

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**WILLIAM HATTON and ROBIN JACKSON, on their own behalf and as the  
Administrators of the Estate of LIAM HATTON, Deceased, DYLAN HATTON, HANNAH  
HATTON & BLAKE HATTON**

**Plaintiffs**

**and**

**SERGEANT MICHAEL HUCK, CONSTABLE BRADLEY BUNN, CONSTABLE  
RACHEL VARRALL, CONSTABLE ZACHARY SELKIRK, SOUTH SIMCOE POLICE  
OFFICERS JOHN AND JANE DOE, BRADFORD WEST GWILLIMBURY/INNISFIL  
POLICE SERVICES BOARD, CHIEF JOHN VAN DYKE, HIS MAJESTY THE KING  
IN RIGHT OF ONTARIO AS REPRESENTED BY THE SOLICITOR GENERAL,  
COMMISSIONER THOMAS CARRIQUE, CONSTABLE CHELSEA POIRIER &  
ONTARIO PROVINCIAL POLICE OFFICERS JOHN AND JANE DOE**

**Defendants**

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**STATEMENT OF CLAIM**

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**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: July 14, 2026

Issued by

'Electronically Issued'

Local registrar

Address of  
Court office

Ontario Superior Court of Justice  
75 Mulcaster Street  
Barrie, Ontario  
L4M 3P2

TO: SERGEANT MICHAEL HUCK  
South Simcoe Police Service – North Division  
2137 Innisfil Beach Road  
Innisfil, Ontario L9S 1A2

AND TO: CONSTABLE BRADLEY BUNN  
South Simcoe Police Service – North Division  
2137 Innisfil Beach Road  
Innisfil, Ontario L9S 1A2

AND TO: CONSTABLE RACHEL VARRALL  
South Simcoe Police Service – North Division  
2137 Innisfil Beach Road  
Innisfil, Ontario L9S 1A2

- AND TO: CONSTABLE ZACHARY SELKIRK  
South Simcoe Police Service – North Division  
2137 Innisfil Beach Road  
Innisfil, Ontario L9S 1A2
- AND TO: SOUTH SIMCOE POLICE OFFICERS JOHN AND JANE DOE  
c/o South Simcoe Police Service – North Division  
2137 Innisfil Beach Road  
Innisfil, Ontario L9S 1A2
- AND TO: BRADFORD WEST GWILLIMBURY/INNISFIL POLICE SERVICES BOARD  
c/o Chair Chris Gariepy  
2137 Innisfil Beach Road  
Innisfil, Ontario L9S 1A2
- AND TO: SOUTH SIMCOE POLICE CHIEF JOHN VAN DYKE  
c/o South Simcoe Police Service – North Division  
2137 Innisfil Beach Road  
Innisfil, Ontario L9S 1A2
- AND TO: HIS MAJESTY THE KING IN RIGHT OF ONTARIO AS REPRESENTED BY  
THE MINISTER OF THE SOLICITOR GENERAL  
c/o Legal Director  
655 Bay Street, 10<sup>th</sup> Floor  
Toronto, Ontario M7A 2T4
- AND TO: CONSTABLE CHELSEA POIRIER  
Ontario Provincial Police General Headquarters  
Lincoln M. Alexander Building  
777 Memorial Avenue  
Orillia, ON L3V 7V3
- AND TO: ONTARIO PROVINCIAL POLICE OFFICERS JOHN AND JANE DOE  
Ontario Provincial Police General Headquarters  
Lincoln M. Alexander Building  
777 Memorial Avenue  
Orillia, ON L3V 7V3
- AND TO: ONTARIO PROVINCIAL POLICE COMMISSIONER THOMAS CARRIQUE  
Ontario Provincial Police General Headquarters  
Lincoln M. Alexander Building  
777 Memorial Avenue  
Orillia, ON L3V 7V3
- AND TO: The Registrar of this Honourable Court

**CLAIM**

1. The Plaintiff, the Estate of Liam Hatton, claims:
  - a) General damages in the amount of \$7,000,000 (seven million dollars);
  - b) Special damages in a sum to be disclosed before trial;
  - c) Punitive and/or exemplary damages in the amount of \$1,000,000 (one million dollars);
  - d) Aggravated damages in the amount of \$1,000,000 (one million dollars);
  - e) Damages pursuant to s. 24(1) of the *Canadian Charter of Rights and Freedoms*, s. 7, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11 (the “*Charter*”);
  - f) Pre- and post-judgment interest pursuant to ss. 128 and 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43;
  - g) Costs of this action on a substantial indemnity basis, together with HST payable pursuant to the *Excise Act*, R.S.C. 1985, c E-1; and
  - h) Such further and other relief as this Honourable Court deems just and reasonable.
2. The Plaintiffs, Dylan Hatton, William Hatton, Robin Jackson, Hannah Hatton, and Blake Hatton claim:
  - a) General damages in the amount of \$5,000,000 (five million dollars);
  - b) Special damages in a sum to be disclosed before trial;
  - c) Punitive and/or exemplary damages in the amount of \$1,000,000 (one million dollars);
  - d) Aggravated damages in the amount of \$1,000,000 (one million dollars);
  - e) Damages pursuant to the *Family Law Act*, R.S.O. 1990, c. F. 3 in the amount of \$1,500,000 (one million and five hundred thousand dollars);
  - f) Damages pursuant to s. 24(1) of the *Charter*;

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

## **INTRODUCTION**

3. On August 15, 2024, members of the South Simcoe Police Service (“SSPS”) shot and killed 19-year-old Liam Hatton (“Liam”) and nearly killed his twin brother, Dylan Hatton (“Dylan”), outside their family home in, Innisfil, Ontario. Liam and Dylan’s sister, Hannah Hatton (“Hannah”), had called the police for help as her brothers were experiencing a mental health crisis.
4. As twin siblings, Liam and Dylan were extremely close to each other. They both displayed intellectual disabilities related to their premature births. At the time of the shooting, they exhibited behaviors more typical of 15 or 16-year-olds, rather than their actual age of 19.
5. SSPS officers arrived at approximately 2:58pm. When they first arrived, they did not immediately approach Liam and Dylan. Instead, they went to a neighbouring residence where Hannah and the twins’ parents, William Hatton (“Bill”) and Robin Jackson (“Robin”) were waiting. Bill, Robin, and Hannah spoke with SSPS officers intermittently for approximately thirty minutes. During these discussions, the family advised the SSPS officers of Liam and Dylan’s mental-health crisis and cognitive limitations, and requested that any police response be grounded in de-escalation.
6. At approximately 3:28pm, Sergeant Michael Huck, Constable Bradley Bunn, Constable Rachel Varrall, Constable Zachary Selkirk (collectively hereinafter referred to as the

“Involved Officers”) drove to the Hatton residence. Each Involved Officer drove in a separate vehicle and positioned their vehicles at the end of the driveway in a manner that, due to the stone pillars on each side of the driveway and surrounding trees, completely blocked its exit.

7. At this time, Liam and Dylan were in Bill’s Mercedes SUV (the “SUV”) at the other end of the driveway, approximately 11 metres away. Liam was in the driver’s seat and Dylan was in the front passenger seat.
8. Sergeant Michael Huck then stepped out of his cruiser, which was parked inside the driveway’s open gate, and made a gesture with his hand that the twins interpreted as “come forward.”
9. As Liam drove the SUV forward at a relatively low rate of speed, Sergeant Huck fired at Liam multiple times. One of Sergeant Michael Huck’s bullets fatally struck Liam in the head. The SUV hit the open gate and came to a stop against the stone pillar the end of the driveway.
10. Dylan then climbed over the centre console and his brother’s body until he was partially in the driver’s seat. The SUV then started reversing in the opposite direction of the Involved Officers. The Involved Officers immediately began to shoot at Dylan, discharging over a dozen shots. Dylan received five gunshot wounds, requiring multiple surgeries, weeks in the hospital, and lifelong injuries.
11. The Special Investigations Unit (“SIU”) invoked their mandate later that day and began investigating the shooting. On December 12, 2024, the SIU completed its investigation and in its final report (the “SIU Report”) concluded that none of the Involved Officers

committed a criminal offence and did not lay charges against any of the SSPS officers involved in the incident.

12. On December 4, 2024, the Ontario Provincial Police (“OPP”) arrested Dylan and charged him with seven offences under the *Criminal Code*, including one count of Dangerous Operation of a Motor Vehicle and four counts of Assaulting Peace Officer with Weapon. The Crown withdrew all of Dylan’s criminal charges on October 3, 2025.

### **THE PARTIES**

13. The estate of Liam Hatton is represented by William Hatton and Robin Jackson.
14. Liam was 19 years old at all material times and resided in the Hatton family home in the Town of Innisfil, in the Province of Ontario. Liam died intestate.
15. The Plaintiff, Dylan Hatton, is 21 years old and resides in the family home in Innisfil, Ontario.
16. The Plaintiff, William Hatton (“Bill”), is Liam and Dylan’s father. At the material times and prior to August 2024, Bill resided in the family home in Innisfil, Ontario. Since Liam’s death, due to the family turmoil, Bill has resided at the family cottage in the Algonquin Highlands, in the Province of Ontario. At all material times, Bill enjoyed close and loving relationships with Liam and Dylan.
17. The Plaintiff, Robin Jackson, is Liam and Dylan’s mother. Robin resides in the family home in Innisfil, Ontario, and at all material times enjoyed close and loving relationships with Liam and Dylan.
18. The Plaintiff, Hannah Hatton, is Liam and Dylan’s sister. Hannah resides in the family home in Innisfil, Ontario, and at all material times enjoyed close and loving relationships with Liam and Dylan.

19. The Plaintiff, Blake Hatton (“Blake”), is Liam and Dylan’s brother. Blake resides in the family home in Innisfil, Ontario, and at all material times enjoyed close and loving relationships with Liam and Dylan.
20. The Defendant, the Bradford West Gwillimbury/Innisfil Police Services Board (the “Police Board”) is a municipal police services board constituted pursuant to the provisions of the *Community Safety and Policing Act*, 2019 S.O. 2019, c. 1 (the “CSPA”), and was at all material times responsible for the provision of police services, law enforcement, and crime prevention in the South Simcoe region. The Police Board, by virtue of s. 47(1) of the *CSPA* and the common law, is liable in respect of torts committed by members of the SSPS in the course of their employment.
21. The Defendant, Sergeant Michael Huck, is a resident of the province of Ontario and was at all material times a police officer with the SSPS. Sergeant Huck continues to be employed by the Defendant, the Police Board. Sergeant Huck was one of the four officers involved in the shooting of Dylan and Liam. Sergeant Huck committed assault and battery against Liam and Dylan, and acting individually and/or collectively with the other SSPS Defendants committed the torts of negligence, intentional infliction of mental suffering/nervous shock, misfeasance in public office, conspiracy, and *Charter* breaches.
22. The Defendant, Police Constable Bradley Bunn (“PC Bunn”), is a resident of the province of Ontario, and was at all material times a police officer with the SSPS. PC Bunn continues to be employed by the Defendant, the Police Board. PC Bunn was one of the four officers involved in the shooting of Dylan and Liam. PC Bunn committed assault and battery against Dylan, and acting individually and/or collectively with the other SSPS Defendants

committed the torts of negligence, intentional infliction of mental suffering/nervous shock, misfeasance in public office, conspiracy, and *Charter* breaches.

23. The Defendant, Police Constable Rachel Varrall (“PC Varrall”), is a resident of the province of Ontario, and was at all material times a police officer with the SSPS. PC Varrall continues to be employed by the Defendant, the Police Board. PC Varrall was one of the four officers involved in the shooting of Dylan and Liam. PC Varrall committed assault and battery against Dylan, and acting individually and/or collectively with the other SSPS Defendants committed the torts of negligence, intentional infliction of mental suffering/nervous shock, misfeasance in public office, conspiracy, and *Charter* breaches.
24. The Defendant, Police Constable Zachary Selkirk (“PC Selkirk”), is a resident of the province of Ontario, and was at all material times a police officer with the SSPS. PC Selkirk continues to be employed by the Defendant, the Police Board. PC Selkirk was one of the four officers involved in the shooting of Dylan and Liam. PC Selkirk committed assault and battery against Dylan, and acting individually and/or collectively with the other SSPS Defendants committed the torts of negligence, intentional infliction of mental suffering/nervous shock, misfeasance in public office, conspiracy, and *Charter* breaches.
25. The Defendants, South Simcoe Police Service Officers John and Jane Doe, whose identities are unknown to the Plaintiffs and within the unique knowledge of the SSPS Defendants, are residents of the Province of Ontario. These Defendants were at all material times police officers with the SSPS and as such were employed by the Police Board. SSPS Officers John and Jane Doe were not involved in the shooting of Liam and Dylan.
26. Two SSPS officers, identified as SSPS Officer John Doe 1 and SSPS Officer John Doe 2, were present during the incident and spoke with members of the Hatton family at a

neighbour's residence before the shooting. Another SSPS officer, identified as SSPS Officer John Doe 3, was with members of the Hatton family at a neighbour's residence during the shooting. SSPS Officers John and Jane Doe, acting individually and/or collectively with the other SSPS Defendants, committed the torts of negligence, intentional infliction of mental suffering/nervous shock, misfeasance in public office, and conspiracy.

27. The Involved Officers and SSPS Officers John and Jane Doe are collectively herein referred to as the "SSPS Defendants".
28. The Defendant, Chief John Van Dyke ("Chief Van Dyke"), was the Chief of Police of the SSPS at all relevant times. As such, he was statutorily charged with and responsible in law for, *inter alia*, the selection, training, supervision, direction, and control of police officers employed by the SSPS. Chief Van Dyke committed the tort of negligent supervision.
29. The Defendant, His Majesty the King in Right of Ontario, is the legal entity responsible for the acts and omissions of the OPP and its officers. Pursuant to s. 8(1) of the *Crown Liability and Proceedings Act, 2019*, S.O. 2019, c. 7, Sched. 17; s. 63(1) of the *CSPA*; and the common law, the Crown in Right of Ontario is vicariously liable for the acts or omissions committed by members of the OPP committed in the course of their employment. The OPP and its investigative officers have been named as Defendants in this matter only due to the OPP's involvement in Dylan's criminal investigation, and not in relation to the shooting of Liam and Dylan.
30. The Defendant, Constable Chelsea Poirier ("Constable Poirier"), is an investigator with the OPP. Constable Poirier was the interviewing officer during Dylan's interrogation on December 4, 2024. Constable Poirier individually and/or collectively with the other OPP

Defendants committed the torts of negligent investigation and intentional infliction of emotional suffering/nervous shock.

31. The Defendants, Ontario Provincial Police Officers John and Jane Doe, whose identities are unknown to the Plaintiffs and within the unique knowledge of the OPP Defendants, are residents of the Province of Ontario. These Defendants were at all material times police officers with the OPP. These Defendants, acting individually and/or collectively, are responsible for the torts of negligent investigation and intentional infliction of mental suffering/nervous shock.
32. The Defendant, Thomas Carrique (“Commissioner Carrique”), is a resident of Ontario and was the Commissioner of the OPP at all material times. As such, he was responsible for supervising subordinate officers, for ensuring that they were acting competently as police officers, and for ensuring that proper training, policies, and procedures were in place.

## **FACTS**

### **The Events of August 15, 2024**

#### a) The Hatton Family Calls for Help

33. In the mid-afternoon of August 15, 2024, Bill, Robin, and Hannah were returning from their family cottage to their home in Innisfil, Ontario (the “Home” or the “Property”). At the time, Liam and Dylan were in the midst of a mental health crisis.
34. When Bill arrived at the Home, Liam and Dylan got into a confrontation with him in the front yard. The confrontation became physical. Hannah called 911 at approximately 2:12pm to request Emergency Medical Services (“EMS”) and a conflict resolution team. The police dispatch encouraged Bill, Robin, and Hannah to remain separated from the twins until first responders arrived, so they remained at a neighbour’s residence (the

“Neighbour’s Residence”) and waited. Hannah was concerned for her brothers and the length of time it had taken first responders to arrive, so she called 911 a second time at approximately 2:53pm.

35. The Involved Officers were among the first responders dispatched to the Property, along with SSPS Officers John and Jane Doe and members of EMS. Each Involved Officer drove in their own separate police vehicle. The first SSPS officers arrived at approximately 2:58pm. At this time, Bill, Robin, and Hannah were at the Neighbour’s Residence while Liam and Dylan remained at the Home.
36. Upon their arrival to the Neighbour’s Residence, some or all of the Involved Officers, together with SSPS Officers John Doe 1 and John Doe 2, spoke with Bill, Robin, and Hannah. Bill was asked if he wanted to press charges against Liam and Dylan. He replied no, he did not want to press charges.
37. Throughout the discussions, Sergeant Huck acted as the primary spokesperson for the police. The family expressed their serious concerns regarding the twins’ mental health, making it clear that their current behaviour was abnormal and they were in an agitated emotional state. The family also specifically informed Sergeant Huck and the other SSPS officers of Liam and Dylan’s cognitive processing limitations, their intellectual delay, and Dylan’s Attention-Deficit/Hyperactivity Disorder. They also explained that, although the twins were 19 years old, their behaviours were more consistent with that of 15 or 16-year-olds.
38. The family expressly requested that Robin accompany the SSPS officers back to the Home, as her presence would help de-escalate the situation. The family also requested that no more than one or two police vehicles attend the Property, as they believed that the current

dispatch of at least seven police officers and EMS was excessive given the nature of the situation. The SSPS officers disregarded these requests and did not seek any assistance from mental health support units. The SSPS officers then instructed Bill, Robin, and Hannah to remain at the Neighbour's Residence.

b) First Volley of Gunfire

39. Approximately half an hour after arriving at the neighbour's residence, the Involved Officers each drove their own police vehicle to the Property. John Doe 3 remained at the Neighbour's Residence with Bill, Robin, and Hannah.
40. Sergeant Huck arrived at the Property first and observed Liam and Dylan in the SUV in the driveway. Sergeant Huck communicated to the other officers via radio that he intended to pull into the driveway to block its exit. Since Bill had not sought to lay any charges against Liam or Dylan, there was no apparent reason to prevent the SUV from leaving. Nevertheless, Sergeant Huck parked his vehicle a few metres into the driveway, in front of the stone pillar to which the Property's grilled gate was attached. The gate was open.
41. The SUV was parked at the far end of the driveway, in front of the garage. The SUV was facing the road, but its path to the road was obstructed by Sergeant Huck's vehicle, a berm, the gate, the pillar, a trailer, two treelines, and a ditch. Liam was in the driver's seat and Dylan was in the passenger seat. The SUV's engine was running.
42. Sergeant Huck, now standing outside of his cruiser, attempted to command Liam to turn off the SUV. PC Varrall parked her vehicle across the front of the driveway, completely blocking it. PC Bunn and PC Selkirk parked their vehicles behind hers. The three of them walked to join Sergeant Huck.

43. Liam and Dylan could not clearly hear Sergeant Huck's verbal demands because they were inside the SUV with the diesel engine running. Sergeant Huck made hand gestures that were confusing and which Liam interpreted as a signal to approach. In response, Liam began to drive the SUV forward slowly.
44. Sergeant Huck immediately drew his firearm and fired five bullets at the SUV, targeting Liam. His shots penetrated the windshield. One bullet struck Liam in the head. He immediately became unresponsive and was no longer in control of the SUV.
45. The SUV grazed the open door of Sergeant Huck's police car, hit the open gate, and mounted the berm before coming to a complete stop at the stone pillar at the end of the driveway.

c) Second Volley of Gunfire

46. The Involved Officers surrounded the idle SUV with their firearms pointed at it. Dylan then climbed over the centre console and got partially into the driver's seat, on top of his brother. The SUV began reversing in the opposite direction of the Involved Officers.
47. Sergeant Huck was again the first to fire his gun. As he began shooting at Dylan, he commanded the other Involved Officers to open fire on Dylan. Sergeant Huck fired three times. PC Bunn, approximately one or two metres from the driver door of the SUV when it began reversing, fired seven shots at Dylan. PC Varrall fired two or three times. PC Selkirk fired one or two times. The SUV rolled backwards slowly before coming to a stop.
48. In total, the Involved Officers discharged 13 to 15 bullets at Dylan from point blank range, while Liam was still in the line of fire. Dylan was shot a total of five times; three times in the upper left chest, once in the left arm and once in the right arm. One of the bullets passed through his left arm and struck him in the face, just under his left eye, causing an orbital

fracture. Most, if not all, of Dylan's gunshot wounds occurred while his arms were raised, and not on the steering wheel.

- 49. Bill, Robin, and Hannah were at the Neighbour's Residence with SSPS Officer John Doe 3 throughout the shooting. They heard every gunshot.
- 50. The Involved Officers fired their final shots at approximately 3:30pm. The SSPS did not notify the SIU of the incident until approximately 4:32pm.

d) Medical Response

- 51. After the shooting, the Involved Officers pulled Liam and Dylan out of the SUV and, along with EMS, began administering first aid. Liam and Dylan were taken to Royal Victoria Hospital ("RVH") in Barrie, Ontario.
- 52. The SSPS officers on scene were not forthcoming with the Hatton family regarding Liam and Dylan's whereabouts. Bill was forced to call RVH himself to confirm that his sons had been taken there. While at RVH, the SSPS officers offered no compassion or privacy to the Hatton family.
- 53. Liam passed away at RVH on August 15, 2024, at 6:21pm. Liam's official cause of death was "gunshot wound of head".
- 54. Dylan was taken into emergency surgery. Later that same evening, Dylan was transported via air ambulance to St. Michael's Hospital in Toronto. Given Dylan's critical condition, Robin requested to travel with him but was refused. Instead, an SSPS officer accompanied him.
- 55. At St. Michael's Hospital, Dylan underwent multiple blood transfusions, surgeries, and treatment for his other physical injuries. Dylan spent approximately 10 days sedated and intubated in the ICU. He was also treated for multiple serious hospital acquired illnesses.

In total, he spent 21 days in St Michael's Hospital before he was discharged on September 6, 2024. A few months later, on March 17, 2025, Dylan underwent an additional bone graft surgery to his left forearm.

56. Dylan continues to recover but still experiences pain related to his physical injuries. He has been unable to regularly participate in swimming, hiking, and bike riding, which he often did before the incident.

### **Dylan's Arrest and Criminal Investigation**

57. On December 4, 2024, two days before Dylan's first birthday without Liam, the OPP arrested Dylan and charged him with the following offences:
  - a) 1 Count of Assault Causing Bodily Harm (in relation to the altercation with Bill);
  - b) 1 Count of Assault with a Weapon;
  - c) 4 Counts of Assaulting Peace Officer with Weapon; and
  - d) 1 Count of Dangerous Operation of a Motor Vehicle.
58. Prior to the arrest, the OPP assured the Hatton family that the process would be carried out in a straightforward and low sensory manner – late at night and with officers in plain clothing – to accommodate Dylan's cognitive issues and his severe trauma from the August 15, 2024, shooting and killing of his twin brother.
59. Instead, OPP officers ambushed Dylan and interrogated him when he arrived at the station. The tone of the interrogation was aggressive, and its purpose was to extract a statement from him. The interrogation lasted approximately two hours.
60. Dylan was accompanied by criminal defence counsel and exercised his right to remain silent throughout the interrogation. The interrogating OPP officer, Constable Poirier, was undeterred by Dylan's silence and improperly berated him throughout the interview.

Without limiting the generality of the foregoing, some of Constable Poirier's demeaning and inappropriate suggestions included:

- a) That, because there were not many pictures of him and Liam in the Home, Bill and Robin favoured Hannah and Blake over him and Liam;
  - b) That Liam's life did not matter to Dylan; and
  - c) That Dylan was to blame for Liam's death because he climbed over the centre console after Liam was shot.
61. Dylan left the interview in a nervous shock, and the experience further exacerbated his distrust for police officers. The OPP did not interview Dylan again.
62. The Crown withdrew all of Dylan's charges on October 3, 2025, as there was no reasonable prospect of conviction.

### **Dylan's Injuries**

63. Dylan has suffered physical injuries that will affect him for his entire life. Three bullets remain in his chest as doctors could not risk removing them.
64. Dylan has also suffered severe emotional and psychological harm. Since the shooting, he has been clinically diagnosed with Major Depressive Disorder, which has been exacerbated by the trauma of the altercation with police and the loss of Liam. He has also been diagnosed with Post Traumatic Stress Disorder ("PTSD") directly related to the incident and continues to experience severe symptoms, including hyperarousal, nightmares, flashbacks, and avoidance of public situations.

## **LIABILITY OF THE SSPS OFFICERS**

### **Assault and Battery**

65. The Involved Officers committed an aggravated assault on both Liam and Dylan. In particular, and without limiting the generality of the foregoing, Sergeant Huck intentionally and/or recklessly and negligently applied force to Liam and Dylan without their consent. All the Involved Officers intentionally and/or recklessly and negligently applied force to Dylan without his consent.
66. Sergeant Huck intentionally applied deadly force to Liam. All of the Involved Officers intentionally applied deadly force to Dylan.
67. The force used upon Liam and Dylan is not justifiable by law. The force applied was excessive and unreasonable in the circumstances and caused physical injury and death. Force was applied in circumstances where the Involved Officers knew or ought to have known that the said force was excessive and would and/or could cause serious injuries, death and other damages, which did indeed occur.
68. In particular, the second volley of gunfire, which was directed at Liam and Dylan as the SUV reversed away from the Involved Officers, was a grossly excessive use of force and not justifiable by law.

### **Negligence**

69. The SSPS Defendants owe a duty of care to members of the public they encounter in the course of their employment, including Liam and Dylan and the other members of the Hatton family.
70. The SSPS Defendants breached the duty of care they owed to the Plaintiffs as members of the public, and accordingly, they are liable for their negligence. Liam's death and Dylan's

injuries arose as a direct result of the actions and/or inactions of the SSPS Defendants. The negligent actions and/or inactions the SSPS Defendants as plead herein each and/or collectively caused injury to Liam and Dylan, a consequence that the SSPS Defendants knew or ought to have known would occur as a result of their negligence.

71. In particular, the Involved Officers knew or were recklessly indifferent to whether their actions and/or inactions would cause injury to Liam and Dylan.
72. Without restricting the generality of the foregoing, some of the particulars of the negligence of the SSPS Defendants are as follows:
  - a) The SSPS Defendants intentionally disregarded Bill and Robin's clear warnings that Liam and Dylan were in the midst of a mental health crisis and, despite having approximately thirty minutes to devise a plan, failed to implement any strategy grounded in de-escalation or crisis intervention appropriate to such circumstances;
  - b) The SSPS Defendants intentionally disregarded the family's pleas to allow Robin to join them at the Property;
  - c) The Involved Officers employed unnecessary and unreasonable force in circumstances in which they knew or ought to have known that their actions would cause harm to the Plaintiffs;
  - d) The Involved Officers positioned their vehicles and themselves in a manner that escalated rather than de-escalated the situation and created an unnecessary risk of deadly confrontation. They blocked the driveway without legal justification, as Bill had already advised the officers that he did not wish to lay charges against Liam or Dylan;
  - e) The Involved Officers did not close, or even consider closing, the gate to the driveway after they observed Liam and Dylan in the SUV;

- f) The SSPS Defendants failed at all material times to exercise the standard of care required by their position as police officers with the SSPS;
- g) The SSPS Defendants acted with reckless disregard for the lives of Liam and Dylan; and
- h) The SSPS Defendants were incompetent to carry out the duties of police officers, lacked the reasonable care, skill, ability, and training necessary to perform the duties of police officers, and ought not to have been assuming the responsibilities and obligations of their positions as police officers.

### **Intentional Infliction of Mental Suffering/Nervous Shock**

- 73. The SSPS Defendants engaged in flagrant and outrageous conduct that was calculated to produce harm to Dylan, Bill, Robin, Hannah, and Blake. The Involved Officers are liable to those Plaintiffs for damages as a result, and the damages suffered by them were a reasonable and foreseeable consequence of the Involved Officers' actions.
- 74. Dylan still suffers from physical injuries sustained during the shooting, as well as the emotional and mental trauma on a daily basis. He has been clinically diagnosed with PTSD, and his Major Depressive Disorder has been exacerbated by the incident. Dylan does not feel comfortable out in public in his community, particularly around police officers.
- 75. The Plaintiffs Bill, Robin, Hannah, and Blake continue to suffer psychological injuries and nervous shock arising from the incident. Bill, Robin, and Hannah in particular are deeply traumatized by witnessing Liam's killing and Dylan's near-fatal shooting from the Neighbour's Residence. The family had called the police for assistance during a mental-health crisis, yet instead their family was shattered and their lives irreparably altered. The SSPS Defendants knew the family would learn of the shooting of Liam and Dylan and that

this would cause significant psychological harm to these Plaintiffs. The family continues to live in the Home where the shooting occurred, which has caused and continues to cause ongoing distress and nervous shock.

### **Misfeasance in Public Office**

76. The SSPS Defendants were at all material times holders of a public office.
77. The Plaintiffs repeat and rely upon the statements plead herein and state that the Involved Officers deliberately violated the law by killing Liam and severely injuring Dylan. Sergeant Huck acted with particularly malicious intent throughout the incident, as he was the first officer to shoot at both Liam and Dylan and commanded the other Involved Officers to shoot at Dylan while Liam was still in the line of fire.
78. The Involved Officers knew or were reckless as to the fact that their conduct was unlawful and likely to cause harm to both Liam and Dylan.
79. The Plaintiffs repeat and rely on the statements plead herein and state that SSPS Officers John and Jane Doe knew and/or acted with reckless indifference that their conduct was likely to cause harm to both Liam and Dylan.
80. Further, the Plaintiffs state that the Involved Officers failed to act in accordance with their statutory duties pursuant to the *CSPA*.
81. The SSPS Defendants delayed notifying the SIU for over an hour after the final gunshot was fired.
82. The SSPS Defendants are therefore liable for misfeasance in public office.

### **Breach of the *Canadian Charter of Rights and Freedoms***

83. The Involved Officers are liable for violations of Liam and Dylan's rights pursuant to ss. 7 and 12 of the *Charter*.

84. Without restricting the generality of the foregoing, Liam and Dylan were deprived of their rights to life, liberty, and security of the person due to excessive force used in a manner that contravened the principles of fundamental justice, as set out in s. 7 of the *Charter*.
85. Further, Liam and Dylan were subject to cruel and unusual punishment by the Involved Officers when they were shot, contrary to s. 12 of the *Charter*.

### **Conspiracy**

86. The Defendants Sergeant Huck, PC Bunn, PC Varrall, PC Selkirk, and SSPS Officers John and Jane Doe, acting individually and/or collectively, entered into an agreement, constituting a conspiracy, to unlawfully avoid accountability for their actions on the afternoon of August 15, 2024. These Defendants worked together for the purpose of evading law enforcement for their assault on Liam and Dylan.
87. The essential elements of the conspiracy involved the Involved Officers making untrue statements, whether in writing or by other means, to OPP investigative officers and the SIU regarding the shooting. Without limiting the generality of the foregoing, the Defendants particularly misrepresented that Dylan had driven the SUV in the direction of the Involved Officers in direct contradiction with the objective evidence.
88. These Defendants had knowledge of the agreement. These Defendants knew or ought to have known that conspiring to avoid criminal liability was unlawful.
89. These Defendants acted together with the intent to harm Dylan. These Defendants knew or ought to have known that compliance with and furtherance of the agreement would unlawfully place Dylan at risk of being charged with crimes that he did not commit.

**LIABILITY OF CHIEF VAN DYKE****Negligent Supervision**

90. Chief Van Dyke owed a duty of care to the Plaintiffs to ensure that the Defendant SSPS police officers were properly trained for, and supervised in respect of, their duties as police officers. Chief Van Dyke breached this standard of care and was negligent in supervising the Defendant SSPS police officers. The negligent actions and/or inaction of Chief Van Dyke caused injuries to the plaintiffs, a consequence he knew or ought to have known would occur as a result of his negligence. Without restricting the generality of the foregoing, some of the particulars of this negligence include:

- a) Chief Van Dyke knew or ought to have known that the Defendant SSPS officers were insufficiently trained to be dealing with the public;
- b) Chief Van Dyke knew or ought to have known that the Defendant SSPS officers, particularly Sergeant Huck, were insufficiently trained in conflict resolution, de-escalation, and other non-force-based engagement techniques with the public;
- c) Chief Van Dyke knew or ought to have known that Sergeant Huck was insufficiently trained to carry out the duties of a Sergeant;
- d) Chief Van Dyke knew or ought to have known that the Defendant SSPS officers were insufficiently trained to interact appropriately with members of the public experiencing mental health crises; and
- e) Chief Van Dyke failed to ensure that the Defendant SSPS officers carried out their duties in accordance with the provisions of the *CPSA*.

## **LIABILITY OF THE POLICE BOARD**

### **Vicarious Liability**

91. The Plaintiffs state that the Police Board is responsible for the torts and *Charter* violations of the Involved Officers and SSPS Officers John and Jane Doe, as pleaded herein, by virtue of s. 47(1) of the *CSPA*.

## **LIABILITY OF THE OPP DEFENDANTS**

### **Negligent Investigation**

92. OPP Officers John and Jane Doe (collectively, the “OPP Defendants”) initiated a criminal investigation into Dylan. The OPP Defendants owed a duty of care to Dylan in the investigation, and the OPP Defendants negligently investigated Dylan’s role in his and Liam’s interactions with the Involved Officers on August 15, 2024.
93. The criminal proceedings against Dylan were terminated in his favour when the Crown dropped all charges as there were no reasonable and probable grounds for conviction.
94. The negligent actions and/or inactions of the OPP Defendants as plead herein caused damages to Dylan, a consequence the OPP Defendants knew or ought to have known would occur as a direct result of their negligence. Without restricting the generality of the foregoing, the particulars of the negligent investigation and prosecution are as follows:
- a) The OPP Defendants breached their duty of care by initiating and continuing a prosecution without reasonable and probable grounds;
  - b) The OPP Defendants relied solely on the statements made by some or all of the Involved Officers that Dylan attempted to use the SUV to target them and willfully or recklessly ignored objective evidence that contradicted the Involved Officers’ statements;

- c) As the objective evidence did not support the allegation that Dylan assaulted the Involved Officers or dangerously operated the SUV, the viability of the prosecution relied on a statement from Dylan, which investigative officers attempted to intimidate and extract out of Dylan during an interrogation on December 4, 2024;
- d) As the investigation proceeded, the OPP Defendants failed to reconsider whether there were reasonable and probable grounds to support the prosecution;
- e) The investigating officers failed at all material times to exercise the standard of care required by their position as police officers with the OPP; and
- f) The OPP Defendants were incompetent to carry out the duties of police officers and lacked the reasonable care, skill, ability, and training necessary to perform the duties of police officers and ought not to have been assuming the responsibilities and obligations of their positions.

### **Intentional Infliction of Mental Suffering**

- 95. The OPP Defendants' conduct during the entire investigation, and in particular during the interrogation on December 4, 2024, was flagrant and outrageous. Dylan repeats and relies on the statements previously plead herein, in particular but not limited to paragraphs 57-60, as evidence of this conduct.
- 96. The lengthy interrogation was intended to, and did, traumatize Dylan. The OPP was aware of Dylan's age, vulnerability, and cognitive processing limitations and communicated to Dylan's defence counsel that they understood how severely traumatizing the events of August 15, 2024, were to him. Given his significant trauma and intellectual limitations, the OPP promised that Dylan's arrest would be a low-sensory experience. Instead, Constable

Poirier berated Dylan for hours and used aggressive, coercive, and improper interrogation techniques unrelated to any legitimate investigative purpose.

97. Dylan continues to suffer from psychological injuries sustained during the interrogation and investigation.

### **LIABILITY OF COMMISSIONER CARRIQUE**

#### **Negligent Supervision**

98. Commissioner Carrique owed a duty of care to the Plaintiffs to ensure that the OPP Defendants were properly trained for and supervised in respect of their duties as police officers. Commissioner Carrique breached this standard of care and was negligent in supervising the officers that investigated, charged, and interrogated Dylan. The negligent actions and/or inaction of Commissioner Carrique caused injuries to the Plaintiffs, a consequence he knew or ought to have known would occur as a result of his negligence.
99. Without restricting the generality of the foregoing, some of the particulars of the negligence of Commissioner Carrique include:
- a) Commissioner Carrique knew or ought to have known that the investigating officers were insufficiently trained in investigative practices, including the requirement that criminal charges be initiated when there are reasonable and probable grounds for conviction;
  - b) Commissioner Carrique knew or ought to have known that there was no reasonable prospect of conviction in Dylan's case, as the Involved Officers' accounts of events were inconsistent with objective evidence. Despite this, he failed to intervene when his officers committed misconduct;

- c) Commissioner Carrique failed to ensure that his officers adhered to appropriate interrogation standards, particularly when questioning vulnerable individuals who recently survived traumatic experiences; and
- d) Commissioner Carrique failed to investigate or discipline officers whose misleading or false statements formed the basis of the criminal charges against Dylan, thereby allowing a malicious prosecution to proceed.

### **DAMAGES**

- 100. The Plaintiffs state that the negligence and intentional torts of the Defendants individually and/or collectively caused the death of Liam.
- 101. The Estate of Liam Hatton claims the damages in paragraph 1 pursuant to s. 38 of the *Trustee Act*, R.S.O. 1990, c. T.23, arising from the Defendants' assault, battery, misfeasance in public office, and negligence.
- 102. Dylan has suffered and continues to suffer physically, psychologically, and emotionally as a direct result of the conduct of the Defendants individually and/or collectively. The damages suffered by Dylan are all consequences which the Defendants intended, knew, or ought to have known, would result from their wrongful conduct in causing the death of Liam and the significant injuries to Dylan. Dylan's physical injuries include but are not limited to:
  - a) Five penetrating gunshot wounds;
  - b) An exit wound from a bullet that travelled through his left arm and a corresponding entry wound from that bullet striking him in the face;
  - c) Broken bones in his face;
  - d) Three bullets that remain in his chest;

- e) Excessive bruising and scarring from his gunshot wounds and surgeries;
  - f) Limited range of motion in his left arm;
  - g) A broken clavicle which continues to be damaged;
  - h) A shattered left ulna which required an additional bone graft surgery; and
  - i) Multiple surgical plates implanted in his body.
103. Some of the particulars of Dylan's emotional, psychological, and/or mental trauma are:
- a) PTSD;
  - b) Major Depressive Disorder;
  - c) Social Anxiety Disorder;
  - d) Social Withdrawal;
  - e) Somatic Symptoms, including Hair Loss;
  - f) Nervousness and Irritability;
  - g) Nightmares; and
  - h) Flashbacks.
104. As a direct result of the Defendants' conduct towards and against Liam, the Plaintiffs Dylan, Bill, Robin, Hannah, and Blake have suffered and continue to suffer emotional, psychological, and/or mental trauma. These injuries are a consequence the Defendants knew or ought to have known would result from their wrongful acts and/or omissions.
105. The Plaintiffs have had many out-of-pocket expenses 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) Psychological and physical therapy;
  - c) Medical expenses;

- d) Loss of income; and
  - e) Legal fees in respect of proceedings other than the herein claimed, including the defence of Dylan's criminal charges.
106. The Plaintiffs plead and rely upon the relevant provisions of the *Family Law Act*. Dylan, Bill, Robin, Hannah, and Blake enjoyed a close and loving relationship with Liam and have suffered a loss of care, guidance, and companionship because of Liam's death. Additionally, Bill, Robin, Hannah, and Blake enjoyed and continue to enjoy a close and loving relationship with Dylan and have suffered a loss of care, guidance, and companionship as a result of Dylan's extensive injuries.
107. The Plaintiffs claim exemplary, aggravated, and/or punitive damages as a result of the facts set out herein and in particular the highhanded, shocking, and contemptuous conduct of the Defendants.
108. The Plaintiffs plead that they are entitled to a remedy that this Honourable Court considers appropriate and just in the circumstances.

### **Conclusion**

109. The Plaintiffs further plead and rely upon the provisions of:
- a) The *Negligence Act*, R.S.O. 1990, c. N.1, as amended;
  - b) The *Criminal Code of Canada*, R.S.C. 1985, c. C-46, as amended;
  - c) The *Community Safety and Policing Act*, 2019 S.O. 2019, c. 1;
  - d) The *Courts of Justice Act*, R.S.O. 1990, c. C.43;
  - e) The *Excise Act*, R.S.C. 1985, c E-1;
  - f) The *Crown Liability and Proceedings Act*, 2019, S.O. 2019, c. 7, Sched. 17; and
  - g) The *Canadian Charter of Rights and Freedoms*.

110. The plaintiffs propose that this action be tried in the City of Barrie, Ontario.

**DATE:** July 14, 2026

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Court File No:

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**Proceedings Commenced in Barrie**

**STATEMENT OF CLAIM**

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