

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

LOUISE REYNOLDS

Plaintiff

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Defendant

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 \$500.00 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.

Date December , 2006

Issued by _____

Local registrar

Address of court office 393 University Avenue, 10th Floor
Toronto, ON M5G 1E6

TO: Her Majesty the Queen in Right of Ontario
c/o Ministry of the Attorney General
Crown Law Office, Civil
8th Floor, 720 Bay Street
Toronto, ON M5G 2K1

CLAIM

1. The plaintiff Louise Reynolds (“**Reynolds**”) claims:
 - (a) general damages in the amount of \$5,000,000;
 - (b) punitive, aggravated and exemplary damages in the amount of \$1,000,000;
 - (c) special damages in the amount of \$1,000,000;
 - (d) interest in accordance with the *Courts of Justice Act*; and
 - (e) costs on a solicitor and client scale.
2. Louise Reynolds was the mother of Sharon Reynolds, who died on June 12, 1997.
3. Dr. Charles Smith (“**Smith**”) conducted a post-mortem examination on the body of Sharon Reynolds on or about June 13 and 15, 1997, pursuant to a warrant under the *Coroners Act*, R.S.O. 1990, c. C.37. He subsequently opined that the cause of Sharon Reynolds’ death was multiple stab wounds.
4. As a result of Smith’s opinion, the Plaintiff was arrested by the Kingston Police Force and charged with the first degree of murder of Sharon Reynolds.
5. Due to concerns raised by the Plaintiff and her counsel over the state of the forensic evidence, the Deputy Chief Coroner and Chief Forensic Pathologist for Ontario reviewed Smith’s report.
6. Following that review, the body of Sharon Reynolds was exhumed and a second autopsy conducted on July 13, 1999. This autopsy, which included Smith as a participant, established that many of the injuries to Sharon Reynolds’ body could have been produced by dog bites. Following the second autopsy the Crown obtained a further report from a forensic anthropologist, Dr. Steven Symes to the effect that a number of visible marks on the skeletal remains of Sharon Reynolds were caused by dog bites. Dr. Smith then stated he was not confident that any of the marks were stab wounds.

7. On January 25, 2001 the charges against Louise Reynolds were withdrawn by the Crown.
8. Reynolds commenced an action against Smith and certain other defendants in the Superior Court of Justice, Court File No. 01-CV-205253. The Statement of Claim was issued February 8, 2001 and most recently amended on October 19, 2005. A copy of the Amended Statement of Claim is attached as Schedule "A".
9. In that action, Reynolds claims damages against Smith for negligence, bad faith and misfeasance of public office. Reynolds repeats and relies upon the allegations contained in the Amended Statement of Claim.
10. As Smith was at all times acting as a public official charged with investigating and determining the cause of Sharon Reynolds' death under the *Coroners Act*, [Her Majesty the Queen in Right of Ontario is vicariously liable for Smith's acts and omissions.](#)
11. Reynolds relies upon the provisions of the *Proceedings Against the Crown Act*, R.S.O. 1990, c. P.27.
12. Reynolds requests that this action be tried in Toronto.

December 4, 2006

Wardle Daley LLP
250 Yonge Street
Suite 2010, P.O. Box 20
Toronto, ON M5B 2L7

Peter C. Wardle LSUC#: 26412D
Daniel Bernstein LSUC#: 44874D
Tel: (416) 351-2770
Fax: (416) 351-9196

Solicitors for the **Plaintiff**

LOUISE REYNOLDS
Plaintiff

and

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
Defendant

Court File No:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at [Toronto](#)

STATEMENT OF CLAIM

Wardle Daley LLP
250 Yonge Street
Suite 2010, P.O. Box 20
Toronto, ON M5B 2L7

Peter C. Wardle LSUC#: 26412D
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Solicitors for the [Plaintiff](#)