later. These notes were later turned over to the Internal Investigators in July 1987, as described further below.

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76. Riding Master S/Sgt. Gerry Ogilvie and S/Sgt. John Dunn set the tone for the meeting by opening it stating that Caroline's parents had complained and that it was a "two-bit chicken shit complaint" and described it as "a piece of piss on a plate". The two Staff Sergeants said that Caroline had been caught, that management was not denying that she caused her own problems, that she was not totally right, and that the complaint had to be swept under the rug before it got out to the media or to the House of Commons. If it got out, the Musical Ride would be over, maybe the entire RCMP would be over as well, their jobs would be on the line, and a hundred years of history would go down the drain. S/Sgt. Ogilvie said that it was the worst day of his life, the day he had to give one of his own members a warned statement (given to Cst. Cory Hoehn) over something like this "two bit chicken shit complaint." The Musical Ride would have to settle this in-house so that it wouldn't have to go any further and as long as the complainant is satisfied and it is settled that they could go from here. He said they could shut the barn door but that if they did not settle this complaint the Musical Ride was in jeopardy and the whole RCMP. S/Sgt. Ogilvie said it should be handled just as he felt about his ex-wife, "Forgive but don't forget... Forgive but never forget."
77. S/Sgt. Ogilvie told the members to each stand up and that everyone could have their say of what they thought of the situation and of Caroline. She was not allowed to leave. When she tried to defend herself, she was told to shut-up and sit down five or six times. Caroline was very scared at this time.

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78. One of the other two female members voiced her opinion at the meeting saying that Caroline should learn how to take certain things like she had to the previous year. She stopped talking to Caroline for several days after this meeting but later apologized and tearfully asked Caroline to forgive her saying what she did but for once it felt good to be part of the group and not at the bottom of the pecking order and the one being picked on.
79. Cst. Chuck Walker said that Caroline should not be given preferential treatment by no longer getting shit-troughed. He also said that he had no respect for her as a colleague.
80. S/Sgt. Ogilvie said that the shit-troughing was a form of corporal punishment. S/Sgt. Ogilvie reiterated that if this ever leaked out to the House of Commons that the Musical Ride would be over and their jobs would be on the line, everything - 100 years of history would go down the drain and that he got goose bumps just thinking about it. He said they had to “sweep it under the rug.”
81. Cst. Sylvain Berthiaume and Cst. David Kopp stated that Caroline should be taken off the Musical Ride and that they didn't want her there, and that was their solution to the problem.
82. Cst. Sylvain Berthiaume further stated, “I don't care if she jumps in front of a truck tomorrow.”
83. Cst. David Kopp, stated that Caroline had societal problems and that she could not adjust.
84. Cst. Tony Holland said that Caroline was holding a gun to the head of the Musical Ride and to all of them by holding this threat over them. He told the group that another member

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went to MacLean's magazine several years earlier about the shit-troughing and wrongdoing in the Force and it only soured his career and he left the Force.

85. Just as the Ride members were coming back into the classroom from a break and out of the blue, S/Sgt. Ogilvie banged his fist in a most intimidating and violent fashion on the desk that Caroline was seated at and wagged his finger in her face and yelled, "You've got to stop being so stubborn, they're willing to take you back, take the chance and go for it, be done with it, what's wrong with you!"
86. It was said during the meeting that "the Ride disciplines their own." The other members said that Caroline was lazy (despite her repeated good assessments and assurances to the contrary by her supervisors). Caroline was told that she was supposed to get two more shit-troughings and when it didn't happen they said that they had decided to start setting her up. They said that she was late for work, which was untrue.
87. The Riding Master, S/Sgt. Ogilvie, advised the Ride that they should "forgive but never forget" and advised Caroline to do the same, that she should forgive them.
88. After several hours at this meeting, S/Sgt. Ogilvie told the other members to accept Caroline back. Caroline said that she could see that they were not going to accept her back. The other members of the Musical Ride were shaking their heads to indicate "no", and they also stated that they would not accept her back.
89. S/Sgt. Ogilvie yelled at Caroline and ordered her to stand up in front of the class and face her peers and to ask them to take her back. Caroline stood up and told the group that she was not the one who had made the decision to stop the shit-troughings and that she had

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just asked her supervisors if she had to take this to be on the Ride and if this was normal. She told them that it was up to the NCOs to judge her and not up to them. In response, the group said it was up to “the Ride to judge her”, that “the Ride disciplines its own” and “we don’t want her here.”

90. S/Sgt. Ogilvie eventually forced the other members to say that they were willing to forgive Caroline and take her back and they reluctantly said they would with sarcastic grins on their faces.
91. Immediately after that meeting, Caroline asked to see S/Sgt. Ogilvie in private (along with S/Sgt. John Dunn). S/Sgt. Ogilvie told her that she had everything going for her. He also told her to go “soul searching” to figure out why she was causing these problems. S/Sgt. Ogilvie then petted Caroline on the head, the same way as one would pet a dog.
92. After that meeting with S/Sgt. Ogilvie, while walking back to the stables, the male members of the Musical Ride started chanting over and over in unison, “Forgive but don’t Forget” and that chant went on during work hours for weeks. This chant was also accompanied by the taunting catcalls, endless crying sounds and saying, “Daddy, Daddy!! Help me!!, Help me!!....”
93. Insp. Boivin took no steps to investigate the complaint by Caroline’s father. More specifically, he did not follow existing policy: he did not forward the complaint to RCMP Headquarters for investigation, he did not commence his own harassment investigation, and he did not commence a Code of Conduct (disciplinary) investigation in light of the allegations made. Instead, he ripped up the complaint and took no further action. Had

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Insp. Boivin taken appropriate action at that time, Caroline would not have been harassed any further and the events described below would not have occurred.

n) April-July 1987

94. During the next months, Caroline was the object of constant harassment and degrading comments. For example:
- a. Other members of the Musical Ride repeatedly saying that “I’m going to tell my Daddy” or similar remarks, to further humiliate Caroline regarding her father’s complaint;
 - b. Other members of the Musical Ride cheering and shouting “Fall off!” when Caroline’s horse would buck;
 - c. Cst. Greg Chiarot remarking that “a good (caricature) picture would be O’Farrell suck-holing the OIC [Officer in Charge]” (these caricatures would be shown at the end-of-the year banquet dinner);
 - d. Cst. Sylvain Berthiaume and others spreading false rumours that Caroline was having affairs with some of the few male members of the Musical Ride who would support her (Cst. Terry Johnson and Cst. Bob Jacobson);
 - e. Instructing truck and bus drivers on tour with the Musical Ride not to speak to Caroline;
 - f. Remarking that “all female members should be under a steam roller” (Cst. Kevin Baillie).

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o) On or about June 18, 1987

95. On a bus ride to Pincher Creek, Alberta, Caroline fell asleep and then woke up to something she was feeling and hearing. She felt something in her hair rubbing against her head. She then heard Cst. Greg Chiarot say, "Everybody act normal, keep talking." She saw Cst. Sylvain Berthiaume with Cst. Baillie's video camera and he and Cst. Baillie looked into it as it played back. While looking at the footage on the video camera, Cst. Tony Holland said that what he was looking at would be too embarrassing to show at the year-end dinner and someone else said that, "It was a real good boner."
96. A couple of days later, Caroline was shown the video recording: it looked like a penis sticking out of a member's breeches and poking at her ear. It turned out to be a finger simulating a penis sticking out of a fly or zipper of uniform breeches. It is Caroline's understanding that the person in the video was Cst. David Kopp. The video was passed around the van they were riding in for others to view. Cst. Chuck Walker looked at it and said it was disgusting. Caroline felt embarrassed and degraded, as if she had been sexually assaulted. Caroline later learned that this video had been copied and distributed. The video was shown at Musical Ride get-togethers where the general public would attend.

p) On or about June 22nd, 1987

97. Around this time Caroline began getting burning pains in her stomach, resulting from the stress of the continued harassment. She also had pains in her chest when she boarded the

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bus. She was afraid to report her illness to management, in fear of management encouraging further reprisals against her.

98. Caroline revealed to Cpl. Duguay that she wasn't accepted as part of the Ride and that she couldn't even express an opinion without being ridiculed. He replied that it was mob rule and that the members were very immature and that was just the way the Ride was. He likened her situation to a pack of wolves on a lamb. She informed him of the events on the bus.

q) July 12, 1987

99. On this date, Cpl. Frank Duguay ordered Caroline to meet with him in his hotel room. He informed Caroline that he and the rest of management had no issues with her performance, that she had done all she could to work with the Musical Ride, and that the perpetrators of her harassment would be given "a notice of shortcomings" and negative performance reviews. He also asked for the names of the ringleaders, which she provided.
100. Then, Cpl. Duguay stated that Caroline would be transferred off of the rest of the Musical Ride 1987 tour against her will. He told her that as an RCMP member she had agreed to serve anywhere in Canada, and that she could return to the Musical Ride next year – but in the meantime, she would be transferred to work on Parliament Hill on horseback alongside Cst. Kevin Baillie – who was one of her main harassers.

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101. Finally, Cpl. Duguay informed her that this transfer was for her own safety, as her supervisors “couldn’t guarantee her safety” during the next leg of the Musical Ride’s tour.

r) Events in Ottawa after Caroline was removed from the Musical Ride

102. When Caroline returned to Ottawa, she learned that her husband Rick had approached Division Staff Relations Representatives at RCMP headquarters and filed a harassment complaint on her behalf. Caroline and Rick were told that the situation would be investigated. She and her husband Rick met with S/Sgt. Barry Cale and Sgt. Bob Cadieux for several hours as part of this investigation; the interview was recorded and later transcribed into a 75-page document. S/Sgt. Cale expressed the opinion that “the problem here is that you’re [Caroline], it appears and tell me if I’m wrong, that you’re being punished for being victimized.”
103. During this investigation, Caroline received phone calls at her home from her supervisors advising her that they were trying to locate and destroy the videotapes taken on the bus, and that she was not to divulge their destruction. Her supervisors also advised her that they wanted her back on the Musical Ride now that there was an internal investigation.
104. Caroline’s health symptoms did not improve. She went to the RCMP medical office and obtained an emergency appointment on July 29th, 1987. The doctors said she was experiencing extreme stress and had symptoms of an ulcer due to it. The work environment was toxic and very detrimental to her health. The RCMP Health Services doctor ordered her to leave the Equitation Branch until the investigation was complete and the situation under control.

105. The RCMP eventually upheld Caroline's harassment complaint. The final investigation concluded that there were over 100 incidents of harassment that had been substantiated. She was informed by the investigators that her complaint resulted in the largest internal investigation ever conducted in Ottawa. However, the RCMP took no real or substantial action against the harassers as a result of its investigation. Some of the harassers received informal discipline (counselling and warnings); others received no form of censure at all. Most of her harassers continue to work in the RCMP today, some as high-ranking officers and others as senior non-commissioned officers in positions of significant influence and authority.
106. Two of the over 100 substantiated incidents of Caroline's treatment became public, albeit in a sanitized and inaccurate manner, in 1988. Then-Commissioner Inkster stated that "swift and appropriate action was taken" against the perpetrators of this abuse, when the action was neither swift nor appropriate.
107. Caroline was asked to attend a Provincial Crown Attorney's office regarding possible criminal charges being laid as a result of this abuse. The Assistant Crown Attorney (who was the son of a former RCMP Commissioner and the brother of a current RCMP member) refused to lay charges, telling Caroline that the statute of limitations for those offences had passed to proceed on a summary conviction basis, and that the criminal charge could not proceed by way of indictment. The Assistant Crown Attorney also said that the charges would be embarrassing for the RCMP and for her and in any event, he would withdraw the charges if they were filed.

Impact on Caroline

108. The sexual assault, assault and harassment that Caroline suffered from 1986-1987 in the Musical Ride has had a profound psychological effect on her. Caroline has recently been diagnosed with Post-traumatic Stress Disorder (“PTSD”) as a result of her experience with the Musical Ride. She has suffered flashbacks and recurring nightmares about the Musical Ride. She was unable to approach unknown members of the RCMP without panicky feelings, out of fear that the member would turn out to be one of her harassers. She was unable to maintain eye contact with any of her harassers when she would meet them in hallways or other areas at work. She became insecure, self-doubting and defensive at work. She became distrustful of RCMP management and feared being blamed by them.

109. The events on the Musical Ride are responsible for stalling Caroline’s career at the RCMP. Prior to serving on the Musical Ride, Caroline was a highly-regarded member of the RCMP. She showed leadership capacities and was confident and outspoken in her dealings with colleagues. The events on the Musical Ride permanently damaged her confidence and self-esteem. She became quiet and cautious in meetings or in the office, out of fear of being accused of using sexual relations (performing felatio on the officer in charge and “suck-holing” in the phrase used by other members of the Musical Ride) to get ahead. She has refrained from making her superiors aware of her successes (one of her OICs advised her of this when she worked in National Security investigations) or of being

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too successful, fearing the kind of backlash that she experienced while serving on the Musical Ride.

110. Caroline's experiences on the Musical Ride have followed her throughout her career at the RCMP. She recently learned that they were noted on her personnel file, and she was told that people had been warned about her. For example, in 1987, the Officer in Charge of the Equitation Branch wrote in Caroline's file on a succession planning form that while Caroline had performed acceptably as a rider, her "overall competency" was put into question, which left a significant, intangible and unsubstantiated cloud on her file.
111. But for the events that took place on the Musical Ride, Caroline would have received faster promotions to non-commissioned officer ranks, and would also have eventually become a commissioned officer within the RCMP. Caroline applied for the commissioned ranks on three occasions, but was not selected or supported on all three occasions. Further, on an early application for a Corporal position, Caroline was asked during an interview to describe being in a difficult situation. She mentioned her experience with the Musical Ride, and failed the board interview and denied an opportunity for subsequent promotion on the grounds that she responded to a situation too emotionally.
112. The events on the Musical Ride also had an effect on Caroline's ability to have meaningful relationships. Her early marriage to Rick, a time to grow together and adjust to a partner, was dominated by Caroline's experiences on the Musical Ride. Rick grew frustrated with Caroline's upset mood and constant need to talk about what was going on. He felt powerless to protect his wife and threatened to attack his former colleague on the

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Musical Ride, at the risk of his own career as an RCMP member. This increased Caroline's anxiety further, experiencing tension both at home and at work.

113. Rick and Caroline were unable to overcome the disturbance to their relationship caused by the Musical Ride. Their marriage deteriorated quickly. They sought help in trying to work through these issues, but they eventually separated in October 1996 and divorced in January 2000. They would have separated sooner but for Caroline's strict Catholic upbringing, which (for a time) prevented her from contemplating separating or divorcing from her husband Rick.
114. Since her separation from Rick, Caroline has been unable to have meaningful long-term relationships with other men. Instead, she had a series of unsatisfying relationships with men who would engage in inconsiderate and rejecting behaviour. This behaviour is attributed to her experiences with the Musical Ride.
115. Finally, Caroline's relationships with her children and her ability to be a good parent were negatively affected by her experiences with the Musical Ride.
116. Caroline sought professional counselling as early as 1997 to deal with her psychological issues; however, she and her therapist did not connect the psychological condition and symptoms to these events until recently.
117. In late 2011 and early 2012 there was significant media coverage of other victims of harassment within the RCMP coming forward. These publicized instances of abuse within the RCMP, and the talk of it at Caroline's worksite and in her social circles, exaggerated Caroline's PTSD, and she started to re-experience the trauma caused by the Musical Ride

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on a regular, daily basis. She then disclosed these events in more detail to her treating therapist, and has received treatment accordingly.

Intentional Infliction of Mental Suffering

118. The Defendants, through the conduct outlined in paragraphs 32-108 above are liable for intentional infliction of mental suffering. In particular:
- a. The conduct outlined at paragraphs 28-107 above was both flagrant and outrageous;
 - b. The conduct outlines at paragraphs 28-107 above was calculated to produce harm to Caroline; and
 - c. The conduct outlined at paragraphs 28-107 resulted in the psychological problems – including PTSD – set out at paragraphs 108-117.

Battery, sexual assault and assault

119. The individual Defendants' conduct outlined at paragraphs 28-107 intentionally and directly caused a harmful and offensive physical conduct with Caroline.
120. The individual Defendants' conduct outlined at paragraphs 28-107 created an apprehension of imminent or harmful and offensive physical conduct.
121. As a result, Caroline pleads that the actions of the individual Defendants amount to assault and battery. The Plaintiff also pleads that the actions of the individual Defendants amount to sexual assault, and that the individual Defendants were in a position of authority in relation to her.

Breach of Contract

122. It was an implied term of Caroline's contract of employment for the RCMP that:
- a. the RCMP would take appropriate steps to protect her (and its other employees) from assault, sexual assault, and harassment in the workplace;
 - b. the RCMP would thoroughly and appropriately investigate allegations of harassment; and
 - c. the RCMP would take appropriate steps to discipline and otherwise correct harassing and other forms of improper behaviour of its members.
123. The RCMP breached its contract of employment with Caroline by failing to take appropriate and necessary steps to protect her from the assault, sexual assault and harassment detailed at paragraphs 28-107 above. The RCMP also failed to appropriately and thoroughly investigate Caroline's allegations and disclosure of harassment, and failed to take appropriate steps to correct the harassing behaviour and discipline the offenders.

Misfeasance in Public Office

124. The Plaintiffs plead that the Defendants Luc Boivin, Francois Duguay, Christine Mackie Windover, Gerry Ogilvie and Michael Roblee, failed to perform their statutory and common-law duties as peace officers and supervisors of the Musical Ride by permitting other members of the Musical Ride to commit criminal assault and sexual assault against Caroline. The failure to take any steps to prevent, investigate, or punish the criminal assault and sexual assault against Caroline was an intentional and deliberate breach of their legal duties as police officers, intended to cause injury to Caroline. These defendants

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were aware that their conduct was unlawful and that their failure to act would harm Caroline. As a result of their deliberate failure to perform their duties as peace officers, Caroline suffered the mental distress outlined at paragraphs 108-117 above.

Vicarious liability of the RCMP

125. The Plaintiffs plead that the Defendant Attorney General of Canada is vicariously liable for the actions of the named Defendants and the other RCMP members who were involved in the incidents set out in this Statement of Claim, all of whom were under its employ during the material time of the events detailed above.

Breach of the *Canadian Charter of Rights and Freedoms*

126. Caroline pleads that the Defendant Attorney General of Canada breached her right to be free from discrimination on the basis of sex pursuant to s. 15 of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act, 1982* (U.K.), 1982, c. 11 by:

- a. Failing to properly supervise its employees, agents or servants;
- b. Failing to have adequate policies, procedures, codes of conduct and guidelines to ensure Caroline's safety, health and welfare and to minimize the risk of her being subjected to gender-based discrimination and harassment; and
- c. Failing to properly investigate the harassment set out above in a thorough, timely and impartial manner; and
- d. Failing to take the necessary remedial steps once it acknowledged wrongdoing by the individual Defendants.

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Punitive damages

127. The Plaintiffs plead that the Defendants' actions described in paragraphs 28-107 above were harsh, vindictive, reprehensible and malicious. The Plaintiffs plead that the Defendants are liable for an award of punitive damages as a result of their actions described in paragraphs 28-107 above.

128. The Plaintiffs state that the Statement of Claim may be served on the Defendants outside Ontario, without leave, pursuant to paragraphs (f), (g) and (h) of Rule 17.02 of the *Rules of Civil Procedure*, R.S.O. 1990, Reg. 194, as amended, because this claim is with respect to a contract made in Ontario and breached in Ontario, torts committed in Ontario and the damages were sustained in Ontario.

129. The Plaintiffs propose that the trial of this action take place at Ottawa.

Date: May 21, 2013

Nelligan O'Brien Payne LLP
Barristers & Solicitors
1500-50 O'Connor Street
Ottawa, ON K1P 6L2

Peter Cronyn
LSUC #19086L
Tel: 613-231-8213
Fax: 613-788-3659

Christopher Rootham
LSUC #46225T
Tel: 613-231-8311
Fax: 613-788-3667

Solicitors for the Plaintiffs