



Court File No.

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

DENISE WARRINER on her own behalf, as the Administrator of the Estate of DANIELLE STEPHANIE WARRINER, and as the Administrator of the Estate of DAISY WARRINER, and THEODORE BOWEN WARRINER

Plaintiffs

and

AMANDA ROJAS-SILVA, SHANE HUTLEY, ANDREW LI, JAMES ROUSE, KYLE BRYSON, JANE/JOHN DOE OF UNIVERSITY HEALTH NETWORK, and UNIVERSITY HEALTH NETWORK

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$15,000.00 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: September 13, 2022

Issued by

Local registrar

Address of Court office Ontario Superior Court of Justice
393 University Avenue
Toronto, Ontario
M5G 1E6

TO: Amanda Rojas-Silva
c/o University Health Network
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190 Elizabeth Street
Toronto, Ontario
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AND TO: Shane Hutley
c/o University Health Network
R. Fraser Elliott Building, 1st Floor
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AND TO: Andrew Li
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AND TO: James Rouse
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AND TO: Kyle Bryson
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AND TO: John/Jane Doe
c/o University Health Network
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AND TO: University Health Network
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AND TO: The Registrar of this Honourable Court

CLAIM

1. The plaintiff, the Estate of Danielle Stephanie Warriner, claims:
 - a. General damages in the amount of \$5,000,000.00 (FIVE MILLION DOLLARS);
 - b. Damages pursuant to the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19 in the amount of \$75,000.00 (SEVENTY-FIVE THOUSAND DOLLARS);
 - c. Special damages in a sum to be disclosed before trial;
 - d. Aggravated and/or exemplary damages in the amount of \$1,000,000.00 (ONE MILLION DOLLARS);
 - e. Punitive damages in the amount of \$1,000,000.00 (ONE MILLION DOLLARS);
 - f. Pre and post judgment interest pursuant to ss. 128 and 129 of the *Courts of Justice Act*, R.S.O. 1990, c. 43;
 - g. Their costs of this action on a substantial indemnity basis, together with Harmonized Sales Tax payable pursuant to the *Excise Act*; and
 - h. Such further and other relief as this Honourable Court deems just.
2. The plaintiffs, Denise Warriner, the Estate of Daisy Warriner, and Theodore Bowen Warriner, each claim:
 - a. General damages in the amount of \$1,000,000.00 (ONE MILLION DOLLARS);
 - b. Damages pursuant to the *Family Law Act*, R.S.O. 1990, c. F.3 in the amount of \$250,000.00 (TWO HUNDRED AND FIFTY THOUSAND DOLLARS);
 - c. Special damages in a sum to be disclosed before trial;
 - d. Aggravated and/or exemplary damages in the amount of \$1,000,000.00 (ONE MILLION DOLLARS);
 - e. Punitive damages in the amount of \$1,000,000.00 (ONE MILLION DOLLARS);

- f. Pre and post judgment interest pursuant to ss. 128 and 129 of the *Courts of Justice Act*, R.S.O. 1990, c. 43;
- g. Their costs of this action on a substantial indemnity basis, together with Harmonized Sales Tax payable pursuant to the *Excise Act*; and
- h. Such further and other relief as this Honourable Court deems just.

INTRODUCTION

- 3. This claim arises from events which occurred on May 10, 2020, and May 11, 2020, when Danielle Stephanie Warriner (“Stephanie”) was admitted to Toronto General Hospital (“TGH”).
- 4. Stephanie was a 43-year-old mother of five children. Stephanie had a long history of mental illness, suffering from Bipolar I Disorder and Post-Traumatic Stress Disorder (“PTSD”). Additionally, Stephanie was diagnosed with chronic obstructive pulmonary disease (“COPD”).
- 5. On April 25, 2020, Stephanie was admitted to TGH for treatment of COVID-19 pneumonia and hypoxic respiratory failure. Stephanie briefly left TGH on May 2, 2020, but was readmitted at approximately 8:00pm that same evening. After testing negative for COVID-19 on May 3, 2020, and again on May 5, 2020, Stephanie left TGH on May 6, 2020.
- 6. On May 8, 2020, Stephanie was readmitted to TGH after staff at the shelter where she was staying discovered a Form 42, which is given to an individual to advise them they are under a Form 1. When Stephanie arrived at TGH on May 8, 2020, it was found that she was no longer under a Form 1, however, Stephanie indicated she wanted to see a doctor because

she had not slept for three days. Stephanie's admission to TGH on May 8, 2020, was unrelated to COVID-19 or COVID-19 exposure.

7. Stephanie was readmitted to TGH on May 10, 2020, due to a productive cough. Following her admission to TGH, Stephanie left her room in search of a sandwich. In the early morning of May 11, 2020, while in the Eaton Lobby of TGH, Stephanie was approached by TGH security guards, defendants Amanda Rojas-Silva, Shane Hutley, Andrew Li, and James Rouse. Despite knowing that Stephanie suffered from mental health issues based on their interactions with her, Stephanie was berated by the security guards, thrown to the ground, and restrained in the prone position with weight applied to her back. While held in the prone position, Stephanie was forced into handcuffs.
8. Once the security guards removed their weight from Stephanie, her body was limp and lifeless. Rather than immediately starting CPR or calling for help, the security guards instead retrieved a wheelchair and placed Stephanie's lifeless body in the wheelchair to remove her from the view of security cameras and witnesses.
9. As a result of this restraint of Stephanie by security guards at TGH, Stephanie went into cardiac arrest, and ultimately died twelve days later, on May 27, 2020. Despite going into cardiac arrest on May 11, 2020, Stephanie's family was not contacted by hospital staff until May 22, 2020.
10. Stephanie's death has had a profound impact on her family, and in particular her sister Denise, her son Theodore, and her daughter Daisy (deceased on November 28, 2021). Stephanie enjoyed a close and loving relationship with Denise, Theodore, and Daisy. As a result of Stephanie's death, Daisy, a recovering drug addict, turned to drugs to ease her pain. Denise and Theodore were left to witness Daisy's downward spiral following her

mother's tragic death, which ultimately resulted in Daisy's death. This only exacerbated the pain and suffering experienced by Denise and Theodore.

11. The plaintiffs seek damages against the defendants for assault and battery, negligence, conspiracy, intentional infliction of emotional distress, and breach of the Ontario *Human Rights Code*.

THE PARTIES

12. Stephanie was born on May 24, 1977, and was a resident of the city of Scarborough, in the Province of Ontario. Stephanie was 43 years old at the time of her death.
13. Denise Warriner is the sister of Stephanie. The late Daisy Warriner is the daughter of Stephanie. Theodore Bowen Warriner is the son of Stephanie. Denise is the estate trustee of the estate of Daisy Warriner. Denise and Theodore reside in Richmond Hill, Ontario. Daisy was a resident of Toronto, Ontario, until her death on November 28, 2021. Each of these plaintiffs enjoyed a close and loving relationship with Stephanie.
14. The defendant security guards Amanda Rojas-Silva, Shane Hutley, Andrew Li, James Rouse, and Kyle Bryson (collectively the "security guards") were at all material times employed by the defendant University Health Network. These defendants are all residents of the Province of Ontario. The plaintiffs state that the defendant security guards, acting individually and/or collectively, committed the torts of assault and battery, negligence, conspiracy, intentional infliction of emotional distress, and breach of the Ontario *Human Rights Code*.
15. The defendants Jane/John Doe of University Health Network, whose identities are unknown to the plaintiffs and are within the unique knowledge of the defendants, were at

all material times employed by the defendant University Health Network. The plaintiffs state that the defendants Jane/John Doe, acting individually and/or collectively, committed the torts of assault and battery, negligence, conspiracy, intentional infliction of emotional distress, and breach of the Ontario *Human Rights Code*.

16. The defendant University Health Network (“UHN”) is a corporation incorporated pursuant to the laws of Ontario and at all material times was responsible for the acts and omissions of its employees and, through its agents and servants, was responsible for the hiring, supervision, training, direction, and control of persons in its employ. The plaintiffs state that the defendant UHN, acting individually and/or collectively, committed the torts of negligent supervision and are vicariously liable for the torts committed by its employees.

FACTS

Events Leading Up to May 11, 2020

17. Prior to 2020, Stephanie was diagnosed with COPD. Stephanie also had a long history of mental illness, suffering from Bipolar I Disorder and PTSD.
18. After first testing positive for COVID-19 on April 21, 2020, Stephanie was admitted to TGH on April 25, 2020, for COVID-19 pneumonia and hypoxic respiratory failure.
19. On May 2, 2020, Stephanie left TGH at approximately 3:30pm. Later that evening, after calling EMS for feeling unwell, Stephanie was readmitted to TGH at approximately 8:00pm. Stephanie tested negative for COVID-19 on May 3, 2020, and again on May 5, 2020. Stephanie left TGH on May 6, 2020.

20. During Stephanie's admission at TGH, Denise Warriner was in constant contact with nursing staff and a hospital social worker regarding Stephanie's condition and care. Staff at TGH understood that Denise was Stephanie's next of kin in respect of her medical care.
21. On May 8, 2020, Stephanie was readmitted to TGH after staff at the shelter where she was staying discovered a Form 42, which is given to an individual to advise them they are under a Form 1. When Stephanie arrived at TGH on May 8, 2020, it was found that she was no longer under a Form 1, however, Stephanie indicated she wanted to see a doctor because she had not slept for three days. Stephanie's admission to TGH on May 8, 2020, was unrelated to COVID-19 or COVID-19 exposure.

Altercation with Security Guards

22. On May 10, 2020, Stephanie was readmitted to TGH due to a productive cough, which she had for about three days. Stephanie was tested for COVID-19 and the results were negative.
23. In the early morning on May 11, 2020, Stephanie was hungry and left her room in search of a sandwich. TGH had no legal authority to confine Stephanie to any room, bed, or wing of the hospital.
24. While sitting in a chair in the Eaton Lobby of TGH, Stephanie was first approached by Jonathan Allen, a screener employed with UHN, who asked Stephanie to put on her mask. Stephanie had her mask pulled down and was struggling to breathe. Stephanie informed Mr. Allen that she had left her room to get a sandwich.
25. During this interaction between Stephanie and Mr. Allen, Ms. Rojas-Silva approached and asked Stephanie to put on a mask. A verbal altercation began between Stephanie and Ms. Rojas-Silva. Shortly after Ms. Rojas-Silva's arrival, additional security guards, including

Mr. Li, Mr. Hutley, and Mr. Rouse each arrived in the Eaton Lobby. Mr. Hutley became involved in the verbal altercation between Stephanie and Ms. Rojas-Silva.

26. Based on this interaction with Stephanie, the security guards were aware that Stephanie was suffering from mental health issues. Instead of accommodating her illness, the security guards chose to yell at, demean, and berate Stephanie.
27. It was clear to the security guards during this interaction that Stephanie was struggling to breathe and was in obvious respiratory and medical distress. This was further evidenced with the fact that Stephanie was unable to control her bladder. Instead of getting her the medical aid she required, the security guards chose to yell at, demean, and berate Stephanie.
28. During this verbal altercation, Stephanie was seated in a chair with the security guards towering over her. The security guards took no steps to deescalate, and their conduct only served to exacerbate the situation.
29. The security guards continued to yell at and berate Stephanie. When it became clear to the security guards that they lacked the skill to deescalate the situation, they became physically aggressive towards Stephanie. Ms. Rojas put her hands on Stephanie's right arm and forced Stephanie towards the wall. With Stephanie's face and body pressed against the wall, Ms. Rojas-Silva and Mr. Hutley stood on either side of Stephanie and applied physical force, each taking control of her respective arms.
30. After being forced against the wall, Stephanie was thrown to the ground by Ms. Rojas-Silva and Mr. Hutley. While on the ground, Stephanie was held face down towards the ground in the prone position with weight applied to her back. As Stephanie was being held down in this position by Ms. Rojas-Silva and Mr. Hutley, Stephanie was forced into handcuffs by Mr. Rouse.

31. Stephanie was approximately 5 feet, 5 inches tall and weighed approximately 120 pounds. During the time that the defendant security guards had her restrained in the prone position with weight on her back, Stephanie continuously struggled as she was having difficulty breathing under the weight of the security guards.
32. Once the security guards finally removed their weight from Stephanie, her body was limp and lifeless. As a result of the excessive force used by the security guards, Stephanie went into cardiac arrest.
33. The plaintiffs plead that the defendant guards had no lawful authority to apprehend Stephanie or to place her in handcuffs.

Events Following Altercation with Security Guards

34. Rather than immediately starting CPR or calling for help, the security guards instead retrieved a wheelchair and placed Stephanie's lifeless body in the wheelchair to remove her from the view of security cameras and witnesses. Attempts were eventually made to resuscitate Stephanie by the security guards and hospital staff.
35. Following resuscitation, Stephanie was transferred on May 11, 2020, to the TGH Medical Surgical Intensive Care Unit, and intubated with post cardiac arrest syndrome.
36. On May 15, 2020, Stephanie was transferred to Toronto Western Hospital, where she died seven days later on May 22, 2020.

Security Camera Footage

37. The altercation at TGH on May 11, 2020, was being recorded by a pan-tilt-zoom ("PTZ") camera. A PTZ camera allows the operator of the camera to adjust and control the camera's aim and zoom.

38. A PTZ camera that was capturing the altercation on May 11, 2020, was intentionally moved by Kyle Bryson, a security guard at TGH. As a result of this action by Mr. Bryson, portions of the altercation between Stephanie and the security guards were not captured on video.
39. During the altercation on May 11, 2020, Mr. Bryson was watching the security video live from a computer in the security office at TGH. When Mr. Bryson saw Ms. Rojas-Silva physically restrain Stephanie, he intentionally moved the camera so that the altercation would not be captured.
40. Mr. Bryson states that he suffers from anxiety, and that he moved the camera because he was anxious and concerned about the altercation and use of force between Ms. Rojas-Silva and Stephanie.
41. The plaintiffs plead that the camera was moved from the altercation to shield the other defendant guards from any potential criminal liability.

Hospital Contact with Family

42. Despite Stephanie going into cardiac arrest on May 11, 2020, Denise Warriner, Stephanie's substitute decision-maker, was not contacted by hospital staff until May 22, 2020, eleven days later. There were no attempts by TGH to contact Denise regarding Stephanie's condition until May 22, 2020.
43. The plaintiffs state that in admissions to TGH prior to May 10, 2020, the Emergency Department had contacted Denise each time as next-of-kin to Stephanie. When Stephanie was admitted to TGH in late April of 2020, Denise was contacted by the hospital and was in regular contact with nursing staff and a social worker.
44. This failure to contact Denise following Stephanie's admission to TGH on May 10, 2020, deprived Stephanie of her right to treatment with consent of a substitute decision-maker

and deprived Denise her right to exercise decision-making authority and responsibility regarding Stephanie's treatment.

Measures Against Security Guards

45. Two of the security guards involved in the altercation involving Stephanie, Amanda Rojas-Silva and Shane Hutley, were arrested by Toronto Police Service in December of 2020. Ms. Rojas-Silva and Mr. Hutley were each charged with two counts of criminal negligence causing death and one count of manslaughter.
46. At the preliminary inquiry in this matter, Ms. Rojas-Silva and Mr. Hutley were each committed to trial.

LIABILITY OF ROJAS-SILVA, HUTLEY, LI, ROUSE, BRYSON AND JANE/JOHN DOE

Assault and Battery

47. The plaintiffs state that the defendant security guards Amanda Rojas-Silva, Shane Hutley, Andrew Li, James Rouse, and Kyle Bryson committed an assault on Stephanie. In particular, and without restricting the generality of the foregoing, these defendants intentionally applied force to the person of Stephanie in the absence of her consent; force which was excessive, unreasonable, and not justifiable at law. This force was applied with malice and with the intention of injuring Stephanie.

Negligence

48. The security guards owe a duty of care to members of the public that they interact with, and they owed a duty of care to Stephanie to take reasonable care for her safety, a duty of care which increased when they decided to physically restrain Stephanie.

49. The security guards breached the duty of care they owed to Stephanie and, accordingly, are liable in negligence to the plaintiffs. The injuries and suffering experienced by Stephanie arose as a direct result of the negligence of these defendants.
50. The negligent actions and/or inactions of the security guards as plead herein each and/or collectively caused serious injuries, death, and other damages to Stephanie and/or injury to the plaintiffs, a consequence the security guards knew or ought to have known would occur as a result of their negligence.
51. Without restricting the generality of the foregoing, some of the particulars of the negligence of the defendant security guards are as follows:
 - a. They breached their obligations to ensure the safety of Stephanie;
 - b. They approached an individual they knew or ought to have known had mental health issues, in an aggressive manner, contrary to their training, and in circumstances in which they knew or ought to have known that their actions would escalate rather than deescalate the crisis;
 - c. They, in the absence of reasonable knowledge or experience in dealing with individual exhibiting signs of a mental health crisis, failed to call for specialized health care or policing assistance;
 - d. They failed to recognize Stephanie was in medical distress and failed to ensure she was provided with medical aid;
 - e. They employed force in circumstances in which they knew or ought to have known that their actions would cause harm to the plaintiffs;
 - f. They failed at all material times to exercise the standard of care required by their positions;

- g. They owed a duty to cease applying force to Stephanie once it became apparent that she was in distress;
- h. They acted with reckless disregard for the life of Stephanie; and
- i. The security guards were incompetent to carry out their duties as security guards and lacked reasonable care, skill, ability and training, and ought not to have been assuming the responsibilities and obligations of their positions.

Conspiracy

- 52. The security guards, acting individually and/or collectively, acted in concert with the predominant purpose to shield their conduct from the view of witnesses, thereby maintaining the assault and battery against Stephanie.
- 53. The essential elements of this plan involved shielding Stephanie from the view of witnesses and intentionally turning away the security cameras while causing injury to Stephanie.
- 54. All of these defendants had knowledge of the agreement. The defendants knew or ought to have known that shielding Stephanie from the view of witnesses was unlawful.
- 55. The security guards knew or ought to have known that their conduct was likely to injure Stephanie.

Intentional Infliction of Emotional Distress

Assault on Stephanie:

- 56. The plaintiffs state that the defendant security guards' assault on Stephanie caused Stephanie and the plaintiffs Denise Warriner, Daisy Warriner, and Theodore Bowen Warriner to suffer emotional distress. The plaintiffs state that the security guards knew or ought to have known that these plaintiffs would suffer emotional distress upon learning of

the assault and viewing the video of the assault which caused Stephanie serious injuries, death and other damages, and/or upon viewing Stephanie's injuries.

57. Without restricting the generality of the foregoing, the plaintiffs Denise Warriner and Theodore Bowen Warriner continue to suffer from anxiety, depression, and physical and psychological conditions arising from the unlawful conduct of the defendant security guards.
58. Without restricting the generality of the foregoing, the plaintiff Daisy Warriner continued to suffer from anxiety, depression, and physical and psychological conditions up until the time of her death arising from the unlawful conduct of the defendant security guards.

Failure to Contact Denise Warriner:

59. The plaintiffs state that the defendant UHN's failure to contact the plaintiff Denise Warriner about Stephanie's medical condition following the altercation with the security guards caused Denise to suffer emotional distress. The plaintiffs state that UHN knew or ought to have known that Denise would suffer emotional distress while trying to locate Stephanie's whereabouts, and later upon learning that she had not been contacted about Stephanie's serious injuries.
60. The plaintiffs state that in failing to contact Stephanie's next of kin, whose identity was known to UHN, the defendant UHN failed to follow their own policies and procedures.
61. Without restricting the generality of the foregoing, Denise continues to suffer from anxiety, depression, and physical and psychological conditions arising from the conduct of the defendant UHN.

Breach of the Ontario *Human Rights Code*

62. The plaintiffs state that the defendant security guards and UHN breached Stephanie's rights under the Ontario *Human Rights Code* (the "*Code*") in their differential and discriminatory treatment of Stephanie and the plaintiffs based on disability. In particular, the security guards relied on stereotypes of mental illness, resulting in the inadequate care and discriminatory treatment of Stephanie.
63. The plaintiffs state that Stephanie has a characteristic that is protected from discrimination under the *Code*, namely her disabilities based on her mental health diagnoses, addiction, and brain damage. The plaintiff Denise Warriner has a characteristic protected from discrimination under the *Code* based on her association with Stephanie in light of her disabilities.
64. The plaintiffs state that Stephanie experienced an adverse impact in service provision, including brain damage and ultimately death, and that her disability was a factor in the adverse treatment by the security guards.
65. Stephanie and Denise Warriner have each experienced an adverse impact in service provision. For Stephanie, this includes brain damage, treatment without consent of a substitute decision-maker, and ultimately death. For the plaintiff Denise Warriner, this includes being deprived of her right to exercise decision-making authority and responsibility regarding Stephanie's treatment. The plaintiffs state that Stephanie's disabilities were a factor in the adverse treatment by UHN.

LIABILITY OF UNIVERSITY HEALTH NETWORK

Negligent Supervision

66. In addition, the plaintiffs state that the defendant UHN owed a duty of care to the plaintiffs to ensure that the defendant security guards were properly trained to perform, and supervised in respect of, their duties as security guards.
67. The plaintiffs state that UHN breached this standard of care and were negligent in supervising the defendant security guards.
68. The negligent actions and/or inactions of UHN caused injuries to the plaintiffs, a consequence that UHN knew or ought to have known would occur as a result of its negligence.
69. Without restricting the generality of the foregoing, some of the particulars of the negligence of the defendant UHN are as follows:
 - a. UHN knew or ought to have known that the defendant security guards were insufficiently trained to be dealing with the public;
 - b. UHN knew or ought to have known that the defendant security guards were insufficiently trained in conflict resolution and de-escalation techniques involving the public;
 - c. UHN knew or ought to have known that the defendant security guards were insufficiently trained to deal with someone in medical distress;
 - d. UHN knew or ought to have known that the defendant security guards suffered from psychological and/or psychiatric problems rendering them unfit to be security guards; and

- e. UHN knew or ought to have known that the defendant security guards were unfit to perform duties reasonable expected of security guards.

Vicarious Liability

70. The plaintiffs state that the defendant UHN is responsible at law for the conduct and torts of the defendant security guards, as plead aforesaid.

DAMAGES

71. The plaintiffs state that as a direct result of the actions of the defendants, they have undergone pain and suffering which they would otherwise not have endured, their injuries have been greatly aggravated, and the consequences thereof have been prolonged. Stephanie suffered severe injuries and death, and all the plaintiffs have thereby suffered loss and damages.
72. The Estate Administrator claims the damages in paragraph 1 herein, pursuant to section 38 of the *Trustee Act*, R.S.O. 1990, c. T.23, arising from the deceased's wrongful death and the defendants' assault and battery, negligence, conspiracy, intentional infliction of emotional distress, and breach of the Ontario *Human Rights Code*, as plead aforesaid.
73. The plaintiffs have suffered and continue to suffer physically, psychologically, and emotionally as a direct result of the conduct of the defendants as plead aforesaid. The damages suffered by these plaintiffs are all consequences which the defendants intended, knew, or ought to have known would result from their wrongful conduct in causing the injuries to and death of Stephanie.
74. The plaintiffs plead and rely upon the relevant portions of the *Family Law Act*, R.S.O. 1990, c. F.3. In particular, Stephanie's sister, daughter and son enjoyed a close and loving

relationship with Stephanie and have suffered the loss of her guidance, care and companionship as a result of her wrongful death. These plaintiffs have also suffered pecuniary loss.

75. The plaintiffs have been out-of-pocket as a direct result of the wrongful acts of the defendants, including, and without restricting the generality of the foregoing:
 - a. Funeral and associated expenses;
 - b. Loss of employment income; and
 - c. Legal fees in respect of proceedings other than the herein claimed.
76. By reason of the facts set out herein, and in particular the highhanded, shocking, and contemptuous conduct of the defendants, the plaintiffs claim exemplary, aggravated and/or punitive damages.
77. The plaintiffs plead and rely upon the *Negligence Act*, R.S.O. 1990, c. N.1, as amended.
78. The plaintiffs plead and rely upon the *Criminal Code of Canada*, R.S.C. 1985, c. C-46, as amended.
79. The plaintiffs plead and rely upon the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended.
80. The plaintiffs plead and rely upon the *O. Reg. 73/20*, as amended.
81. The plaintiffs propose that this action be tried in Toronto, Ontario.

DATE: September 13, 2022

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DENISE WARRINER ET AL.
Plaintiffs

-and-

AMANDA ROJAS-SILVA ET AL.
Defendants

Court File No:

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced in TORONTO

STATEMENT OF CLAIM

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