

AMENDED THIS Mar 10, 2026 PURSUANT TO
MODIFIÉ _____ CONFORMÉMENT À

☒ RULE/LA RÈGLE 26.02 (a)

☐ THE ORDER OF _____
L'ORDONNANCE DU _____
DATED/FAIT LE _____

Court File No.: CV-25-00744986-00CP

.....*Shefat Alukder*.....
REGISTRAR GREFFIER
SUPERIOR COURT OF JUSTICE COUR SUPÉRIEURE DE JUSTICE

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N :

JAMAREY CHISHOLM

Plaintiff

- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO

Defendant

Proceeding under the Class Proceedings Act, 1992

AMENDED STATEMENT OF CLAIM

TO THE DEFENDANT

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 \$10,000.00 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 \$400.00 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: "June 9, 2025"

Issued by "Electronically Issued"

Local registrar

Address of court office 330 University Ave.
Toronto, ON M5G 1R7

TO: MINISTRY OF THE ATTORNEY GENERAL

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Lawyers for the Defendant, His Majesty the King in Right of Ontario

CLAIM

1. The Plaintiff, on his own behalf and on behalf of the other members of the proposed class, claims:

a. an order pursuant to the *Class Proceedings Act, 1992*, S.O. 1992, c. 6 (“CPA”) certifying this action as a class proceeding and appointing the Plaintiff as representative plaintiff for the Class (defined below);

b. an order defining the Class as:

Inmates of Maplehurst Correctional Complex (“Maplehurst”) in Milton, Ontario who were present in Unit 8 on December 22, December 23 and/or December 24, 2023 (the “Class” or “Class Members”);

“Inmates” are inmates as defined in the *Ministry of Correctional Services Act*, R.S.O. 1990, C.M.22 (the “MCS Act”);

c. a declaration that the Defendant is liable in damages to the Plaintiff and Class Members for:

(i) the tort of misfeasance in public office;

(ii) breach of sections 7, 8, 9, and 12 of the *Canadian Charter of Rights and Freedoms* (“Charter”);

(iii) ~~breach of the *ad hoc* fiduciary duties owed to the Inmate Class~~; and

(iv) the tort of negligence;

d. damages in the amount of \$20 million or such additional or other sum as this Court finds appropriate at the trial of the common issues;

e. punitive damages in an amount of \$10 million or such additional or other sum as this Court finds appropriate at the trial of the common issues;

f. remedies, including damages, as this Court considers appropriate and just in the circumstances pursuant to section 24 of the *Charter*;

- g. an order directing a reference or giving such other directions as may be necessary to determine issues not determined in the trial of the common issues;
- h. an order, pursuant to section 24 of the *Class Proceedings Act, 1992*, 1992, SO 1992, c 6 (“*CPA*”) directing an aggregate assessment of damages;
- i. an equitable rate of interest on all sums found due and owing to the Plaintiff and other Class members or, in the alternative, pre-judgment and post-judgment interest pursuant to the *Courts of Justice Act*, RSO 1990, c C.43;
- j. costs of this action on a full indemnity basis, together with applicable HST, or in an amount that provides substantial indemnity, plus pursuant to section 26(9) of the *CPA* the costs of notices and of administering the plan of distribution of the recovery in this action;
- k. the costs of notice and of administering the plan of distribution of the recovery in this action, plus applicable taxes;
- l. an order directing a reference or giving such other directions as may be necessary to determine any issues not determined at the trial of the common issues; and
- m. such further and other relief as this Honourable Court may deem just.

A. OVERVIEW

2. This proposed class action concerns the unlawful mass strip search, systematic assault and collective punishment carried out by prison authorities at Maplehurst Correctional Complex (“Maplehurst”) against the inmates they were entrusted to keep safe. On December 22 to 24, 2023, at the direction and behest of the Superintendent of Maplehurst, Winston Wong, and other management staff, the Institutional Crisis Intervention Team (“ICIT”) carried out a coordinated operation targeting all of the approximately 192 inmates in Unit 8 of the institution. The majority of these inmates were awaiting trial and were presumed innocent. This operation was authorized by the Superintendent of Maplehurst, Winston Wong, and other management staff.

3. On December 20, 2023, an inmate on Unit 8C seriously assaulted a guard. That same day, the inmate was removed to another correctional facility. The coordinated operation of December 22 to 24, 2023 was collective reprisal and collective punishment for this assault.

4. The coordinated operation included unlawful cell-by-cell strip searches of the entire unit, systematic assaults, wrenching the wrists of the inmates using zip ties, pepper-spraying and beating inmates inside their cells, and other rights deprivations targeting the 192 inmates of Unit 8. At the same time, the living conditions within Unit 8 were made inhospitable. Inmates were deprived of clothing, bedding, toilet paper, medical treatment and other necessities for upwards of two days. The temperature on Unit 8 was lowered to extreme cold levels by turning on the exhaust fans allowing in the outdoor winter air.

5. Superintendent Wong personally authorized and participated in the coordinated operation, which was referred to colloquially by management as “Wong-tanamo Bay”, a reference to the arbitrary detention and torture of detainees in the aftermath of 9/11. As found by Justice Colette Good in ordering the release of video of the operation, the acts committed by Maplehurst during this operation were “unconscionable in a free and democratic society where all persons, including prisoners, have a basic right to not be kicked around and treated like human garbage.” This proposed class action seeks damages on behalf of the inmates in Unit 8 on December 22 to 24, 2023, all of whom were subjected to Maplehurst’s illegal and unconscionable conduct.

6. The wrongful acts committed as part of the coordinated operation, particularized below, constituted misfeasance in public office, breach of sections 7, 8, 9 and 12 of the *Charter*, and negligence, ~~and breach of fiduciary duty~~. The Plaintiff and Class seek damages to compensate them for their injuries, to vindicate their fundamental rights, and to deter similar rights violations by current and future governments.

B. THE PARTIES

(i) The Plaintiff and Class

7. The Plaintiff, Jamarey Chisholm, was an inmate in Maplehurst in December 2023. Like the majority of inmates in Maplehurst, he was in pre-trial custody awaiting trial on criminal charges and was presumed innocent. During the incident at issue, Mr. Chisholm was an inmate in Unit 8A, including from December 22 to 24, 2023.

8. Mr. Chisholm was subjected to the unlawful conduct and wrongful acts described in this Claim, including but not limited to: he was strip searched without any privacy, dragged out of his cell using zip ties, his hands and wrists were intentionally and painfully contorted by guards, he was deprived of clothing, bedding and basic amenities for upwards of two days, while being subjected to extreme cold temperatures, among other unlawful conduct and wrongful acts particularized below. These acts were inflicted on Mr. Chisholm as part of an unlawful collective reprisal and punishment campaign against all of the inmates in Unit 8.

9. The Plaintiff brings this action pursuant to the *Class Proceedings Act, 1992* on his own behalf and on behalf of the following Class:

Inmates of Maplehurst Correctional Complex (“Maplehurst”) in Milton, Ontario who were present in Unit 8 on December 22, December 23 and/or December 24, 2023 (the “Class” or “Class Members”);

“Inmates” are inmates as defined in the *Ministry of Correctional Services Act*, R.S.O. 1990, C.M.22.

(ii) The Defendant

10. The Defendant, His Majesty the King in Right of Ontario (“Ontario”), is the legal entity liable for the wrongful acts and torts committed by agents and servants of the Crown under the *Crown Liability and Proceedings Act, 2019*, SO 2019, c 7, Sch 17. At all relevant times, Ontario and its agents operated, managed, administered, supervised, funded, and controlled Maplehurst. The Defendant is liable for the wrongful or reckless acts and omissions of employees and agents of Maplehurst.

11. Maplehurst is a correctional institution pursuant to the *Ministry of Correctional Services Act*, RSO 1990, c M 22 (the “*MCS Act*”). In accordance with the *MCS Act*, the Crown and its agents ~~is~~are responsible for, *inter alia*:

- a. Supervising the detention and providing for the custody of the Class Members, and in general persons awaiting trial or convicted of offences; and
- b. Establishing, maintaining and operating Maplehurst as well as other correctional institutions.

12. At all relevant times, Winston Wong was the Superintendent of Maplehurst (“Wong” or “Superintendent Wong”). In accordance with the *MCS Act* and General, RRO 1990, Reg 778 (“Regulation 778”), the superintendent of a correctional institution is responsible for:

- a. The administration and management of the institution;
- b. The custody and supervision of inmates;
- c. The care, health, safety and custody of inmates;
- d. Supervision of the recording, guarding and disposition of inmate property;
- e. Supervising the searches conducted on inmates in the institution; and,
- f. Issuing directions to employees of the institution as may be necessary to fulfill the responsibilities of a superintendent.

13. The Crown is vicariously liable for Superintendent Wong’s conduct set out herein. At all material times, Superintendent Wong purported to act in furtherance of his duties as a Superintendent under the *MCS Act* and Regulation 778.

C. FACTS

(i) December 20, 2023: Inmate punches officer; removed from Maplehurst

14. On December 20, 2023, an inmate in Unit 8C of Maplehurst punched a guard. The assault occurred in the common area of Unit 8C after the inmate was told by the guard to stop using the telephone. Immediately after the assault, the responsible inmate was handcuffed and apprehended.

15. The assault did not involve, nor was it alleged to involve, any weapons or contraband. Nor did the assault involve any other inmates.

16. That same day, the responsible inmate was removed to another jail and was no longer present at Maplehurst.

17. Despite the removal of the responsible inmate from Unit 8C and from Maplehurst, as of December 20, 2023 all 192 other inmates in all six wings (or ranges) of Unit 8 were locked down in their cells, without permission to access the common areas in the unit at any time. The lockdown continued for at least four days, during which time Class Members were confined to their cells, except when each Class Member was dragged out of their cells in zip ties as part of the mass strip search (described below).

18. During the remainder of December 20 and 21, 2023, no further incidents involving inmates in Unit 8 occurred, as all inmates were under continuous lockdown.

(ii) December 20-21, 2023: Staff-Sgt. Jones and Superintendent Wong plan and direct collective reprisal against Class Members

19. On or about December 20 and 21, 2023, Superintendent Wong met with Staff-Sgt. Darren Jones and other management staff at Maplehurst to discuss how the institution would respond to the assault. Superintendent Wong said that he intended to send a message to all inmates in Unit 8 that nobody touches his officers.

20. Superintendent Wong, Staff-Sgt. Jones and other management staff authorized a mass strip search of all Class Members in Unit 8 to be carried out by the ICIT.

21. The ICIT is composed of specially trained correctional officers, equipped with riot gear, riot shields, pepper-ball guns, and other weapons, typically used to deal with fights, or to quell riots in jails. In 2019, Ontario's Ministry of the Solicitor General described the ICIT in a press release as being "responsible for controlling violent or potentially violent inmates as well as removing and escorting these inmates within the institution or transferring them to another institution." It is akin to a SWAT team for the jail.

22. None of the Class Members were involved, or alleged to be involved, in the assault. No formal threat assessment was conducted prior to authorization of the mass strip search or the deployment of the ICIT, contrary to Ministry policy.

23. At the time of authorizing the mass strip search and the deployment of the ICIT, there was no ongoing fight, assault, or riot in Unit 8, and no documented threats or safety issues warranting such a response. The inmate who committed the assault on the guard had been handcuffed immediately after the assault and removed, on December 20, 2023, two days prior to deployment of the ICIT, and the remaining inmates had been under strict lockdown in their cells without access to the range or common areas. While the ICIT is intended to be used to control riots or other dangerous situations, they were deployed to Unit 8 on December 22, 2023 when the inmates in the unit had already been under lockdown for two days.

24. Superintendent Wong's authorization of the mass strip search and deployment of the ICIT were contrary to the *MCS Act*, Regulation 778 and Ministry policy. The purpose of the mass strip search and the deployment of the ICIT, as particularized below, was to collectively punish and retaliate against Class Members for the actions of another inmate who had already been removed from Maplehurst.

(iii) December 22-24, 2023: Collective punishment exacted on inmates in Unit 8

25. The collective punishment operation against all inmates in Unit 8, namely all Class Members, which was done at the direction and approval of Superintendent Wong, Staff-Sgt. Jones and other management staff, included the actions and conduct detailed below.

(a) Cell-by-cell strip search of all Class Members

26. In the early morning of December 22, 2023, the ICIT woke up inmates with a loud bang and bright light caused by stun grenades. The use of stun grenades, while all inmates were under lockdown, served no operational purpose except to intimidate and frighten Class Members. The ICIT then rushed into the unit, banging their riot shields and screaming at inmates.

27. The ICIT then moved cell-by-cell and strip-searched, without privacy, each of the 192 inmates in the unit. Class Members were ordered to strip down to their underwear while still inside their cells. They were then physically removed from their cells in zip ties, and dragged or herded to a common area, where they were further strip searched alongside other inmates, without privacy, while other ICIT officers ransacked their cells (as detailed below). This was contrary to *Charter* protections and Ministry policy and law.

28. Class Members continued to be denied clothing, except for one pair of underwear, for the next two days.

(b) Zip ties and wrist contortion of all Class Members

29. During the mass strip search, the ICIT subjected all Class Members to arbitrary use of force amounting to unlawful collective corporal punishment, extrajudicial punishment and systematic assault. ICIT guards subjected all Class Members to pain and suffering through the deliberate contortion of hands, wrist and fingers using zip ties.

30. Specifically, when each Class Member was removed from their cell and herded to the common area as part of the strip search, their hands were placed in zip ties. Guards then wrenched inmates' wrists and fingers when leading them by their zip ties, causing excessive and unnecessary pain and discomfort to all, and further resulting in wrist and arm injuries to

some inmates. Guards inflicted pain by contorting inmates' arms and hands into painful positions, while dragging inmates by their zip ties out of their cells and into the common area during the strip search.

31. ICIT guards also beat and pepper sprayed some Class Members during the strip search, sometimes at point blank range inside their cells, in locations that ICIT guards knew would not be captured by video surveillance (in defiance of Ministry policy that required a designated ICIT officer to video record operations, including inside cells). The beatings and pepper spray attacks were arbitrary and part of a coordinated plan to intimidate and collectively punish all Class Members.

(c) Hallway strip search at pepper-ball gunpoint for all Class Members

32. After being dragged out of their cells by their zip ties, Class Members were lined up in their underwear alongside a wall and ordered to sit cross-legged facing the wall with their heads looking down, while ICIT guards trained laser-pointed pepper-ball guns at their heads.

33. Class Members were told that if they moved or looked up they would be shot. Some inmates were shot at point-blank range by pepper-ball guns. At least one such incident is captured on security video footage. Other inmates endured painful sitting positions for prolonged periods to avoid being shot.

34. Superintendent Wong actively supervised and participated in the collective punishment operation. He encouraged and rewarded the abuse and humiliation of Class Members by ICIT guards during the operation.

35. For example, while inmates sat cross-legged in their underwear facing the wall, with guards pointing pepper-ball guns at them, Superintendent Wong fist-bumped ICIT guards and patted their backs. In this way, Superintendent Wong communicated to ICIT guards that he approved of their implementation of his collective punishment operation.

36. Superintendent Wong referred to the operation as "Wong-tanamo Bay" in remarks to Maplehurst colleagues as well as to Class Members during the operation. While inmates were

being subjected to degrading and humiliating treatment and abuse, Superintendent Wong told the inmates “Welcome to Wong-tanamo Bay”. He also told them “this is my house”, “what we say goes”, and other words to that effect. Superintendent Wong’s remarks were intended to intimidate and humiliate Class Members, and inflict psychological distress as part of the collective punishment operation.

37. The phrase “Wong-tanamo Bay” was a reference to the indefinite detention without trial and notorious abuse of prisoners in Guantanamo Bay, Cuba in the years after 9/11. The lineup of Class Members seated in their underwear, with pepper-ball guns pointed at their heads, resembled images of torture and abuse of prisoners by the United States after 9/11. Through this phrase and others, Superintendent Wong communicated to Class Members that he exercised total power and control over their circumstances, and he could abuse them with impunity.

(d) Ransacking of cells / deprivation of necessities for all Class Members

38. While groups of Class Members were lined up in the hallway, at pepper-ball gunpoint, other ICIT guards ransacked their cells and damaged their property with impunity. This included removing everything other than mattresses, and destroying and/or removing inmate property without their consent, permission or justification. Many inmates lost irreplaceable sentimental items such as photographs of family members. ICIT guards also poured inmates’ food condiments and shampoo onto the floors of their cells and on mattresses, put entire toilet paper rolls into toilets so that inmates would be without toilet paper, and carried out the destruction of other inmate property.

39. The same procedure was followed for all six wings of Unit 8. ICIT guards vandalized and tossed the property in the cells of the Class Members.

40. For the next two days, the Defendant denied Class Members bedding and clothing aside from a single pair of boxer shorts. The Defendant also denied Class Members basic necessities including toilet paper and soap, forcing inmates into unhygienic practices. The treatment described above was deliberate and was part of a coordinated plan to collectively punish and retaliate against Class Members. There were no lawful, non-arbitrary or good faith purposes for

the systematic ransacking of cells, soiling of mattresses, flushing of toilet paper, denial of clothing, and other deprivations as part of the campaign of collective punishment.

41. Ontario's own investigation, conducted by Crown servants with the Correctional Services Oversight and Investigation ("CSOI") unit, later found six Maplehurst sergeants responsible for failing to ensure clothing for inmates in the two days after the mass strip search, in addition to Superintendent Wong.

(e) Extreme cold as tool of punishment for all Class Members

42. Beginning on December 20, 2023 and for the duration of the operation, jail staff turned on industrial fans, which blew cold, outdoor air into Unit 8. This resulted in very cold temperatures while inmates only had one pair of boxer shorts. ICIT guards participating in the operation wore toques and coats.

43. The cold temperatures to which Class Members were subjected continued throughout the night, while Class Members were also denied bedding and sheets. The cell doors were freezing cold to the touch. Some Class Members resorted to splitting open their mattress and sleeping inside as refuge from the cold. The extreme cold inflicted pain and suffering on Class Members.

44. An HVAC manager at Maplehurst later testified that there was a "sudden and unexplained" drop in temperature at the institution at the same time as the incident. Superintendent Wong and others at Maplehurst implemented the extreme cold temperatures, while depriving inmates of clothing and bedding, as part of their coordinated campaign to collectively punish Class Members.

(f) Denial of medical care for all Class Members

45. During and after the operation, Class Members were not provided with certain medications they required and were denied medical treatment.

46. When Class Members reported that their wrists hurt from the zip ties, ICIT guards twisted their wrists even more, increasing the pain and suffering they experienced. As Class

Members were herded from their cells to the common area, dragged by their zip ties, they were brought to a station where they were photographed. At this time, some Class Members were asked if they had injuries to report. If they said yes, no care was provided. If they said no, they were told that was the right answer.

47. Superintendent Wong and Maplehurst staff continued to deny medical care to Class Members for lengthy periods after the mass strip search. This was done to cover up the operation and injuries which had been inflicted on Class Members. Many of these injuries required prompt medical attention and the delay in receiving it further exacerbated the injuries. Class Members were only granted access to Maplehurst medical staff in or around January 2024, up to a week after the incident that caused Class Members' injuries and harms.

(g) Victory photograph

48. After inmates had been removed from their cells and the ICIT conducted a mass strip search, Superintendent Wong gathered a group of Maplehurst guards in the middle of the cell block on Unit 8 to pose for a photo. Superintendent Wong claimed the photo would boost staff morale. Although Maplehurst staff warned that someone would "get fired" over the photo, Superintendent Wong persisted with the photo. Dozens of guards gathered at Superintendent Wong's behest and Superintendent Wong posed on one knee at the front of the group, with a single finger raised to signify victory.

49. Superintendent Wong then asked that the celebratory photo be sent to the guard who had been punched by the inmate on December 20, 2023.

(h) Planned coverup and falsification of evidence

50. During the mass strip search and deployment of ICIT, Superintendent Wong and other jail staff deliberately failed to document their unlawful acts, and carried out their unlawful acts in a manner that would knowingly avoid documentation. Such conduct included:

- a. Ministry policy and law requires additional video recording whenever ICIT is deployed in addition to existing security cameras. This must include an officer

dedicated to taking video, including inside inmate cells. Superintendent Wong and other jail staff knowingly did not video record their abusive conduct during the ICIT deployment and mass strip search. The ICIT video recorder was left in the common area of the unit and did not capture any activities inside inmate cells. All but one hour of video footage from the ICIT recorder was later lost and/or destroyed by Maplehurst staff.

- b. ICIT guards carried out numerous illegal acts, including beating and pepper-spraying inmates, inside inmate cells where they knew the incidents would not be captured by video. The failure to record events inside inmate cells during the ICIT deployment, including the beating and pepper-spraying of Class Members, was a further violation of Ministry policy and law.
- c. Superintendent Wong and jail staff did not create any contemporaneous incident or occurrence reports documenting their actions during the mass strip search and ICIT deployment. Through an access to information request, the *Toronto Star* obtained all incident reports from December 20-24, 2023. The ICIT operation was not mentioned once in the 192 disclosed pages (an additional 21 pages were withheld).

51. The absence of contemporaneous incident reports and video footage was part of a coordinated plan to conceal the true facts of the operation.

52. After the operation, Superintendent Wong and other members of Maplehurst jail staff failed to comply with reporting procedures required by law and Ministry policy, falsified jail records, and/or destroyed evidence in order to conceal their wrongful conduct.

53. During an internal investigation into the incident, Superintendent Wong deliberately concealed the extent of the operation and misconduct. He instructed Maplehurst staff to record that ICIT officers were only used against nine “non-compliant” inmates, when in fact they were used against all 192 inmates in the unit. Superintendent Wong lied in an email to his regional director that ICIT had only been used against nine “non-compliant” inmates. He engaged in

these and other actions to conceal the extent of the operation because he was aware, at all material times, that the operation was an abuse of authority and was unlawful, and he sought to misrepresent facts and falsify evidence so that the extent of his abuses would not come to light.

53.1 Numerous officials, including Wong and Jones, knowingly gave false evidence, both to the CSOI and in court proceedings under oath.

(iv) Investigation findings and Crown concessions of *Charter* violations

54. Following the operation, despite widespread knowledge of the unlawful and abusive practices among Maplehurst management and staff, Ontario ~~did not conduct any~~ Deputy Solicitor General Karen Ellis did not order an investigation into the incident until June 2024, one day after the Ministry was sent detailed questions about the incident by a *Toronto Star* reporter. During these months of delay, critical evidence, including video evidence, was lost and/or destroyed.

55. An investigation was eventually conducted by Correctional Services Oversight & Investigations in the Ministry of the Solicitor General. This investigation resulted in two investigation reports dated October 31, 2024 and April 23, 2025. Although these reports were disclosed to defence counsel for Class Members for use in criminal proceedings, the disclosure were subject to strict undertakings to prevent broader publication. ~~Ontario and its agents have~~ Neither the CSOI, Deputy Solicitor General Ellis, nor any other agent of Ontario has yet to publicized ~~its~~ their findings of wrongdoing and ~~has~~ have repeatedly opposed public access to ~~its~~ their own findings.

56. Since December 2024, select information from the investigation has been made public as part of individual criminal proceedings of Class Members and media reporting.

(a) Concessions and judicial findings in the case of B.A.

57. In or around December 2024, in the sentencing of B.A., the Crown's counsel made reference to the content of the internal investigation in open court. The Plaintiff pleads and

relies on the following Crown counsel concessions about the investigation findings by Ontario and its agents:

- a. The search operation was “unnecessary, excessive and disproportionate to the threat posed by inmates”;
- b. The mass strip search operation was “contrary to policy”; and
- c. Although the search operation was authorized by Superintendent Wong, jail staff did not conduct a formal risk assessment and Ministry policy was not followed.

58. The Crown’s counsel conceded that inmates were left unclothed for an unreasonable amount of time. The Crown’s counsel also conceded that Maplehurst violated s. 8 of the *Charter*.

59. The Plaintiff pleads and relies on the following judicial findings made by Justice Clayton Conlon:

- a. “A reasonable member of the public ought to be shocked to hear that B.A. was strip-searched and left in nothing but his underwear for close to an entire day”;
- b. The conduct by Maplehurst staff was “shocking” and “disgraceful”; and
- c. “I recognize that there are many members of the public who have very little to no sympathy for people who are in jails... But again, it must be remembered that many of these inmates are presumed to be innocent of the charges they are facing.”

(b) Statement by the Director of Public Prosecution Service of Canada

60. On or about December 17, 2024, the Public Prosecution Service of Canada (“PPSC”) issued a “Statement by George Dolhai on *Charter* rights of Maplehurst Correctional Complex inmates.” The Director stated, *inter alia*, that:

- a. Correctional Services Oversight and Investigation (“CSOI”) investigated the activation of ICIT and prepared a report. The PPSC disclosed this report to affected defendants;
- b. “The CSOI Report reveals the *Charter* rights of inmates in Units 8 A to F may have been violated”;
- c. “The PPSC recognizes that inmates in Unit 8 at Maplehurst who were affected by the ICIT deployment may be entitled to a remedy”; and
- d. “The appropriate remedy for any *Charter* violation will be considered on a case-by-case basis, depending on the facts and circumstances specific to each inmate.”

(c) Concessions and judicial findings in the case of C.S.

61. In or around February 2025, in the sentencing of C.S., the Crown’s counsel again conceded that Maplehurst violated s. 8 of the *Charter*.

62. The Plaintiff pleads and relies on the following judicial findings by Justice Colette Good in her sentencing decision:

- a. The operation was a “disgusting and gross display of power”;
- b. “Something like this should never happen in this country”;
- c. Guards contorted inmates’ arms and hands into painful positions as they led them out of their cells – “using their thumbs as joysticks”;
- d. “This appeared to the court to be an institutional response that punished multiple prisoners who were not involved and had nothing to do with the assault”;
- e. The Court saw video of “criminal acts occur towards prisoners” – including one instance where an inmate was shot in the back with a pepper-ball gun;

- f. Video of the incident showed jail officials “fist-bumping in what appeared to be a congratulatory fashion”;
- g. One guard “appeared to be doing mini goose steps” in an apparent effort to intimidate inmates;
- h. C.S. “was abused by this institution and the so-called professionals that were in charge of making sure his time in Maplehurst was safe”;
- i. The majority of the inmates at Maplehurst were awaiting trial and had not been convicted or sentenced. They were presumed innocent; and
- j. “The thought that an innocent person, while waiting to have their case heard on its merits and have a trial, would be subject to this type of treatment, I think, would shock the conscience of the public.”

63. During C.S.’s criminal proceeding, the *Toronto Star* requested the release of exhibits filed by the Crown’s counsel and defence counsel. Although the Crown’s counsel took no position on the release of the exhibits, the Ministry of the Solicitor General opposed release. Justice Good ordered release of certain exhibits, including video surveillance of the incident. The Plaintiff pleads and relies on the following judicial findings made by Justice Good in her decision ordering the release of certain exhibits:

- a. “The institution and its staff members wield all the power, and the inmates have very little power in this relationship. The institution has bars and locks and heavy metal doors. The correction staff control when prisoners eat, sleep, take a shower, and leave their cells. The ICIT team members and the correctional officers have handcuffs and shackles and multiple different kinds of weapons. They also have numbers and can call in backup when dealing with an unruly prisoner or groups of prisoners to overwhelm the prisoner population to their advantage. This is a power relationship where, at any time, for any reason, for just cause or an unjust cause, this powerful institution and its members can

basically overwhelm the prisoner population with displays of power akin to that of a sledgehammer versus a fly.”

- b. “The media and the public have a right to watch these videos where this government institution and its members are breaking the law by abusing the very prisoners they have a duty of care to protect.”
- c. “The institution and the persons responsible for these abuses need to be held fully to account for their significant wrongdoings in the public eye.”
- d. “This institution and these persons should not be shielded by a court order that keeps their wrongdoings hidden because when wrongdoings are shelved or brushed under the carpet, it emboldens some people to think and behave in ways that are completely unacceptable and, quite frankly, unconscionable in a free and democratic society where all persons, including prisoners, have a basic right to not be kicked around and treated like human garbage.”

(d) Public release of the investigation reports in the case of L.R.

64. In May 2025, during a criminal proceeding for L.R., both investigation reports were attached as exhibits and filed with the court. Following a request for public release by the *Toronto Star* and *Global News*, the reports were ordered released on consent by Justice J.M. Woollcombe, on condition that:

- a. none of the names of any inmates referred to may be broadcast or published;
- b. none of the inmates’ photographs should be published or broadcast; and
- c. no names or images of inmates from the video timelines in the reports may be published or broadcast.

65. On May 29, 2025, the *Toronto Star* published extensive findings from both reports, some of which are referred to throughout this pleading.

65.1 The CSOI itself participated in, contributed to and reinforced the institutional coverup. Among other things, the CSOI failed to investigate credible complaints of assaults and other misconduct by officers, including criminal misconduct, despite the corroboration of the inmate complaints in other evidence possessed by the investigators. While Ontario and its agents claim to have addressed the wrongdoing, in fact, much of the misconduct committed by officers during the ICIT activation, including systematic assaults on inmates, have yet to be investigated at all.

D. CAUSES OF ACTION

(i) Misfeasance in Public Office

66. The Plaintiff pleads that Superintendent Wong, Staff-Sgt. Jones, and all other management staff involved in the authorization, approval, oversight, supervision and implementation of the mass strip search and the deployment of ICIT (the “managers”), committed the tort of misfeasance in public office, in that:

- a. Superintendent Wong, Staff-Sgt. Jones, and the other managers, are public officers who engaged in deliberate and unlawful conduct in their capacity as public officers; and
- b. Superintendent Wong, Staff-Sgt. Jones, and the other managers, were aware both that their conduct was unlawful and that it was likely to harm the Class Members.

67. The Plaintiff pleads both Category A and Category B misfeasance in public office as set out below.

(a) Category A – Deliberate harm

68. The Plaintiff pleads that Superintendent Wong, Staff-Sgt. Jones, and the other managers, committed Category A misfeasance in that they acted for the express purpose of harming Class Members. The actions set out in this claim constituted collective reprisal and punishment, and systematic corporal punishment of inmates. As public officers, they lacked the

authority to exercise their powers for the improper purpose of deliberately harming inmates at Maplehurst.

69. The Plaintiff pleads and relies on the following facts and particulars, in addition to the facts and particulars pleaded throughout this Claim, in support of the allegation that Superintendent Wong, Staff-Sgt. Jones, and the other managers, acted for the improper purpose of deliberately harm Class Members through collective reprisal and punishment:

- a. Superintendent Wong and Staff-Sgt. Jones planned and authorized the mass strip search and the deployment of the ICIT without any formal risk assessment and despite the fact that the threat (the inmate responsible for punching the officer) had already been removed from Maplehurst.
- b. Staff-Sgt. Jones told Ministry investigators that the mass strip search and ICIT deployment were requested because inmates were “unruly” and “out of control”. Ministry investigators were “unable to substantiate” his claims and specifically found Staff-Sgt. Jones to be “untruthful” in his interviews, adding that he “attempted to mislead” the investigation. The falsity of the purported purpose for the operation is circumstantial evidence of an improper and ulterior purpose.
- c. Staff-Sgt. Jones’ purported purpose of responding to threatening behaviour by Unit 8 inmates was also not reflected in any occurrence reports whatsoever documenting the threats. It was only in April 2025 – some four months after the operation – after the jail started receiving subpoenas from defence lawyers, that jail staff wrote occurrence reports alleged threatening behaviour by Unit 8 inmates.
- d. During the planning of the operation, Superintendent Wong expressed his desire to send a message to inmates that no one touches his officers. At least one Maplehurst Sergeant was directly told this. This suggests that the motivation for the operation was not to respond to any *bona fide* threats or safety concerns but

was rather to intimidate through collective punishment and the infliction of harm.

- e. The mass strip search and ICIT deployment targeted all inmates in Unit 8 without regard to individual circumstances or threats. None of the inmates targeted by the operation were involved in the assault on the officer that purportedly justified the operation, yet they were targeted for collective punishment.
- f. The authorization and implementation of violent and invasive measures, including stun grenades, pepper-spray, pepper-ball guns, beatings, strip searches, torturous zip tie contortions, and extreme cold, absent any *bona fide* threat or justification for these measures, further suggests an improper purpose of deliberately harming Class Members.
- g. During the implementation of the operation, Superintendent Wong made repeated comments to Class Members, such as “Welcome to Wong-tanamo Bay”, further suggesting that the purpose of the operation was to deliberately harm Class Members and collectively punish them.
- h. During the implementation of the operation, while ICIT officers forced Class Members to sit in humiliating positions, without clothing, with pepper-ball guns trained on their heads, Superintendent Wong actively encouraged the officers’ illegal conduct, giving officers fist-bumps and pats on the back, further suggesting that collective punishment and infliction of harm were the purpose of the operation.
- i. The strip search of every single inmate in Unit 8, without any *bona fide* justification, further suggests the purpose was to collectively punish all Class Members and inflict harm.
- j. Depriving inmates of clothing and privacy for upwards of one day served no lawful purpose, and further suggests that there was no *bona fide* purpose of

locating contraband or weapons, and the true purpose was to collectively punish Class Members and inflict harm.

- k. The systematic infliction of pain through the use of zip ties and wrist contortions on every single inmate in Unit 8, without regard to individual circumstances or threats, further suggests an improper purpose of collectively punishing all Class Members and inflicting harm.
- l. The systematic infliction of extreme cold temperatures, combined with the deprivation of clothing and basic amenities, for upwards of two days, further suggests an improper purpose of collectively punishing Class Members and inflicting harm.
- m. Superintendent Wong's actions after the mass strip search, while Class Members were still deprived of clothing and freezing in their cells, including posing for a celebratory photograph while holding up his index finger, with the intention of sending this photograph to a fellow officer to "boost" morale, further suggests an improper purpose of collectively punishing Class Members and inflicting harm.

70. The Plaintiff also pleads and relies on Justice Good's finding that this was "an institutional response that punished multiple prisoners who were not involved and had nothing to do with the assault" in support of the pleading of an improper purpose of deliberately harming Class Members and collectively punishing them.

(b) Category B – Knowing unlawful conduct and harm

71. Superintendent Wong, Staff-Sgt. Jones, and the other managers, also committed Category B misfeasance, in that they (i) committed unlawful conduct in the exercise of public functions, and (ii) knew (or were recklessly indifferent or wilfully blind to the fact) that their conduct was both unlawful and likely to harm the Class Members.

72. The unlawful conduct included but is not limited to:

- a. Authorizing and implementing a mass strip search of all inmates in Unit 8, without a formal threat assessment, depriving inmates of clothing for upwards of two days, in breach of s. 8 of the *Charter*, the *MCS Act*, Regulation 778, and Ministry policy;
- b. Deployment of the ICIT, and authorization and approval of systematic violent actions against Class Members, including wrist contortions, physical beatings, pepper-spray, and pepper-ball gun shots, in breach of ss. 7 and 12 of the *Charter*, the *MCS Act*, Regulation 778, and Ministry policy;
- c. The systematic infliction of pain and suffering on all inmates in Unit 8 through the use of zip ties as a weapon to contort hands and wrists, in breach of ss. 7 and 12 of the *Charter*, the *MCS Act*, Regulation 778, and Ministry policy;
- d. The use of extreme cold temperatures coupled with deprivation of clothing and basic necessities as a tool of collective punishment, in breach of ss. 7 and 12 of the *Charter*, the *MCS Act*, Regulation 778, and Ministry policy;
- e. The failure to document actions during the operation, including failing to video record the ICIT operation and the failure to maintain occurrence reports, and the loss or destruction of evidence relating to the operation, in breach of the *MCS Act*, Regulation 778, and Ministry policy.

73. In further support of the unlawful nature of the acts committed by Maplehurst, the Plaintiff also pleads and relies on the findings of Justice Good that:

- a. video of the incident shows “criminal acts occur towards prisoners”;
- b. video of the incident shows staff “breaking the law by abusing the very prisoners they have a duty of care to protect”; and
- c. Maplehurst committed “significant wrongdoings”.

74. The Plaintiff pleads that Superintendent Wong, Staff-Sgt. Jones, and the other managers, knew (or were recklessly indifferent or wilfully blind to the fact) that the above conduct was unlawful and would cause harm to Class Members. Superintendent Wong and Staff-Sgt. Jones were experienced correctional officers. Superintendent Wong, in particular, was familiar with his duties and responsibilities under the *MCS Act*, Regulation 778, and Ministry policy. Indeed, his statutory duties included supervising other officers at Maplehurst and ensuring their compliance with their duties and responsibilities.

75. Superintendent Wong, Staff-Sgt. Jones, and the other managers, all knew (or were recklessly indifferent or wilfully blind to the fact) that:

- a. the collective reprisal and punishment of all inmates in Unit 8 for the actions of another inmate was unlawful and an abuse of authority;
- b. the deliberate and systematic infliction of pain and suffering on all inmates in Unit 8 was unlawful and an abuse of authority;
- c. the use of extreme cold temperatures combined with deprivation of clothing as a tool of collective punishment was unlawful and an abuse of authority;
- d. the deployment of the ICIT in these circumstances, without a formal risk assessment, was unlawful and an abuse of authority;
- e. the authorization of a mass strip search of all inmates in Unit 8, spanning upwards of two days, without a formal threat assessment, was unlawful and an abuse of authority; and
- f. systematically vandalizing and ransacking of all inmates' cells, and depriving inmates of basic necessities including toilet paper and medical care, was unlawful and an abuse of authority.

76. Superintendent Wong and Staff-Sgt. Jones' awareness of the unlawfulness of their actions are further confirmed by their subsequent actions in seeking to falsify evidence and cover up the extent of the operation, including but not limited to: Superintendent Wong's false

claims that ICIT was only deployed in respect of nine non-compliant inmates, and Staff-Sgt. Jones' misrepresentations to investigators.

77. The unlawfulness of the operation was also apparent to other officers who participated in it. For example, during the victory photograph, colleagues warned Superintendent Wong that someone could "be fired". Superintendent Wong directed officers to continue.

78. Superintendent Wong, Staff-Sgt. Jones, and the other managers, knew that the actions as set out above and herein would cause harm to Class Members. Superintendent Wong authorized measures that he knew would inflict pain, suffering and humiliation on Class Members. He witnessed harm being inflicted on Class Members and actively encouraged and rewarded officers through fist-bumps and back-pats, then celebrated the infliction of harm through a victory photograph at the conclusion of the operation, and finally, he and Staff-Sgt. Jones sought to falsify and conceal the extent of the harm when faced with an internal investigation.

79. As a result of the acts of misfeasance described above, the Plaintiff and the Class suffered harms, including:

- a. physical, emotional, and psychological harm and impairment;
- b. depression, anxiety, emotional stress and mental anguish;
- c. pain and suffering; and
- d. loss of self-esteem and feelings of humiliation and degradation.

(ii) Breach of the *Charter*

80. As a result of the facts described above, the conduct and actions of the Defendant constitute violations of the Class Members' rights under sections 7, 8, 9 and 12 of the *Charter*.

(a) Section 7

81. The enactment of a violent collective reprisal campaign against Class Members, including a days-long lockdown and mass strip search, deprivation of access to medical care, torturous zip-tie hand and wrist contortions, systematic physical assaults, deprivation of clothing and basic necessities, extreme cold temperatures to cause and prolong suffering, among other unlawful conduct and wrongful acts described above, individually and taken together, engaged the life, liberty and security of the person interests of Class Members under s. 7 of the *Charter*.

82. The deprivations of life, liberty and security of the person set out herein were not in accordance with the principles of fundamental justice in that, *inter alia*, the targeting of the Class Members for another inmates' assault was arbitrary, overbroad, and/or grossly disproportionate.

(b) Section 8

83. The mass strip search of Class Members over two days, including in the absence of appropriate privacy screens, and in the absence of reasonable grounds to conduct the search, constituted an unreasonable search and seizure in violation s. 8 of the *Charter*.

84. In support of the s. 8 claim, the Plaintiff pleads and relies on ~~concessions~~ admissions by ~~the Crown~~ Ontario and its agents, including in criminal proceedings as set out above, that the mass strip search violated the s. 8 right of Class Members to be secure against unreasonable search and seizure, as well as findings by Ministry investigators, *inter alia*, that the mass strip search was “unnecessary, excessive and disproportionate to the threat posed by inmates”.

(b.1) Section 9

84.1 The coordinated ICIT operation, including physically restraining the Class Members, removing them from their cells in zip-ties, lining up the Class Members in their underwear in the hallway with laser-pointed pepper-ball guns pointed at them, intimidating and frightening Class Members, and implementing the days-long lockdown, constituted an arbitrary detention in violation of s. 9 of the *Charter*.

84.2 The ICIT deployment constituted an unwarranted interference with Class Members' physical and mental liberty, including Class Members' well-recognized residual liberty in the prison context.

84.3 The absence of lawful justification or authority for the ICIT deployment renders the resulting detentions unlawful and therefore arbitrary. In the alternative, even if there was lawful justification for the ICIT deployment, which is denied, the manner in which the deployment was carried out was not reasonable, resulting in an arbitrary detention.

(c) Section 12

85. The mass strip search and violent collective reprisal campaign against Class Members constituted treatment and punishment that was cruel and unusual in violation of s. 12 of the *Charter*. The wrongful acts described herein, including the deliberate contortion of wrists and hands, the infliction of extreme cold temperatures while withholding clothing and bedding, the deprivation of medical care, the humiliating multi-day strip search, individually and together, constituted treatment and punishment within the meaning of s. 12. This treatment and punishment was cruel and unusual in both senses as described by Wagner C.J. in *Bissonnette*:

- a. *First prong* – The treatment and punishment imposed on Class Members was grossly disproportionate to what would have been appropriate in the Class Members' circumstances. The deliberate infliction of pain and suffering on all Class Members, as reprisal for the actions of another inmate, outrages our society's sense of decency such that Canadians would find it abhorrent or intolerable.
- b. *Second prong* – The treatment and punishment imposed on Class Members were also inherently cruel and unusual because they were degrading and dehumanizing and intrinsically incompatible with human dignity. The mass strip search and collective reprisal campaign, notably the systematic infliction of physical assault on all Class Members through wrist and hand contortion, and the infliction of extreme cold temperatures and deprivation of clothing,

constituted extrajudicial corporal punishment as well as collective punishment, each of which are inherently cruel and unusual.

86. In support of the s. 12 claim, the Plaintiff also pleads and relies on the findings of Justice Good, including that:

- a. “Something like this should never happen in this country”;
- b. The treatment of Class Members “would shock the conscience of the public”; and
- c. The treatment of Class Members was “unconscionable in a free and democratic society where all persons, including prisoners, have a basic right to not be kicked around and treated like human garbage.”

(d) Justification

87. The above infringements of ss. 7, 8, 9 and 12 of the *Charter* cannot be demonstrably justified by the Crown in a free and democratic society within the meaning of s. 1 of the *Charter*. The Plaintiff pleads and relies on ~~Ontario’s own~~ findings made by Ontario and its agents the agents who investigated the incident that, *inter alia*, that the mass strip search was “unnecessary, excessive and disproportionate to the threat posed by inmates.” Ministry investigators have already rejected attempts by Staff-Sgt. Jones and Superintendent ~~Jones~~ Wong, and others, to justify the operation. The rights violations set out herein were unconscionable and unjustifiable in a free and democratic society.

(e) Charter damages

88. In the circumstances, the Plaintiff and the Class are entitled to monetary damages pursuant to s. 24(1) of the *Charter* for the violation of the Class Members’ constitutional rights in order to:

- (a) Compensate them for their injuries, suffering and loss of dignity;
- (b) Vindicate their fundamental rights; and

(c) Deter systemic violations of a similar nature.

89. There are no countervailing considerations rendering damages in this action inappropriate or unjust.

(iii) Negligence

90. The Crown servants who managed Maplehurst, including Superintendent Wong and Staff-Sgt. Jones, as well as lower-ranking staff and correctional officers, owed the Plaintiff and the Class a duty of care, including a duty to take reasonable care for their health and safety while in custody. The duty of care owed by prison authorities to prisoners is a recognized category of duty and has its source in the common law and statute. The prison authorities' duty to take reasonable care to ensure the safety of prisoners includes a duty to protect prisoners from self-harm and from harm by other prisoners. This same duty also includes a duty to protect prisoners from harm by prison guards, and to refrain from inflicting harm on prisoners.

91. ~~The Crown~~ These Crown servants breached this duty through ~~its~~ their unlawful conduct and wrongful acts described herein, including, *inter alia*:

- a. Subjecting all Class Members to a mass strip search and collective reprisal campaign for the actions of another inmate;
- b. Systematically inflicting pain and suffering on all Class Members through, *inter alia*, wrist and hand contortions using zip ties;
- c. Failing to protect Class Members from the infliction of pain and suffering by ICIT officers and guards throughout the multi-day mass strip search;
- d. Causing and/or allowing extreme cold temperatures for all Class Members while also failing to provide clothing, bedding and other necessities of life;
- e. Denying and/or failing to ensure access to medical care both during the operation and in the days after it, including to treat injuries inflicted by ~~the Crown~~ ICIT officers; and

- f. Failing to ensure that ICIT officers were video recorded during the mass strip search and otherwise preventing abuses of Class Members during the operation.

92. The negligent acts described above, and throughout this Claim, were committed in bad faith, recklessly, and/or with knowledge of and/or reckless disregard to the wrongfulness of the conduct. The Plaintiff repeats and relies on the pleadings in Section D(i) above, and throughout this Claim, in support of the pleading of bad faith and recklessness.

93. The negligent acts described above, and throughout this Claim, caused damages to the Plaintiff and the Class, including physical, emotional, and psychological harm and impairment; depression, anxiety, emotional stress and mental anguish; pain and suffering; and loss of self-esteem and feelings of humiliation and degradation. The damages were foreseeable.

(iv) — Fiduciary Duty

94. ~~The Crown owed all Class Members a fiduciary duty to care for and protect them, and to act in their best interests at all material times, including with respect to their physical safety and wellbeing and their medical treatment and care.~~

95. ~~The Crown exercised exclusive control over all Class Members. The Crown also assumed and maintained an extensive degree of discretionary control over Class Members' lives, and the care and welfare of the Class Members. Inmates at Maplehurst were completely dependent on the Crown for all the basic necessities of life, such as clothing, bedding, soap and toilet paper. Inmates were also completely dependent on the Crown to keep them safe from physical abuse and violence by other inmates as well as by prison guards.~~

96. ~~As a result of this forced dependence, the Crown is required by law, and expressly and impliedly undertook to protect Class Members, who are peculiarly vulnerable to and at the mercy of the Crown for their basic life, health and survival needs.~~

97. ~~Further, the level of custodial discretion that the Crown exercises over the day to day life of inmates in Maplehurst is akin to that of a parental relationship, and therefore cloaks the Crown with fiduciary obligations in respect of the Class Members.~~

98. ~~These undertakings and circumstances placed a duty on the Crown to act loyally and in the best interests of the Class Members. The Crown breached that duty by, *inter alia*:~~

- ~~a. Subjecting all Class Members to a mass strip search and collective reprisal campaign for the actions of another inmate;~~
- ~~b. Systematically inflicting pain and suffering on all Class Members through, *inter alia*, wrist and hand contortions using zip ties;~~
- ~~c. Failing to protect Class Members from the infliction of pain and suffering by ICIT officers and guards throughout the multi-day mass strip search;~~
- ~~d. Causing and/or allowing extreme cold temperatures for all Class Members while also failing to provide clothing, bedding and other necessities of life;~~
- ~~e. Denying and/or failing to ensure access to medical care both during the operation and in the days after it, including to treat injuries inflicted by the Crown; and~~
- ~~f. Failing to ensure that ICIT officers were video recorded during the mass strip search and otherwise preventing abuses of Class Members during the operation.~~

99. ~~The Crown's breach of its fiduciary duty to the Class Members caused the Class loss and damages, including physical, psychological, and emotional harms and injuries.~~

E. PUNITIVE DAMAGES

100. ~~The Defendant was, Superintendent Wong, Staff-Sgt. Jones, and other members of the Maplehurst senior management team were, at all times, aware that their actions in deploying the ICIT for a punitive purpose and without lawful justification would have a significant adverse impact on the Class Members. The ICIT officers who executed the operation were likewise, at all times, aware that their actions taken against the Class Members, described herein, would have a significant adverse impact on the Class Members. The Defendant's conduct of Superintendent Wong, Staff-Sgt. Jones, and other members of the Maplehurst senior management team, as well as the ICIT officers, was high-handed, reckless, without care,~~

deliberate, and in disregard of the Class Members' rights to be free from unreasonable search or seizure, arbitrary detention, collective punishment, and collective reprisal exacted by the very authorities that were entrusted to protect them and keep them safe. The misconduct by Maplehurst managers and ICIT officers was compounded by reprehensible conduct that is specifically referable to higher-ranking civil servants within the Ministry of the Solicitor General, including but not limited to the failure by Deputy Solicitor General Karen Ellis to order an investigation into the incident until there was a prospect of media scrutiny. Accordingly, the Plaintiff requests substantial punitive damages.

F. RELEVANT LEGISLATION

101. The Plaintiff and Class Members plead and rely on provisions of the following statutes and regulations:

- a. *Class Proceedings Act 1992*, S.O. 1992, c. 6;
- b. *Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11;
- c. *Criminal Code*, RSC 1985, c C-46;
- d. *Crown Liability and Proceedings Act, 2019*, S.O. 2019, c. 7, Sch. 17;
- e. *Courts of Justice Act*, R.S.O. 1990, c. C.43;
- f. *Ministry of Correctional Services Act*, R.S.O. 1990, c. M.22.

102. The Plaintiff proposes that this action be tried in Toronto.

~~June 9, 2025~~ March 10, 2026

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Proceeding commenced at TORONTO

Proceeding Under the *Class Proceedings Act, 1992*

AMENDED STATEMENT OF CLAIM

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